

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1482 & 1299
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation April 10, 2008 with recommendation that House Committee Substitute for House Bill Nos. 1482 & 1299 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3661L.10C

AN ACT

To repeal sections 21.795, 144.054, 155.010, 227.600, 227.615, 238.202, 238.207, 238.210, 300.155, 301.010, 301.143, 301.2999, 301.3141, 301.3150, 301.3152, 301.3154, 302.060, 302.171, 302.177, 302.720, 302.735, 304.016, 304.170, 304.230, 304.281, 307.125, 307.127, 390.071, 565.081, 565.082, 565.083, and 622.095, RSMo, and to enact in lieu thereof fifty-one new sections relating to transportation, with penalty provisions and effective dates for certain sections.

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

Section A. Sections 21.795, 144.054, 155.010, 227.600, 227.615, 238.202, 238.207, 238.210, 300.155, 301.010, 301.143, 301.2999, 301.3141, 301.3150, 301.3152, 301.3154, 302.060, 302.171, 302.177, 302.720, 302.735, 304.016, 304.170, 304.230, 304.281, 307.125, 307.127, 390.071, 565.081, 565.082, 565.083, and 622.095, RSMo, are repealed and fifty-one new sections enacted in lieu thereof, to be known as sections 21.795, 144.054, 155.010, 227.102, 227.103, 227.600, 227.615, 227.646, 238.202, 238.207, 238.210, 300.155, 301.010, 301.143, 301.2999, 301.3141, 301.3151, 301.3154, 302.060, 302.063, 302.171, 302.177, 302.720, 302.735, 304.016, 304.032, 304.170, 304.230, 304.281, 304.590, 307.125, 307.127, 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 390.021, 390.372, 390.375, 565.081, 565.082, and 565.083, to read as follows:

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 **bold-face** type in the above bill is proposed language.

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. No major party shall be represented by more than four members from the house of representatives nor more than four members from the senate. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

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

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

(2) Report to and be under the general supervision of the joint committee. The joint committee on transportation oversight shall, by a majority vote, direct the inspector general to perform specific investigations, reviews, audits, or other studies of the state department of

37 transportation, in which instance the director shall report the findings and recommendations
38 directly to the joint committee on transportation oversight. All investigations, reviews, audits,
39 or other studies performed by the director shall be conducted so that the general assembly can
40 procure information to assist it in formulating transportation legislation and policy for this state;

41 (3) Receive and process citizen complaints relating to transportation issues. The
42 inspector general shall, when necessary, submit a written complaint report to the joint committee
43 on transportation oversight and the highways and transportation commission. The complaint
44 report shall contain the date, time, nature of the complaint, and any immediate facts and
45 circumstances surrounding the initial report of the complaint. The inspector general shall
46 investigate a citizen complaint if he or she is directed to do so by a majority of the joint
47 committee on transportation oversight;

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

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

51 (b) Gross mismanagement by department officers;

52 (c) Waste of funds by the department;

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

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

58 (6) Maintain records of all investigations conducted, including any record or document
59 or thing, any summary, writing, complaint, data of any kind, tape or video recordings, electronic
60 transmissions, e-mail, or other paper or electronic documents, records, reports, digital recordings,
61 photographs, software programs and software, expense accounts, phone logs, diaries, travel logs,
62 or other things, including originals or copies of any of the above. Records of investigations by
63 the inspector general shall be an "investigative report" of a law enforcement agency pursuant to
64 the provisions of section 610.100, RSMo. As provided in such section, such records shall be a
65 closed record until the investigation becomes inactive. If the inspector general refers a violation
66 of law to the appropriate prosecuting attorney or the attorney general, such records shall be
67 transmitted with the referral. If the inspector general finds no violation of law or determines not
68 to refer the subject of the investigation to the appropriate prosecuting attorney or the attorney
69 general regarding matters referred to the appropriate prosecuting attorney or the attorney general
70 and the statute of limitations expires without any action being filed, the record shall remain
71 closed. As provided in section 610.100, RSMo, any person may bring an action pursuant to this
72 section in the circuit court having jurisdiction to authorize disclosure of information in the

73 records of the inspector general which would otherwise be closed pursuant to this section. Any
74 disclosure of records by the inspector general in violation of this section shall be grounds for a
75 suit brought by any individual, person, or corporation to recover damages, and upon award to the
76 plaintiff reasonable attorney's fees.

77 3. The department of transportation shall submit a written report prior to November tenth
78 of each year to the governor, lieutenant governor, and every member of the senate and house of
79 representatives. The report shall be posted to the department's Internet web site so that general
80 assembly members may elect to access a copy of the report electronically. The written report
81 shall contain the following:

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

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

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

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

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

97

98 All expenditures made by, or on behalf of, the department for personal services including fringe
99 benefits, all categories of expense and equipment, real estate and capital improvements shall be
100 assigned to the categories listed in this subdivision in conformity with generally accepted
101 government accounting principles;

102 (2) A detailed explanation of the methods or criteria employed to select construction
103 projects, including a listing of any new or reprioritized projects not mentioned in a previous
104 report, and an explanation as to how the new or reprioritized projects meet the selection methods
105 or criteria;

106 (3) The proposed allocation and expenditure of moneys and the proposed work plan for
107 the current fiscal year, at least the next four years, and for any period of time expressed in any
108 public transportation plan approved by either the general assembly or by the voters of Missouri.

109 This proposed allocation and expenditure of moneys shall include the amounts of proposed
110 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
111 subsection;

112 (4) The amounts which were planned, estimated and expended for projects in the state
113 highway and bridge construction program or any other projects relating to other modes of
114 transportation in the preceding state fiscal year and amounts which have been planned, estimated
115 or expended by project for construction work in progress;

116 (5) The current status as to completion, by project, of the fifteen-year road and bridge
117 program adopted in 1992. The first written report submitted pursuant to this section shall include
118 the original cost estimate, updated estimate and final completed cost by project. Each written
119 report submitted thereafter shall include the cost estimate at the time the project was placed on
120 the most recent five-year highway and bridge construction plan and the final completed cost by
121 project;

122 (6) The reasons for cost increases or decreases exceeding five million dollars or ten
123 percent relative to cost estimates and final completed costs for projects in the state highway and
124 bridge construction program or any other projects relating to other modes of transportation
125 completed in the preceding state fiscal year. Cost increases or decreases shall be determined by
126 comparing the cost estimate at the time the project was placed on the most recent five-year
127 highway and bridge construction plan and the final completed cost by project. The reasons shall
128 include the amounts resulting from inflation, department-wide design changes, changes in project
129 scope, federal mandates, or other factors;

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

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

134 (9) Any further information specifically requested by the joint committee on
135 transportation oversight.

136 4. Prior to December first of each year, the committee shall hold an annual meeting and
137 call before its members, officials or employees of the state highways and transportation
138 commission or department of transportation, as determined by the committee, for the sole
139 purpose of receiving and examining the report required pursuant to subsection 3 of this section.
140 The joint committee may also call before its members at the annual meeting, the inspector
141 general of the joint committee on transportation oversight for purposes authorized in this section.
142 The committee shall not have the power to modify projects or priorities of the state highways and
143 transportation commission or department of transportation. The committee may make
144 recommendations to the state highways and transportation commission or the department of

145 transportation. Disposition of those recommendations shall be reported by the commission or
146 the department to the joint committee on transportation oversight.

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

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

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

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

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

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

160

161 The co-chairs of the committee may call special meetings of the committee with ten days' notice
162 to the members of the committee, the director of the department of transportation, and the
163 department of transportation.

164 6. [The committee shall also review for approval or denial all applications for the
165 development of specialty plates submitted to it by the department of revenue. The committee
166 shall approve such application by unanimous vote. The committee shall not approve any
167 application if the committee receives a signed petition from five house members or two senators
168 that they are opposed to the approval of the proposed license plate. The committee shall notify
169 the director of the department of revenue upon approval or denial of an application for the
170 development of a specialty plate.

171 7.] The committee shall submit records of its meetings to the secretary of the senate and
172 the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023,
173 RSMo.

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

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Recovered materials", those materials which have been diverted or removed from
6 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
7 separation and processing.

8 2. In addition to all other exemptions granted under this chapter, there is hereby
9 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
10 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010
11 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or
12 propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used
13 or consumed in the manufacturing, processing, compounding, mining, or producing of any
14 product, or used or consumed in the processing of recovered materials, or used in research and
15 development related to manufacturing, processing, compounding, mining, or producing any
16 product. The exemptions granted in this subsection shall not apply to local sales taxes as defined
17 in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state
18 and local sales tax exemption provided in section 144.030.

19 3. In addition to all other exemptions granted under this chapter, there is hereby
20 specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to
21 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,
22 RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010
23 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as
24 defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed
25 directly in television or radio broadcasting and all sales and purchases of tangible personal
26 property, utilities, services, or any other transaction that would otherwise be subject to the state
27 or local sales or use tax when such sales are made to or purchases are made by a contractor for
28 use in fulfillment of any obligation under a defense contract with the United States government,
29 and all sales and leases of tangible personal property by any county, city, incorporated town, or
30 village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction
31 is certified for sales tax exemption by the department of economic development, and tangible
32 personal property used for railroad infrastructure brought into this state for processing,
33 fabrication, or other modification for use outside the state in the regular course of business.

34 **4. In addition to all other exemptions granted under this chapter, there is hereby**
35 **specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to**
36 **144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085,**
37 **RSMo, and from the computation of the tax levied, assessed, or payable under sections**
38 **144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales**
39 **tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal**
40 **property, utilities, services, or any other transaction that would otherwise be subject to the**
41 **state or local sales or use tax when such sales are made to or purchases are made by a**
42 **contractor for use in completing a project under sections 227.600 to 227.669, RSMo.**

155.010. As used in this chapter, the following terms mean:

2 (1) "Aircraft", any contrivance now known, or hereafter invented, used or designed for
3 navigation of, or flight in, the air;

4 (2) "Airline company", any person, firm, partnership, corporation, trustee, receiver or
5 assignee, and all other persons, whether or not in a representative capacity, undertaking to engage
6 in the carriage of persons or cargo for hire by commercial aircraft pursuant to certificates of
7 convenience and necessity issued by the federal Civil Aeronautics Board, or successor thereof,
8 or any noncertificated air carrier authorized to engage in irregular and infrequent air
9 transportation by the federal Civil Aeronautics Board, or successor thereof;

10 (3) "Aviation fuel", any fuel specifically compounded for use in reciprocating aircraft
11 engines;

12 (4) "Commercial aircraft", aircraft fully equipped for flight and of more than [seven]
13 **three thousand pounds maximum certified gross take-off weight.**

**227.102. 1. Notwithstanding any other provision of law to the contrary, the
2 commission is authorized to receive bids and bid bonds for any contract for construction,
3 maintenance, repair, or improvement of any bridge or highway on the state highway
4 system electronically via the Internet. Such electronically submitted bids and bid bonds
5 shall contain digital signatures and seals, and all other required bid information and
6 certifications, in accordance with commission administrative rules, sections 432.200 to
7 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its
8 discretion, the commission may elect to receive both electronic and paper bids, or the
9 commission may specify electronic bidding exclusively for any proposed contract.**

10 **2. Any electronic bidding program or service implemented by the commission and
11 the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:**

12 (1) **Each bidder must be able to transmit an electronic bid and bid bond securely
13 and confidentially through bid encryption or other protection measures;**

14 (2) **Each bidder must receive prompt confirmation of the timely electronic filing of
15 the bidder's bid and bid bond;**

16 (3) **Each bidder must be able to withdraw or replace the bidder's filed electronic
17 bid and bid bond prior to the time bids are opened;**

18 (4) **Each bid filed electronically must be inaccessible or unreadable to all others
19 except for the bidder prior to the time bids are opened;**

20 (5) **The portal for filing bids must have a mechanism to block any additional bids
21 or modifications to bids when bids are scheduled to be opened; and**

22 (6) **Commission representatives and officials of the department of transportation
23 must have full and immediate access to the bids and bid bonds at the time bids are
24 designated to be opened, but not prior to that time.**

25 **3. The commission is authorized to promulgate administrative rules to administer**
26 **the provisions in this section. Any rule or portion of a rule, as that term is defined in**
27 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
28 **become effective only if it complies with and is subject to all of the provisions of chapter**
29 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
30 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
31 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
32 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
33 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
34 **void.**

227.103. 1. Notwithstanding any other provision of law to the contrary, the
2 **commission is authorized to accept an annual bid bond for its construction and**
3 **maintenance projects. The commission shall prescribe the form and content of an annual**
4 **bid bond under the provisions set forth in the Missouri standard specifications for highway**
5 **construction, or its successor.**

6 **2. The commission is authorized to promulgate administrative rules to administer**
7 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**
8 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
9 **become effective only if it complies with and is subject to all of the provisions of chapter**
10 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
11 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
12 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
13 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
14 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
15 **void.**

227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the
2 **"Missouri Public-Private Partnerships Transportation Act".**

3 **2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise,**
4 **the following terms mean:**

5 (1) "Commission", the Missouri highways and transportation commission;

6 (2) "Comprehensive agreement", the final binding written comprehensive project
7 agreement between a private partner and the commission required in section 227.621 to finance,
8 develop, and/or operate the project;

9 (3) "Department", the Missouri department of transportation;

10 (4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease,
11 design, or construct;

12 (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges
13 incurred to finance, develop, and/or operate the project;

14 (6) "Interim agreement", a preliminary binding written agreement between a private
15 partner and the commission that provides for completion of studies and any other activities to
16 advance the financing, development, and/or operation of the project required by section 227.618;

17 (7) "Material default", any uncured default by a private partner in the performance of its
18 duties that jeopardizes adequate service to the public from the project as determined by the
19 commission;

20 (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or
21 collect user fees;

22 (9) "Private partner", any natural person, corporation, partnership, limited liability
23 company, joint venture, business trust, nonprofit entity, other business entity, or any combination
24 thereof;

25 (10) "Project", [a bridge to be owned by the commission and the Illinois department of
26 transportation or any other suitable public body of the state of Illinois, which is located across
27 the boundaries of the state of Illinois and the state of Missouri in a city not within a county to be
28 financed, developed, and/or operated under agreement between the commission, a private
29 partner, the Illinois department of transportation, and, if appropriate, any other suitable public
30 body of the state of Illinois] **includes any bridge, road, highway, access road, ferry, river
31 port, airport, railroad, light rail or other mass transit facility, and any similar or related
32 improvement or infrastructure to be financed, developed, and/or operated under
33 agreement between the commission and a private partner;**

34 (11) "Public use", a finding by the commission that the project to be financed, developed,
35 and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed
36 as a necessary addition to the [state highway system] **total transportation infrastructure needs
37 of the state;**

38 (12) "Revenues", include but are not limited to the following which arise out of or in
39 connection with the financing, development, and/or operation of the project:

40 (a) Income;

41 (b) Earnings;

42 (c) Proceeds;

43 (d) User fees;

44 (e) Lease payments;

45 (f) Allocations;

46 (g) Federal, state, and local moneys; or

47 (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

48 (13) "State", the state of Missouri;

49 (14) ["State highway system", the state system of highways and bridges planned, located,
50 relocated, established, acquired, constructed, and maintained by the commission under section
51 30(b), article IV, Constitution of Missouri;

52 (15)] "User fees", tolls, fees, or other charges authorized to be imposed by the
53 commission and collected by the private partner for the use of all or a portion of a project under
54 a comprehensive agreement.

227.615. The commission may by commission minute approve the project if the
2 commission determines the project will improve and is a needed addition to the [state highway
3 system] **total transportation infrastructure needs of the state. The commission shall only
4 approve highway, road, and bridge projects with a total value in excess of twenty-five
5 million dollars, but shall not approve any project, maintenance, or improvement involving
6 any existing interstate highway or any highway project in excess of twenty-five miles.**

**227.646. Any revenues received under sections 227.600 to 227.669 shall be exempt
2 from any tax on income imposed by any law of this state.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

2 (1) "Board", the board of directors of a district;

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

4 (3) "District", a transportation development district organized under sections 238.200
5 to 238.275;

6 (4) "Local transportation authority", a county, city, town, village, county highway
7 commission, special road district, interstate compact agency, or any local public authority or
8 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake
9 or river port, airport, railroad, light rail or other transit improvement or service;

10 (5) "Project" includes any bridge, street, road, highway, access road, interchange,
11 intersection, signing, signalization, [parking lot,] **utilities, including but not limited to
12 drainage, electrical lines and service, water mains and lines, and storm and sanitary sewer
13 systems and related facilities**, bus stop, station, garage, terminal, hangar, shelter, rest area,
14 dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar
15 or related improvement or infrastructure. **For purposes of sections 238.200 to 238.275, the
16 term "project" shall not include terrace walls, berms, landscaping, parking lots, parking
17 lot lights, awnings, canopies, marquees, building facades, storefront improvements, or
18 other types of internal development improvements which inure to the benefit of a private
19 commercial developer or group of developers rather than promoting the general
20 transportation infrastructure improvements related to the interests of the public at large.**

21 2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of
22 Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following
23 terms shall have the meanings given:

24 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

25 (2) "Qualified electors", "qualified voters" or "voters", within the proposed or established
26 district, any persons residing therein who have registered to vote pursuant to chapter 115, RSMo,
27 and the owners of real property, who shall receive one vote per acre, provided that any registered
28 voter who also owns property must elect whether to vote as an owner or a registered voter;

29 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,
30 RSMo.

 238.207. 1. Whenever the creation of a district is desired, not less than fifty registered
2 voters from each county partially or totally within the proposed district may file a petition
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside
4 within the district, the owners of record of all of the real property, except public streets, located
5 within the proposed district may file a petition requesting the creation of a district. The petition
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any
8 county in which a proposed project may be located may file a petition in the circuit court of that
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of
11 one or more municipalities and counties; provided:

12 (1) Property separated only by public streets, easements or rights-of-way shall be
13 considered contiguous;

14 (2) In the case of a district formed pursuant to a petition filed by the owners of record
15 of all of the real property located within the proposed district, the proposed district area need not
16 contain contiguous properties if:

17 (a) The petition provides that the only funding method for project costs will be a sales
18 tax;

19 (b) The court finds that all of the real property located within the proposed district will
20 benefit by the projects to be undertaken by the district; and

21 (c) Each parcel within the district is within five miles of every other parcel; and

22 (3) In the case of a district created pursuant to subsection 5 of this section, property
23 separated only by public streets, easements, or rights-of-way or connected by a single public
24 street, easement, or right-of-way shall be considered contiguous.

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,
27 if no persons eligible to be registered voters reside within the proposed district, the name and
28 address of each owner of record of real property located within the proposed district, or shall
29 recite that the petitioner is the governing body of a local transportation authority acting in its
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the
32 commission and each affected local transportation authority within the proposed district, except
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,
37 including a description of the approximate location of each project;

38 (5) The estimated project costs and the anticipated revenues to be collected from the
39 project;

40 (6) The name of the proposed district;

41 (7) The number of members of the board of directors of the proposed district, which shall
42 be not less than five or more than fifteen;

43 (8) A statement that the terms of office of initial board members shall be staggered in
44 approximately equal numbers to expire in one, two or three years;

45 (9) If the petition was filed by registered voters or by a governing body, a request that
46 the question be submitted to the qualified voters within the limits of the proposed district
47 whether they will establish a transportation development district to develop a specified project
48 or projects;

49 (10) A proposal for funding the district initially, pursuant to the authority granted in
50 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to
51 the qualified voters within the limits of the proposed district; provided, however, the funding
52 method of special assessments may also be approved as provided in subsection 1 of section
53 238.230; and

54 (11) A statement that the proposed district shall not be an undue burden on any owner
55 of property within the district and is not unjust or unreasonable.

56 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section,
57 if two or more local transportation authorities have adopted resolutions calling for the joint
58 establishment of a district, the governing body of any one such local transportation authority may
59 file a petition in the circuit court of any county in which the proposed project is located
60 requesting the creation of a district; **or, if not less than fifty registered voters from each of two**
61 **or more counties sign a petition calling for the joint establishment of a district for the**

62 **purpose of developing a project that lies in whole or in part within those same counties, the**
63 **petition may be filed in the circuit court of any of those counties in which not less than fifty**
64 **registered voters have signed the petition.**

65 (2) The proposed district area shall be contiguous and may contain all or any portion of
66 one or more municipalities and counties. Property separated only by public streets, easements,
67 or rights-of-way or connected by a single public street, easement, or right-of-way shall be
68 considered contiguous.

69 (3) The petition shall set forth:

70 (a) That the petitioner is the governing body of a local transportation authority acting in
71 its official capacity; **or, if the petition was filed by obtaining the signatures of not less than**
72 **fifty registered voters in each of two or more counties, it shall set forth the name, voting**
73 **residence, and county of residence of each individual petitioner;**

74 (b) The name of each local transportation authority within the proposed district. The
75 resolution of the governing body of each local transportation authority calling for the joint
76 establishment of the district shall be attached to the petition;

77 (c) The name and address of each respondent. Respondents must include the
78 commission and each affected local transportation authority within the proposed district, except
79 a petitioning local transportation authority;

80 (d) A specific description of the proposed district boundaries including a map illustrating
81 such boundaries;

82 (e) A general description of each project proposed to be undertaken by the district,
83 including a description of the approximate location of each project;

84 (f) The name of the proposed district;

85 (g) The number of members of the board of directors of the proposed district;

86 (h) A request that the question be submitted to the qualified voters within the limits of
87 the proposed district whether they will establish a transportation development district to develop
88 the projects described in the petition;

89 (i) A proposal for funding the district initially, pursuant to the authority granted in
90 sections 238.200 to 238.275, together with a request that the imposition of the funding proposal
91 be submitted to the qualified voters residing within the limits of the proposed district; provided,
92 however, the funding method of special assessments may also be approved as provided in
93 subsection 1 of section 238.230; and

94 (j) A statement that the proposed district shall not be an undue burden on any owner of
95 property within the district and is not unjust or unreasonable.

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve
2 a copy of the petition on the respondents who shall have thirty days after receipt of service to file

3 an answer stating agreement with or opposition to the creation of the district. If any respondent
4 files its answer opposing the creation of the district, it shall recite legal reasons why the petition
5 is defective, why the proposed district is illegal or unconstitutional, or why the proposed method
6 for funding the district is illegal or unconstitutional. The respondent shall ask the court for a
7 declaratory judgment respecting these issues. The answer of each respondent shall be served on
8 each petitioner and every other respondent named in the petition. Any resident, taxpayer, any
9 other entity, or any local transportation authority within the proposed district may join in or file
10 a petition supporting or answer opposing the creation of the district and seeking a declaratory
11 judgment respecting these same issues within thirty days after the date notice is last published
12 by the circuit clerk.

13 2. The court shall hear the case without a jury. If the court shall thereafter determine the
14 petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue
15 burden on any owner of property within the district or is unjust and unreasonable, it shall enter
16 its declaratory judgment to that effect and shall refuse to make the certifications requested in the
17 pleadings. If the court determines that any proposed funding method is illegal or
18 unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the
19 court determines the petition is not legally defective and the proposed district and method of
20 funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect.
21 If the petition was filed by registered voters or by a governing body, the court shall then certify
22 the questions regarding district creation, project development, and proposed funding for voter
23 approval. If the petition was filed by a governing body **or by no less than fifty registered**
24 **voters of two or more counties** pursuant to subsection 5 of section 238.207, the court shall then
25 certify the single question regarding district creation, project development, and proposed funding
26 for voter approval. If the petition was filed by the owners of record of all of the real property
27 located within the proposed district, the court shall declare the district organized and certify the
28 funding methods stated in the petition for qualified voter approval; provided, however, the
29 funding method of special assessments may also be approved as provided in subsection 1 of
30 section 238.230. In either case, if no objections to the petition are timely filed, the court may
31 make such certifications based upon the pleadings before it without any hearing.

32 3. Any party having filed an answer or petition may appeal the circuit court's order or
33 declaratory judgment in the same manner provided for other appeals.

300.155. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal as provided in section
16 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 300.160, are thereby advised that there is insufficient time
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection or, if none, then before entering the intersection
29 and shall remain standing until a green indication is shown except as provided in paragraph (b)
30 of this subdivision;

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) **The driver of a vehicle traveling on a one-way street which is stopped as close**
41 **as practicable at the entrance to the crosswalk on the near side of the intersection or, if**

42 **none, then at the entrance to the intersection in obedience to a red signal, may cautiously**
43 **enter the intersection to make a left turn onto another one-way street but shall yield the**
44 **right-of-way to pedestrians and other traffic proceeding as directed by the signal at the**
45 **intersection, except that the state highways and transportation commission with reference**
46 **to an intersection involving a state highway, and local authorities with reference to an**
47 **intersection involving other highways under their jurisdiction, may prohibit any such left**
48 **turn against a red signal at any intersection where safety conditions so require, said**
49 **prohibition shall be effective when a sign is erected at such intersection giving notice**
50 **thereof;**

51 (d) Unless otherwise directed by a pedestrian control signal as provided in section
52 300.160, pedestrians facing a steady red signal alone shall not enter the roadway.

53 (4) In the event an official traffic control signal is erected and maintained at a place other
54 than an intersection, the provisions of this section shall be applicable except as to those
55 provisions which by their nature can have no application. Any stop required shall be made at a
56 sign or marking on the pavement indicating where the stop shall be made, but in the absence of
57 any such sign or marking the stop shall be made at the signal.

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
6 to be straddled by the operator, or with a seat designed to carry more than one person, and
7 handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

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

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

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

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

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

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

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

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

28 (11) "Driveaway operation":

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

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

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

41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

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

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation.

74

75 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
76 as a commercial motor vehicle or local commercial motor vehicle;

77 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
78 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
79 or a commercial motor vehicle whose property-carrying operations are confined solely to the
80 transportation of property owned by any person who is the owner or operator of such vehicle to
81 or from a farm owned by such person or under the person's control by virtue of a landlord and
82 tenant lease; provided that any such property transported to any such farm is for use in the
83 operation of such farm;

84 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
85 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
86 state, used to transport harvested forest products, operated solely at a forested site and in an area
87 extending not more than a one hundred-mile radius from such site, carries a load with
88 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
89 operated on the national system of interstate and defense highways described in Title 23, Section
90 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
91 304.180, RSMo, does not have more than four axles, and does not pull a trailer which has more

92 than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming,
93 delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported
94 on a local log truck. A local log truck may not exceed the limits required by law, however, if the
95 truck does exceed such limits as determined by the inspecting officer, then notwithstanding any
96 other provisions of law to the contrary, such truck shall be subject to the weight limits required
97 by such sections as licensed for eighty thousand pounds;

98 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
99 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
100 state, used to transport harvested forest products, operated solely at a forested site and in an area
101 extending not more than a one hundred-mile radius from such site, operates with a weight not
102 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
103 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
104 system of interstate and defense highways described in Title 23, Section 103(e) of the United
105 States Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo,
106 and does not have more than three axles and does not pull a trailer which has more than two
107 axles. Violations of axle weight limitations shall be subject to the load limit penalty as described
108 for in sections 304.180 to 304.220, RSMo;

109 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
110 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
111 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
112 such municipal corporation and such municipal corporation and adjacent commercial zone;

113 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
114 is used exclusively to transport harvested forest products to and from forested sites which is
115 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
116 state for the transportation of harvested forest products;

117 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
118 and front clip, as those terms are defined by the director of revenue pursuant to rules and
119 regulations or by illustrations;

120 (31) "Manufacturer", any person, firm, corporation or association engaged in the
121 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

122 (32) "Mobile scrap processor", a business located in Missouri or any other state that
123 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
124 or scrap metal operator for recycling;

125 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
126 receives a new, rebuilt or used engine, and which used the number stamped on the original
127 engine as the vehicle identification number;

- 128 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
129 except farm tractors;
- 130 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
131 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
132 twelve thousand pounds:
- 133 (a) Offered for hire or lease; or
134 (b) The owner of which also owns ten or more such motor vehicles;
- 135 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 136 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
137 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
138 produces less than three gross brake horsepower, and is capable of propelling the device at a
139 maximum speed of not more than thirty miles per hour on level ground;
- 140 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
141 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
142 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 143 (39) "Municipality", any city, town or village, whether incorporated or not;
- 144 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 145 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
146 compliance with United States emissions or safety standards;
- 147 (42) "Operator", any person who operates or drives a motor vehicle;
- 148 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
149 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
150 thereof with the right of purchase upon performance of the conditions stated in the agreement
151 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
152 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
153 or mortgagor shall be deemed the owner for the purpose of this law;
- 154 (44) "Public garage", a place of business where motor vehicles are housed, stored,
155 repaired, reconstructed or repainted for persons other than the owners or operators of such place
156 of business;
- 157 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
158 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 159 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
160 construction by the addition or substitution of two or more new or used major component parts,
161 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 162 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
163 substantially modified so that it may be used and is used for the purposes of temporary housing

164 quarters, including therein sleeping and eating facilities which are either permanently attached
165 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
166 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
167 vehicle if the motor vehicle could otherwise be so registered;

168 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
169 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
170 wrecker or towing service;

171 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
172 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
173 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
174 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
175 wheel kingpin connection. When two vehicles are towed in this manner the combination is
176 called a "double saddlemount combination". When three vehicles are towed in this manner, the
177 combination is called a "triple saddlemount combination";

178 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
179 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

180 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

181 (a) Was damaged during a year that is no more than six years after the manufacturer's
182 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
183 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
184 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
185 immediately preceding the time it was damaged;

186 (b) By reason of condition or circumstance, has been declared salvage, either by its
187 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
188 interest in it;

189 (c) Has been declared salvage by an insurance company as a result of settlement of a
190 claim;

191 (d) Ownership of which is evidenced by a salvage title; or

192 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
193 304.157, RSMo, and designated with the words "salvage/abandoned property".

194

195 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of
196 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage
197 as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For
198 purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

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

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

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

207 (52) "School bus", any motor vehicle used solely to transport students to or from school
208 or to transport students to or from any place for educational purposes;

209 (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
210 corporation as an incidental service to transport patrons or customers of the regular business of
211 such person, firm, or corporation to and from the place of business of the person, firm, or
212 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
213 buses or as commercial motor vehicles;

214 (54) "Special mobile equipment", every self-propelled vehicle not designed or used
215 primarily for the transportation of persons or property and incidentally operated or moved over
216 the highways, including farm equipment, implements of husbandry, road construction or
217 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
218 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
219 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
220 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
221 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
222 shall not operate to exclude other such vehicles which are within the general terms of this
223 section;

224 (55) "Specially constructed motor vehicle", a motor vehicle which shall not have been
225 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
226 vehicles. The term specially constructed motor vehicle includes kit vehicles;

227 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
228 is located on a drop frame located behind and below the rearmost axle of the power unit;

229 (57) "Tandem axle", a group of two or more axles, arranged one behind another, the
230 distance between the extremes of which is more than forty inches and not more than ninety-six
231 inches apart;

232 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
233 for drawing other vehicles, but not for the carriage of any load when operating independently.
234 When attached to a semitrailer, it supports a part of the weight thereof;

235 (59) "Trailer", any vehicle without motive power designed for carrying property or
236 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
237 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
238 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
239 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
240 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
241 as defined in section 700.010, RSMo;

242 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of
243 property;

244 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
245 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
246 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
247 semitrailer and has one less articulation point than the conventional "A dolly" connected
248 truck-tractor semitrailer-trailer combination;

249 (62) "Truck-trailer boat transporter combination", a boat transporter combination
250 consisting of a straight truck towing a trailer using typically a ball and socket connection with
251 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
252 trailer but so as to maintain a downward force on the trailer tongue;

253 (63) "Used parts dealer", a business that buys and sells used motor vehicle parts or
254 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
255 "Business" does not include isolated sales at a swap meet of less than three days;

256 (64) **"Utility vehicle", any motorized vehicle manufactured and used exclusively for**
257 **off-highway use which is sixty-three inches or less in width, with an unladen dry weight of**
258 **one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used**
259 **primarily for landscaping, lawn care, or maintenance purposes;**

260 (65) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
261 firm, corporation, association, city, county or state agency, or any member thereof, for the
262 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
263 and from their place of employment; however, a vanpool shall not be included in the definition
264 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
265 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
266 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
267 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
268 monetary profit other than for use in a ride-sharing arrangement;

269 [(65)] (66) "Vehicle", any mechanical device on wheels, designed primarily for use, or
270 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human

271 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
272 wheelchairs operated by handicapped persons;

273 [(66)] (67) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
274 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
275 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
276 a replacement vehicle to replace a disabled or wrecked vehicle;

277 [(67)] (68) "Wrecker or towing service", the act of transporting, towing or recovering
278 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
279 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
280 compensation or other personal gain.

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning
2 given it in section 301.010, and the term "physically disabled" shall have the same meaning
3 given it in section 301.142.

4 2. Political subdivisions of the state may by ordinance or resolution designate parking
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or card
6 issued pursuant to section 301.071 or 301.142. Owners of private property used for public
7 parking shall also designate parking spaces for the exclusive use of vehicles which display a
8 distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever
9 a political subdivision or owner of private property so designates a parking space, the space shall
10 be indicated by a sign upon which shall be inscribed the international symbol of accessibility and
11 shall also include any appropriate wording to indicate that the space is reserved for the exclusive
12 use of vehicles which display a distinguishing license plate or card. The sign described in this
13 subsection shall also state, or an additional sign shall be posted below or adjacent to the sign
14 stating, the following: "\$50 to \$300 fine.". **Beginning August 28, 2008, when any political**
15 **subdivision or owner of private property restripes a parking lot or constructs a new**
16 **parking lot, one in every four accessible spaces, but not less than one, shall be served by**
17 **an access aisle a minimum of ninety-six inches wide and shall be designated "lift van**
18 **accessible only" with signs that meet the requirements of the federal Americans with**
19 **Disabilities Act, as amended, and any rules or regulations established pursuant thereto.**

20 3. Any political subdivision, by ordinance or resolution, and any person or corporation
21 in lawful possession of a public off-street parking facility or any other owner of private property
22 may designate reserved parking spaces for the exclusive use of vehicles which display a
23 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as
24 possible to the nearest accessible entrance. Such designation shall be made by posting
25 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the
26 international symbol of accessibility, and may also include any appropriate wording to indicate

27 that the space is reserved for the exclusive use of vehicles which display a distinguishing license
28 plate or card.

29 4. The local police or sheriff's department may cause the removal of any vehicle not
30 displaying a distinguishing license plate or card on which is inscribed the international symbol
31 of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled
32 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card
33 issued by any other state from a space designated for physically disabled persons if there is
34 posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed
35 the international symbol of accessibility and may include any appropriate wording to indicate that
36 the space is reserved for the exclusive use of vehicles which display a distinguishing license plate
37 or card. Any person who parks in a space reserved for physically disabled persons and is not
38 displaying distinguishing license plates or a card is guilty of an infraction and upon conviction
39 thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred
40 dollars. Any vehicle which has been removed and which is not properly claimed within thirty
41 days thereafter shall be considered to be an abandoned vehicle.

42 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license
43 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal
44 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant
45 thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated
46 by political subdivisions in residential areas for the exclusive use of vehicles displaying a
47 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the
48 requirements of the federal Americans with Disabilities Act pursuant to this subsection and any
49 such space shall have clearly and visibly painted upon it the international symbol of accessibility
50 and any curb adjacent to the space shall be clearly and visibly painted blue.

51 6. Any person who, without authorization, uses a distinguishing license plate or card
52 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority
53 of this section shall be guilty of a class B misdemeanor.

54 7. Law enforcement officials may enter upon private property open to public use to
55 enforce the provisions of this section and section 301.142, including private property designated
56 by the owner of such property for the exclusive use of vehicles which display a distinguishing
57 license plate or card issued pursuant to section 301.071 or 301.142.

58 8. Nonconforming signs or spaces otherwise required pursuant to this section which are
59 in use prior to August 28, 1997, shall not be in violation of this section during the useful life of
60 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs
61 or spaces be extended by means other than those means used to maintain any sign or space on
62 the owner's property which is not used for vehicles displaying a disabled license plate.

63 **9. Beginning August 28, 2008, all new signs erected under this section shall contain**
64 **the words "Accessible Parking" in lieu of the words "Handicap Parking".**

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

4 (1) Is a governmental entity; or

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

7 2. Any organization which raises revenues or funds through the sponsorship of
8 specialized license plates issued pursuant to the provisions of this chapter enacted prior to
9 January 1, 2002, shall have until January 1, 2004, to comply with the provisions of this section.
10 The director shall verify that all organizations that are paid fees for the use of their emblems for
11 specialized license plates are complying with the provisions of this section. The director shall
12 require all organizations which receive revenues for or funds for the use of their emblems to
13 verify their status as a governmental entity or a qualified not-for-profit organization as provided
14 in subsection 1 of this section, in a format prescribed by the director. Any specialized license
15 plates issued prior to January 1, 2004, shall remain valid for the period in which they were
16 registered, regardless of the status of the sponsoring organization.

17 3. Any moneys received by an organization authorizing the use of its emblem or insignia
18 for a specialized license plate shall only be used by such organization to carry out the
19 organization's charitable mission. Such moneys shall not be used for salaries or any
20 administrative costs of the organization. No individual member of any organization authorizing
21 the use of its emblem or insignia for a specialized license plate shall derive any personal
22 pecuniary gain from any fees the organization collects.

23 4. [The director of revenue shall not authorize the manufacture of the material to produce
24 such specialized license plates with the individual seal, logo, or emblem until such time as the
25 director has received two hundred applications for such plates and the organization deposits with
26 the department of revenue a fee of up to five thousand dollars to defray the cost for issuing,
27 developing, and programming the implementation of the specialty plate.

28 5.] The provisions of this section shall not apply to any special license plates which bear
29 the emblem or insignia of a branch of the U.S. military or a military organization.

301.3141. 1. Any parent or sibling who has had a member of his or her immediate
2 family die in the line of duty while serving in the U.S. armed forces, after making an annual
3 payment described in subsection 2 of this section to the Veterans of Foreign Wars Department
4 of Missouri and paying all applicable registration fees, may receive special license plates for any
5 vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a

6 commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The
7 Veterans of Foreign Wars Department of Missouri, in conjunction with the director of the
8 department of revenue, shall design the special license plate. Any immediate family member of
9 a fallen soldier may apply annually for the use of the emblem.

10 2. Upon making a twenty-five dollar contribution to the Veterans of Foreign Wars
11 Department of Missouri, the motor vehicle owner may apply for the special license plate
12 described in this section. If the contribution is made directly to the Veterans of Foreign Wars
13 Department of Missouri, the Veterans of Foreign Wars Department of Missouri shall issue the
14 individual making the contribution a receipt, verifying the contribution, that may be used to
15 apply for the special license plate. If the contribution is made directly to the director of revenue,
16 the director shall note the contribution, and the owner then may apply for the special license
17 plate. All contribution fees shall be remitted to the Veterans of Foreign Wars Department of
18 Missouri.

19 3. Upon presentation of the receipt described in subsection 2 of this section or payment
20 of the twenty-five dollar contribution directly to the department of revenue, payment of a fifteen
21 dollar fee in addition to the regular registration fees, presentation of any documents that may be
22 required by law, and any proof that the applicant's family member died in the line of duty while
23 serving in the United States armed forces as the director may require, the director of revenue
24 shall issue to the vehicle owner a special license plate that shall bear the emblem of a
25 five-pointed star and the words "SOME GAVE ALL" in place of the words "SHOW-ME
26 STATE". Such license plates shall be made with fully reflective material with a common color
27 scheme and design of the standard license plate, shall be clearly visible at night, shall have a
28 reflective white background in the area of the plate configuration, and shall be aesthetically
29 attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144,
30 no additional fee shall be charged for the personalization of license plates under this section.

31 4. A vehicle owner who previously was issued a special license plate authorized by this
32 section, but who does not provide a receipt as described under subsection 2 of this section at a
33 subsequent time of registration, shall be issued a new plate that does not bear the emblem
34 described in this section, as otherwise provided by law. The director of revenue shall make
35 necessary rules and regulations for the enforcement of this section and shall design all necessary
36 forms required by this section. Any rule or portion of a rule, as that term is defined in section
37 536.010, RSMo, that is created under the authority delegated in this section shall become
38 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
39 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
40 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
41 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently

42 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
43 after August 28, 2006, shall be invalid and void.

44 5. The provisions of section [301.3150] **301.3151** shall not apply to the specialized
45 license plate created under this section.

**301.3151. 1. Notwithstanding any provision of law to the contrary, after August
2 28, 2008, no new specialty license plate shall be issued unless approved by a concurrent
3 resolution of the general assembly that has force and effect of law and complies with the
4 bill passage requirements of article III of the Missouri Constitution.**

5 **2. After receiving approval of the general assembly as required under subsection
6 1 of this section, the organization seeking authorization to establish a new specialty license
7 plate shall submit to the department of revenue the following:**

8 **(1) An application in a form prescribed by the director for the particular specialty
9 license plate being sought, describing the proposed specialty license plate in general terms
10 and the proposed art design for the specialty license plate;**

11 **(2) Five hundred applications from potential applicants who plan to purchase the
12 specialty plate and the specialty plate fee prescribed by section 301.144, and any emblem-
13 use authorization statement or other document required by law;**

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

17 **(4) All moneys received by the department of revenue, for the development of
18 specialty plates shall be deposited in the state treasury to the credit of the "Department of
19 Revenue Specialty Plate Fund" which is hereby created. The state treasurer shall be
20 custodian of the fund and shall make disbursements from the fund requested by the
21 Missouri director of revenue for personal services, expenses, and equipment required to
22 prepare, review, develop, and disseminate a new specialty plate and process the five
23 hundred applications to be submitted once the plate is approved and for no other purpose.**

24 **3. At the end of each state fiscal year, the director of revenue shall:**

25 **(1) Determine the amount of all moneys deposited into the department of revenue
26 specialty plate fund;**

27 **(2) Determine the amount of disbursements from the department of revenue
28 specialty plate fund which were made to produce the specialty plate and process the five
29 hundred applications; and**

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

32 **4. The state treasurer shall transfer an amount of money equal to the figure**
33 **provided by the director of revenue from the department of revenue specialty plate fund**
34 **to the state highway department fund. An unexpended balance in the department of**
35 **revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand**
36 **dollars shall be exempt from the provisions of section 33.080, RSMo, relating to transfer**
37 **of unexpended balances to the general revenue fund.**

38 **5. An emblem-use authorization fee may be charged by the organization prior to**
39 **the issuance of an approved specialty plate. The organization's specialty plate application**
40 **to the department of revenue shall state what fee is required to obtain such statement and**
41 **if such fee is required annually or biennially, if the applicant has a two-year registration.**
42 **An organization applying for specialty plates shall authorize the use of its official emblem**
43 **to be affixed on multiyear personalized license plates within the plate area prescribed by**
44 **the director of revenue and as provided in this section. Any contribution to the**
45 **organization derived from the emblem-use contribution, except reasonable administrative**
46 **costs, shall be used solely for the purposes of the organization. Any member of the**
47 **organization or nonmember, if applicable, may annually apply for the use of the emblem,**
48 **if applicable.**

49 **6. The department shall begin production and distribution of each new specialty**
50 **license plate within one year after approval of the specialty license plate by the general**
51 **assembly provided all other requirements of this section are met.**

52 **7. The department shall issue a specialty license plate to the owner who meets the**
53 **requirements for issuance of the specialty plate for any motor vehicle such owner owns,**
54 **either solely or jointly, other than an apportioned motor vehicle or a commercial motor**
55 **vehicle licensed in excess of eighteen thousand pounds gross weight.**

56 **8. Each new or renewed application for an approved specialty license plate shall**
57 **be made to the department of revenue, accompanied by an additional fee of fifteen dollars**
58 **and the appropriate emblem-use authorization statement.**

59 **9. The appropriate registration fees, fifteen-dollar specialty plate fee, processing**
60 **fees and documents otherwise required for the issuance of registration of the motor vehicle**
61 **as set forth by law must be submitted at the time the specialty plates are actually issued**
62 **and renewed or as otherwise provided by law. However, no additional fee for the**
63 **personalization of this plate shall be charged.**

64 **10. Once a specialty plate design is approved, a request for such plate may be made**
65 **any time during a registration period. If a request is made for a specialty license plate to**
66 **replace a current valid license plate, all documentation, credits, and fees provided for in**
67 **this chapter when replacing a current license plate shall apply.**

68 **11. A vehicle owner who was previously issued a plate with an organization emblem**
69 **authorized by this section, but who does not provide an emblem-use authorization**
70 **statement at a subsequent time of registration if required, shall be issued a new plate which**
71 **does not bear the organization's emblem, as otherwise provided by law.**

72 **12. Specialty license plates shall bear a design approved by the organization**
73 **submitting the original application for approval. The design shall be within the plate area**
74 **prescribed by the director of revenue, and the designated organization's name or slogan**
75 **shall be in place of the words "SHOW-ME STATE". Such license plates shall be made**
76 **with fully reflective material with a common color scheme, shall be clearly visible at night,**
77 **shall have a reflective white background in the area of the plate configuration, and shall**
78 **be aesthetically attractive, as prescribed by section 301.130 and as provided in this section.**
79 **In addition to a design, the specialty license plates shall be in accordance with criteria and**
80 **plate design set forth in this chapter.**

81 **13. The department is authorized to discontinue the issuance and renewal of a**
82 **specialty license plate if the organization has stopped providing services and emblem-use**
83 **authorization statements are no longer being issued by the organization. Such**
84 **organizations shall notify the department immediately to discontinue the issuance of a**
85 **specialty plate.**

86 **14. The organization that requested the specialty license plate shall not redesign the**
87 **specialty personalized license plate unless such organization pays the director in advance**
88 **all redesigned plate fees. All plate holders of such plates must pay the replacement fees**
89 **prescribed in section 301.300 for the replacement of the existing specialty plate. All other**
90 **applicable license plate fees in accordance with this chapter shall be required.**

301.3154. Beginning January 1, 2005, the fee for any special license plate approved
2 under section [21.795, RSMo, sections 301.3150 and 301.3152, and this section] **301.3151** shall
3 be fifteen dollars for an annual registration and thirty dollars for a biennial registration in
4 addition to registration fees. The provisions of this section shall not apply to special military
5 license plates. The fees for special military license plates shall be assessed as provided for by
6 the statute creating such license plate except that no additional fee shall be charged for
7 personalized military plates.

302.060. The director shall not issue any license and shall immediately deny any driving
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, **or to any person who is under**
6 **eighteen years of age who fails to meet the qualifications of section 302.063**, except as
7 [hereinafter] provided **by this section**;

8 (3) To any person whose license has been suspended, during such suspension, or to any
9 person whose license has been revoked, until the expiration of one year after such license was
10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

12 (5) To any person who has previously been adjudged to be incapacitated and who at the
13 time of application has not been restored to partial capacity;

14 (6) To any person who, when required by this law to take an examination, has failed to
15 pass such examination;

16 (7) To any person who has an unsatisfied judgment against such person, as defined in
17 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such
18 person, as defined in section [303.120] **303.020**, RSMo, has been established;

19 (8) To any person whose application shows that the person has been convicted within
20 one year prior to such application of violating the laws of this state relating to failure to stop after
21 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
22 consent;

23 (9) To any person who has been convicted more than twice of violating state law, or a
24 county or municipal ordinance where the defendant was represented by or waived the right to an
25 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
26 years from the date of conviction of the last offense of violating such law or ordinance relating
27 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
28 county in which such last conviction was rendered and the court shall review the person's habits
29 and conduct since such conviction. If the court finds that the petitioner has not been convicted
30 of any offense related to alcohol, controlled substances or drugs during the preceding ten years
31 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
32 public safety of this state, the court may order the director to issue a license to the petitioner if
33 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.
34 No person may obtain a license pursuant to the provisions of this subdivision through court
35 action more than one time;

36 (10) To any person who has been convicted twice within a five-year period of violating
37 state law, or a county or municipal ordinance where the defendant was represented by or waived
38 the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the
39 crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition.
40 The director shall not issue a license to such person for five years from the date such person was

41 convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated
42 condition or for driving while intoxicated for the second time. Any person who has been denied
43 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the
44 person's license issued, upon application, unless the two convictions occurred within a five-year
45 period, in which case, no license shall be issued to the person for five years from the date of the
46 second conviction;

47 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
48 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

49 (12) To any person who is under the age of eighteen years, if such person's parents or
50 legal guardians file a certified document with the department of revenue stating that the director
51 shall not issue such person a driver's license. Each document filed by the person's parents or
52 legal guardians shall be made upon a form furnished by the director and shall include identifying
53 information of the person for whom the parents or legal guardians are denying the driver's
54 license. The document shall also contain identifying information of the person's parents or legal
55 guardians. The document shall be certified by the parents or legal guardians to be true and
56 correct. This provision shall not apply to any person who is legally emancipated. The parents
57 or legal guardians may later file an additional document with the department of revenue which
58 reinstates the person's ability to receive a driver's license.

**302.063. 1. In addition to the requirement of section 302.171, the director of
2 revenue shall not accept any application by any applicant for an operator's license or a
3 temporary permit issued under section 302.130 who is fifteen to eighteen years of age and
4 whose name has been submitted to the department of revenue by a public school in
5 accordance with subsection 2 of this section.**

**6 2. Each public school district shall provide to the department of revenue, at least
7 one time for each semester of the school year, a list of the names of all students who are not
8 in compliance with the standards for eligibility developed under the provisions of this
9 section.**

**10 3. The department of elementary and secondary education shall develop a plan that
11 includes, but is not limited to, elements that demonstrate effort on the student's part, such
12 as attendance, and maintaining grades and achieving assessment scores consistent with
13 their skills and abilities. The public school district shall ensure that students are aware of
14 the department standards and provide multiple opportunities in the fifth grade year and
15 subsequent years for students to receive information and participate in academic
16 counseling in anticipation of meeting such standards. The department standards shall
17 ensure that the student continues to make educational progress. The student shall be
18 required to meet the standards in the academic year preceding such student's application**

19 **for an operator's license or temporary permit. A student enrolled in public school who**
20 **withdraws from public school and was not in compliance with the department standards**
21 **for eligibility for an operator's license or temporary permit at the time of such withdrawal**
22 **shall remain subject to the requirements of this section until such student demonstrates**
23 **department standards have been achieved.**

24 **4. If an applicant does not achieve the department standards, the applicant's**
25 **driver's license test shall be postponed until the applicant demonstrates the department**
26 **standards have been achieved. The department's plan shall create methods for**
27 **demonstrating, no less frequently than once a semester, that standards have been met. The**
28 **department standards shall also include a method for evaluating students who transfer into**
29 **a school district after the age of fourteen who may not initially meet the department**
30 **standards to prevent undue delay for that student to qualify.**

31 **5. Any person who is an emancipated minor, as defined in section 302.171, who**
32 **does not meet the qualifications prescribed in this section may request the school board of**
33 **the school district in which such person resides to grant a waiver from the requirements**
34 **of this section and such waiver shall be granted if the school board determines that having**
35 **a license to operate a motor vehicle is in the best interests of that person. In addition, any**
36 **person who withdraws from school and earns a GED shall be granted, upon request, a**
37 **waiver from the requirements of this section.**

38 **6. The department of elementary and secondary education, in cooperation with the**
39 **department of revenue, shall promulgate a model or models for compliance with this**
40 **section.**

41 **7. Any person who knowingly submits false information to the department under**
42 **the provisions of this section is guilty of a class C misdemeanor.**

43 **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
44 **that is created under the authority delegated in this section shall become effective only if**
45 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
46 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
47 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
48 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
49 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
50 **adopted after August 28, 2008, shall be invalid and void.**

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the

5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178. **An applicant who is less than
29 eighteen years of age and is not an emancipated minor shall meet the requirements of
30 section 302.063 in order to receive a license issued under this chapter. As used in this
31 section, the term "emancipated minor" is a person who is at least sixteen years of age, but
32 less than eighteen years of age, who marries, enters active duty in the armed forces, or who
33 the custodial parent or legal guardian has relinquished from parental control by express
34 or implied consent, and who through employment or other means provides for such
35 person's own food, shelter, and other cost-of-living expenses.** For persons mobilized and
36 deployed with the United States Armed Forces, an application under this subsection shall be
37 considered satisfactory by the department of revenue if it is signed by a person who holds general
38 power of attorney executed by the person deployed, provided the applicant meets all other
39 requirements set by the director.

40 2. An applicant for a license may make a donation of one dollar to promote an organ
41 donor program. The director of revenue shall collect the donations and deposit all such
42 donations in the state treasury to the credit of the organ donor program fund established in
43 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
44 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
45 department of revenue shall retain no more than one percent for its administrative costs. The
46 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
47 license at the time of issuance or renewal of the license. The director shall make available an
48 informational booklet or other informational sources on the importance of organ donations to
49 applicants for licensure as designed by the organ donation advisory committee established in
50 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
51 licensee presents the completed application to the director whether the applicant is interested in
52 making the one dollar donation prescribed in this subsection and whether the applicant is
53 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
54 of the ability to consent to organ donation by completing the form on the reverse of the license
55 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
56 RSMo. The director shall notify the department of health and senior services of information
57 obtained from applicants who indicate to the director that they are interested in registry
58 participation, and the department of health and senior services shall enter the complete name,
59 address, date of birth, race, gender and a unique personal identifier in the registry established in
60 subsection 1 of section 194.304, RSMo.

61 3. An applicant for a license may make a donation of one dollar to promote a blindness
62 education, screening and treatment program. The director of revenue shall collect the donations
63 and deposit all such donations in the state treasury to the credit of the blindness education,
64 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
65 blindness education, screening and treatment program fund shall be used solely for the purposes
66 established in section 192.935, RSMo, except that the department of revenue shall retain no more
67 than one percent for its administrative costs. The donation prescribed in this subsection is
68 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
69 of the license. The director shall inquire of each applicant at the time the licensee presents the
70 completed application to the director whether the applicant is interested in making the one dollar
71 donation prescribed in this subsection.

72 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
73 commits fraud or deception during the examination process or who makes application for an
74 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
75 false or fraudulent information or documentation, or who knowingly conceals a material fact or

76 otherwise commits a fraud in any such application. The period of denial shall be one year from
77 the effective date of the denial notice sent by the director. The denial shall become effective ten
78 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
79 person at the last known address shown on the person's driving record. The notice shall be
80 deemed received three days after mailing unless returned by the postal authorities. No such
81 individual shall reapply for a driver's examination, instruction permit, driver's license, or
82 nondriver's license until the period of denial is completed. No individual who is denied the
83 driving privilege under this section shall be eligible for a limited driving privilege issued under
84 section 302.309.

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

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

88 7. The director may promulgate rules and regulations necessary to administer and enforce
89 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
90 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

91 8. Notwithstanding any provisions of this chapter that requires an applicant to provide
92 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial
93 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
94 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
95 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

96 9. Notwithstanding any other provision of this chapter, if an applicant does not meet the
97 requirements of subsection 8 of this section and does not have the required documents to prove
98 lawful presence, the department may issue a one-year driver's license renewal. This one-time
99 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial
100 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen
101 years or more and who does not have the required documents to prove lawful presence. After
102 the expiration of the one-year period, no further renewal shall be provided without the applicant
103 producing proof of lawful presence.

302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty-one years of age and under the age of
3 seventy, and who submit a satisfactory application and meet the requirements of sections
4 302.010 to 302.605, the director shall issue or renew such license; except that no license shall
5 be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or
6 deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year
7 of issuance, unless the license must be issued for a shorter period due to other requirements of

8 law or for transition or staggering of work as determined by the director. The license must be
9 renewed on or before the date of expiration, which date shall be shown on the license.

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in
15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under
19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

21 3. To all other applicants for a license or renewal of a license who are at least twenty-one
22 years of age and under the age of seventy, and who submit a satisfactory application and meet
23 the requirements of sections 302.010 to 302.605, the director shall issue or renew such license;
24 except that no license shall be issued if an applicant's license is currently suspended, canceled,
25 revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's
26 birthday in the sixth year of issuance, unless the license must be issued for a shorter period due
27 to other requirements of law or for transition or staggering of work as determined by the director.
28 The license must be renewed on or before the date of expiration, which date shall be shown on
29 the license.

30 4. To all other applicants for a license or renewal of a license who are less than
31 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
32 application and meet the requirements of sections 302.010 to 302.605, the director shall issue
33 or renew such license; except that no license shall be issued if an applicant's license is currently
34 suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire
35 on the applicant's birthday in the third year of issuance, unless the license must be issued for a
36 shorter period due to other requirements of law or for transition or staggering of work as
37 determined by the director. The license must be renewed on or before the date of expiration,
38 which date shall be shown on the license.

39 5. The fee for a license issued for a period which exceeds three years under subsection
40 1 of this section shall be thirty dollars.

41 6. The fee for a license issued for a period of three years or less under subsection 2 of
42 this section shall be fifteen dollars, except that the fee for a license issued for one year or less

43 which contains a school bus endorsement shall be five dollars, **except renewal fees shall be**
44 **waived for applicants seventy years of age or older seeking school bus endorsements.**

45 7. The fee for a license issued for a period which exceeds three years under subsection
46 3 of this section shall be fifteen dollars.

47 8. The fee for a license issued for a period of three years or less under subsection 4 of
48 this section shall be seven dollars and fifty cents.

49 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that
50 exceeds an applicant's lawful presence in the United States. The director may establish
51 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
52 license issued under this section.

53 10. The director of revenue may adopt any rules and regulations necessary to carry out
54 the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority
55 of this section shall become effective unless it has been promulgated pursuant to the provisions
56 of chapter 536, RSMo.

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

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement

23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
31 applicant upon completion of any written or driving test, **except the examination fee shall be**
32 **waived for applicants seventy years of age or older renewing a license with a school bus**
33 **endorsement.** The director shall delegate the power to conduct the examinations required under
34 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by
35 the highway patrol qualified to give driving examinations. **The written test shall only be**
36 **administered in the English language and applicants must be able to read and speak the**
37 **English language sufficiently to understand highway traffic signs and signals in the English**
38 **language, respond to official inquiries, and make entries on reports and records. No**
39 **interpreters shall be allowed.**

40 (2) The director shall adopt and promulgate rules and regulations governing the
41 certification of third-party testers by the department of revenue. Such rules and regulations shall
42 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
43 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
44 of one hundred dollars to issue or renew the certification of any third-party tester.

45 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
46 certification to junior colleges or community colleges established under chapter 178, RSMo, or
47 to private companies who own, lease, or maintain their own fleet and administer in-house testing
48 to their employees, or to school districts and their agents that administer in-house testing to the
49 school district's or agent's employees. Any third-party tester who violates any of the rules and
50 regulations adopted and promulgated pursuant to this section shall be subject to having his
51 certification revoked by the department. The department shall provide written notice and an
52 opportunity for the third-party tester to be heard in substantially the same manner as provided
53 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
54 test administered by a third-party tester, the actual driving test for a commercial driver's license
55 may then be waived.

56 (4) Every applicant for renewal of a commercial driver's license shall provide such
57 certifications and information as required by the secretary and if such person transports a
58 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of

59 Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such
60 person shall be required to take the written test for such endorsement. A twenty-five dollar
61 examination fee shall be paid upon completion of such tests.

62 (5) The director shall have the authority to waive the driving skills test for any qualified
63 military applicant for a commercial driver's license who is currently licensed at the time of
64 application for a commercial driver's license. The director shall impose conditions and
65 limitations to restrict the applicants from whom the department may accept alternative
66 requirements for the skills test described in federal regulation 49 C.F.R. 383.77. An applicant
67 must certify that, during the two-year period immediately preceding application for a commercial
68 driver's license, all of the following apply:

69 (a) The applicant has not had more than one license;

70 (b) The applicant has not had any license suspended, revoked, or cancelled;

71 (c) The applicant has not had any convictions for any type of motor vehicle for the
72 disqualifying offenses contained in this chapter or federal rule 49 C.F.R. 383.51(b);

73 (d) The applicant has not had more than one conviction for any type of motor vehicle for
74 serious traffic violations;

75 (e) The applicant has not had any conviction for a violation of state or local law relating
76 to motor vehicle traffic control, but not including any parking violation, arising in connection
77 with any traffic accident, and has no record of an accident in which he or she was at fault;

78 (f) The applicant is regularly employed in a job requiring operation of a commercial
79 motor vehicle and has operated the vehicle for at least sixty days during the two years
80 immediately preceding application for a commercial driver's license. The vehicle must be
81 representative of the commercial motor vehicle the driver applicant operates or expects to
82 operate;

83 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a
84 commanding officer as proof of driving experience as indicated in paragraph (f) of this
85 subdivision;

86 (h) The applicant, if honorably discharged from military service, must provide a
87 form-DD214 or other proof of military occupational specialty;

88 (i) The applicant must meet all federal and state qualifications to operate a commercial
89 vehicle; and

90 (j) The applicant will be required to complete all applicable knowledge tests.

91 3. A commercial driver's license may not be issued to a person while the person is
92 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any
93 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
94 may a commercial driver's license be issued unless the person first surrenders in a manner

95 prescribed by the director any commercial driver's license issued by another state, which license
96 shall be returned to the issuing state for cancellation.

97 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
98 section unless the director verifies that the applicant is lawfully present in the United States
99 before accepting the application. The director may, by rule or regulation, establish procedures
100 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
101 promulgated pursuant to the authority of this section shall become effective unless it has been
102 promulgated pursuant to chapter 536, RSMo.

103 **5. Notwithstanding the provisions of this section or any other law to the contrary,**
104 **beginning August 28, 2008, the director of the department of revenue shall certify as a**
105 **third-party tester any municipality that owns, leases, or maintains its own fleets that**
106 **requires certain employees as a condition of employment to hold a valid commercial**
107 **driver's license; and that administered in-house testing to such employees prior to August**
108 **28, 2006.**

302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The application for a commercial driver's license shall include, but not be limited to, the
3 applicant's legal name, mailing and residence address, if different, a physical description of the
4 person, including sex, height, weight and eye color, the person's Social Security number, date
5 of birth and any other information deemed appropriate by the director. The application shall also
6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year
10 after issuance, unless the license must be issued for a shorter period due to other requirements
11 of law or for transition or staggering of work as determined by the director, and must be renewed
12 on or before the date of expiration. When a person changes such person's name an application
13 for a duplicate license shall be made to the director of revenue. When a person changes such
14 person's mailing address or residence the applicant shall notify the director of revenue of said
15 change, however, no application for a duplicate license is required. A commercial license issued
16 pursuant to this section to an applicant less than twenty-one years of age and seventy years of age
17 and older shall expire on the applicant's birthday in the third year after issuance, unless the
18 license must be issued for a shorter period as determined by the director.

19 3. A commercial driver's license containing a hazardous materials endorsement issued
20 to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a
21 period exceeding five years from the approval date of the security threat assessment as
22 determined by the Transportation Security Administration.

23 4. The director shall issue an annual commercial driver's license containing a school bus
24 endorsement to an applicant who is seventy years of age or older. The fee for such license shall
25 be seven dollars and fifty cents; **except renewal fees shall be waived for applicants seventy**
26 **years of age or older seeking school bus endorsements.**

27 5. A commercial driver's license containing a hazardous materials endorsement issued
28 to an applicant who is seventy years of age or older shall not be issued for a period exceeding
29 three years. The director shall not require such drivers to obtain a security threat assessment
30 more frequently than such assessment is required by the Transportation Security Administration
31 under the Uniting and Strengthening America by Providing Appropriate Tools Required to
32 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

33 6. The fee for a commercial driver's license or renewal commercial driver's license issued
34 for a period greater than three years shall be forty dollars.

35 7. The fee for a commercial driver's license or renewal commercial driver's license issued
36 for a period of three years or less shall be twenty dollars.

37 8. The fee for a duplicate commercial driver's license shall be twenty dollars.

38 9. In order for the director to properly transition driver's license requirements under the
39 Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by
40 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT
41 ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for
42 any fees, including driver examination fees that are incurred by the driver as a result of the initial
43 issuance of a transitional license required to comply with such acts.

44 10. Within thirty days after moving to this state, the holder of a commercial driver's
45 license shall apply for a commercial driver's license in this state. The applicant shall meet all
46 other requirements of sections 302.700 to 302.780, except that the director may waive the driving
47 test for a commercial driver's license as required in section 302.720 if the applicant for a
48 commercial driver's license has a valid commercial driver's license from a state which has
49 requirements for issuance of such license comparable to those in this state.

50 11. Any person who falsifies any information in an application or test for a commercial
51 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's
52 commercial driver's license shall be canceled, for a period of one year after the director discovers
53 such falsification.

54 12. Beginning July 1, 2005, the director shall not issue a commercial driver's license
55 under this section unless the director verifies that the applicant is lawfully present in the United
56 States before accepting the application. If lawful presence is granted for a temporary period, no
57 commercial driver's license shall be issued. The director may, by rule or regulation, establish
58 procedures to verify the lawful presence of the applicant and establish the duration of any

59 commercial driver's license issued under this section. No rule or portion of a rule promulgated
60 pursuant to the authority of this section shall become effective unless it has been promulgated
61 pursuant to chapter 536, RSMo.

62 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1
63 and 5 of this section to the contrary, the director may issue a nonresident commercial driver's
64 license to a resident of a foreign jurisdiction if the United States Secretary of Transportation has
65 determined that the commercial motor vehicle testing and licensing standards in the foreign
66 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

67 (2) Any applicant for a nonresident commercial driver's license must present evidence
68 satisfactory to the director that the applicant currently has employment with an employer in this
69 state. The nonresident applicant must meet the same testing, driver record requirements,
70 conditions, and is subject to the same disqualification and conviction reporting requirements
71 applicable to resident commercial drivers.

72 (3) The nonresident commercial driver's license will expire on the same date that the
73 documents establishing lawful presence for employment expire. The word "nonresident" shall
74 appear on the face of the nonresident commercial driver's license. Any applicant for a Missouri
75 nonresident commercial driver's license must first surrender any nonresident commercial driver's
76 license issued by another state.

77 (4) The nonresident commercial driver's license applicant must pay the same fees as
78 required for the issuance of a resident commercial driver's license.

79 14. Foreign jurisdiction for purposes of issuing a nonresident commercial driver's license
80 under this section shall not include any of the fifty states of the United States or Canada or
81 Mexico.

304.016. 1. The following rules shall govern the overtaking and passing of vehicles
2 proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

3 (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction
4 shall pass to the left thereof at a safe distance and shall not again drive to the right side of the
5 roadway until safely clear of the overtaken vehicle; and

6 (2) Except when overtaking and passing on the right is permitted, the driver of an
7 overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not
8 increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

9 2. The driver of a motor vehicle may overtake and pass to the right of another vehicle
10 only under the following conditions:

11 (1) When the vehicle overtaken is making or about to make a left turn;

12 (2) Upon a city street with unobstructed pavement of sufficient width for two or more
13 lines of vehicles in each direction;

14 (3) Upon a one-way street;

15 (4) Upon any highway outside of a city with unobstructed pavement of sufficient width
16 and clearly marked for four or more lines of traffic. The driver of a motor vehicle may overtake
17 and pass another vehicle upon the right only under the foregoing conditions when such
18 movement may be made in safety. In no event shall such movement be made by driving off the
19 paved or main traveled portion of the roadway. The provisions of this subsection shall not
20 relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the
21 right-hand edge of the roadway.

22 3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be
23 driven to the left side of the center line of a highway or public road in overtaking and passing
24 another vehicle proceeding in the same direction unless such left side is clearly visible and is free
25 of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be
26 completely made without interfering with the safe operation of any vehicle approaching from the
27 opposite direction or any vehicle overtaken.

28 4. No vehicle shall at any time be driven to the left side of the roadway under the
29 following conditions:

30 (1) When approaching the crest of a grade or upon a curve of the highway where the
31 driver's view is obstructed within such distance as to create a hazard in the event another vehicle
32 might approach from the opposite direction;

33 (2) When the view is obstructed upon approaching within one hundred feet of any
34 bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or
35 railroad grade crossing;

36 **(3) When the roadway is clearly marked with a solid yellow center stripe indicating**
37 **a no passing zone or an unsafe location to overtake or drive to the left side of the roadway,**
38 **except that the provisions of this subdivision shall not apply when:**

39 **(a) Executing a lawful turn; or**

40 **(b) Overtaking a vehicle, as defined in section 307.020, RSMo, that is traveling at**
41 **a speed of less than twenty-five miles per hour, or when avoiding debris in the roadway,**
42 **so long as such action does not create a hazard, as specified in subdivision (1) of this**
43 **subsection.**

44 5. Violation of this section shall be deemed a class C misdemeanor.

304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010,
2 **RSMo, upon the highways of this state, except as follows:**

3 **(1) Utility vehicles owned and operated by a governmental entity for official use;**

4 **(2) Utility vehicles operated for agricultural purposes or industrial on-premises**
5 **purposes between the official sunrise and sunset on the day of operation, except such**

6 vehicles may be operated after dark if the vehicle is equipped with lamps and illuminating
7 devices meeting the requirements of chapter 307, RSMo;

8 (3) Utility vehicles operated by handicapped persons for short distances
9 occasionally only on the state's secondary roads when operated between the hours of
10 sunrise and sunset;

11 (4) Governing bodies of cities may issue special permits for utility vehicles to be
12 used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be
13 collected and retained by cities for such permits;

14 (5) Governing bodies of counties may issue special permits for utility vehicles to be
15 used on county roads within the county by licensed drivers. Fees of fifteen dollars may be
16 collected and retained by the counties for such permits.

17 2. No person shall operate a utility vehicle within any stream or river in this state,
18 except that utility vehicles may be operated within waterways which flow within the
19 boundaries of land which a utility vehicle operator owns, or for agricultural purposes
20 within the boundaries of land which a utility vehicle operator owns or has permission to
21 be upon, or for the purpose of fording such stream or river of this state at such road
22 crossings as are customary or part of the highway system. All law enforcement officials
23 or peace officers of this state and its political subdivisions or department of conservation
24 agents or department of natural resources park rangers shall enforce the provisions of this
25 subsection within the geographic area of their jurisdiction.

26 3. A person operating a utility vehicle on a highway pursuant to an exception
27 covered in this section shall have a valid operator's or chauffeur's license, excluding
28 handicapped persons operating such vehicle under subdivision (3) of subsection 1 of this
29 section, but shall not be required to have passed an examination for the operation of a
30 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour
31 and shall display headlamps at all times.

32 4. No persons shall operate a utility vehicle:

33 (1) In any careless way so as to endanger the person or property of another; or

34 (2) While under the influence of alcohol or any controlled substance.

35 5. No operator of a utility vehicle shall carry a passenger, except for agricultural
36 purposes. The provisions of this subsection shall not apply to any utility vehicle in which
37 the seat of such vehicle is designed to carry more than one person.

38 6. A violation of this section shall be a class C misdemeanor. In addition to other
39 legal remedies, the attorney general or county prosecuting attorney may institute a civil
40 action in a court of competent jurisdiction for injunctive relief to prevent such violation or

41 **future violations and for the assessment of a civil penalty not to exceed one thousand**
42 **dollars per day of violation.**

304.170. 1. No vehicle operated upon the highways of this state shall have a width,
2 including load, in excess of one hundred two inches, except clearance lights, rearview mirrors
3 or other accessories required by federal, state or city law or regulation. Provided however, a
4 recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits
5 if the appurtenances on such recreational vehicle extend no further than the rearview mirrors.
6 Such mirrors may only extend the distance necessary to provide the required field of view before
7 the appurtenances were attached.

8 2. No vehicle operated upon the interstate highway system or upon any route designated
9 by the chief engineer of the state transportation department shall have a height, including load,
10 in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load,
11 in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles
12 transporting automobiles or other motor vehicles may have a height, including load, of not more
13 than fourteen feet.

14 3. No single motor vehicle operated upon the highways of this state shall have a length,
15 including load, in excess of forty-five feet, except as otherwise provided in this section.

16 4. No bus, recreational motor vehicle or trackless trolley coach operated upon the
17 highways of this state shall have a length in excess of forty-five feet, except that such vehicles
18 may exceed the forty-five feet length when such excess length is caused by the projection of a
19 front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the
20 length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more
21 than one foot in the front and one foot in the rear. The term "safety bumper" means any device
22 which may be fitted on an existing bumper or which replaces the bumper and is so constructed,
23 treated, or manufactured that it absorbs energy upon impact.

24 5. **No truck auto transporter operated on the highways of this state shall have a**
25 **length in excess of fifty-three feet, exclusive of front and rear overhang, which shall be no**
26 **greater than a three-foot front overhang and no greater than a four-foot rear overhang.**
27 **For purposes of this subsection, "truck auto transporter" means a single truck designed**
28 **for use as an auto transporter.**

29 6. No combination of truck-tractor and semitrailer or truck-tractor equipped with
30 dromedary and semitrailer operated upon the highways of this state shall have a length, including
31 load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the
32 United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or
33 truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway
34 system of this state shall have an overall length, including load, in excess of the length of the

35 truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The
36 length of such semitrailer shall not exceed fifty-three feet.

37 [6.] 7. In order to comply with the provisions of Title 23 of the United States Code
38 (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the
39 interstate highway system of this state shall have an overall length, including load, in excess of
40 the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or
41 trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up
42 to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982,
43 within a sixty-five foot overall length limit in any state, may continue to be operated upon the
44 interstate highways of this state. On those primary highways not designated by the state
45 highways and transportation commission as provided in subsection 10 of this section, no
46 combination of truck-tractor, semitrailer and trailer shall have an overall length, including load,
47 in excess of sixty-five feet; provided, however, the state highways and transportation commission
48 may designate additional routes for such sixty-five foot combinations.

49 [7.] 8. Automobile transporters, boat transporters, truck-trailer boat transporter
50 combinations, stinger-steered combination automobile transporters and stinger-steered
51 combination boat transporters having a length not in excess of seventy-five feet may be operated
52 on the interstate highways of this state and such other highways as may be designated by the
53 highways and transportation commission for the operation of such vehicles plus a distance not
54 to exceed ten miles from such interstate or designated highway. All length provisions regarding
55 automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered
56 combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive
57 of front and rear overhang, which shall be no greater than a three-foot front overhang and no
58 greater than a four-foot rear overhang.

59 [8.] 9. Driveaway saddlemount combinations having a length not in excess of
60 ninety-seven feet may be operated on the interstate highways of this state and such other
61 highways as may be designated by the highways and transportation commission for the operation
62 of such vehicles plus a distance not to exceed ten miles from such interstate or designated
63 highway. Saddlemount combinations must comply with the safety requirements of Section
64 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three
65 saddlemounted vehicles and one fullmount.

66 [9.] 10. No truck-tractor semitrailer-semi-trailer combination vehicles operated upon the
67 interstate and designated primary highway system of this state shall have a semitrailer length in
68 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and
69 lawful operation in any state on December 1, 1982, operating in a truck-tractor
70 semitrailer-semi-trailer combination. The B-train assembly is excluded from the measurement

71 of semitrailer length when used between the first and second semitrailer of a truck-tractor
72 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the
73 B-train assembly, it shall be included in the length measurement of the semitrailer.

74 [10.] **11.** The highways and transportation commission is authorized to designate routes
75 on the state highway system other than the interstate system over which those combinations of
76 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated.
77 Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this
78 section may be operated at a distance not to exceed ten miles from the interstate system and such
79 routes as designated under the provisions of this subsection.

80 [11.] **12.** Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other
81 combination of vehicles operated upon the primary or interstate highways of this state plus a
82 distance of ten miles from a primary or interstate highway shall have an overall length, unladen
83 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway,
84 except the state highways and transportation commission may designate additional routes for use
85 by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five
86 foot saddlemount combinations. Any vehicle or combination of vehicles transporting
87 automobiles, boats or other motor vehicles may carry a load which extends no more than three
88 feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of
89 vehicles.

90 [12.] **13.** (1) Except as hereinafter provided, these restrictions shall not apply to
91 agricultural implements operating occasionally on the highways for short distances, or to
92 self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of
93 farm products as defined in section [400.9-109] **400.9-102**, RSMo, or to vehicles temporarily
94 transporting agricultural implements or implements of husbandry or roadmaking machinery, or
95 road materials or towing for repair purposes vehicles that have become disabled upon the
96 highways; or to implement dealers delivering or moving farm machinery for repairs on any state
97 highway other than the interstate system.

98 (2) Implements of husbandry and vehicles transporting such machinery or equipment and
99 the movement of farm products as defined in section 400.9.109, RSMo, may be operated
100 occasionally for short distances on state highways when operated between the hours of sunrise
101 and sunset by a driver licensed as an operator or chauffeur.

102 [13.] **14.** As used in this chapter the term "implements of husbandry" means all
103 self-propelled machinery operated at speeds of less than thirty miles per hour, specifically
104 designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad
105 usage and used exclusively for the application of commercial plant food materials or agricultural

106 chemicals, and not specifically designed or intended for transportation of such chemicals and
107 materials.

108 [14.] 15. Sludge disposal units may be operated on all state highways other than the
109 interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may
110 be equipped with over-width tires. Such units shall observe all axle weight limits. The chief
111 engineer of the state transportation department shall issue special permits for the movement of
112 such disposal units and may by such permits restrict the movements to specified routes, days and
113 hours.

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the
2 provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer
3 of any county or city or any highway patrol officer shall have the power to arrest on sight or upon
4 a warrant any person found violating or having violated the provisions of such sections.

5 2. The sheriff or any peace officer or any highway patrol officer is hereby given the
6 power to stop any such conveyance or vehicle as above described upon the public highway for
7 the purpose of determining whether such vehicle is loaded in excess of the provisions of sections
8 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions
9 thereof he or she shall have a right at that time and place to cause the excess load to be removed
10 from such vehicle; and provided further, that any regularly employed maintenance man of the
11 department of transportation shall have the right and authority in any part of this state to stop any
12 such conveyance or vehicle upon the public highway for the purpose of determining whether
13 such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or
14 she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right
15 at that time and place to cause the excess load to be removed from such vehicle. When only an
16 axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift
17 the load, if this will not overload some other axle or axles, without being charged with a
18 violation; provided, however, the privilege of shifting the weight without being charged with a
19 violation shall not extend to or include vehicles while traveling on the federal interstate system
20 of highways. When only an axle or tandem axle group of the vehicle traveling on the federal
21 interstate system of highways is overloaded and a court authorized to enforce the provisions of
22 sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the
23 load changing axle weights in transit through no fault of the operator of the vehicle and that the
24 load thereafter had been shifted so that no axle had been overloaded, then the court may find that
25 no violation has been committed. The operator of any vehicle shall be permitted to back up and
26 reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle
27 is weighed and found to be within five percent of any legal limit may request and receive a
28 weight ticket, memorandum or statement showing the weight or weights on each axle or any

29 combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after
30 having been weighed on any state scale and there is no evidence that any cargo or fuel has been
31 added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added
32 if upon reweighing on another state scale the total gross weight exceeds the applicable limits of
33 section 304.180 or 304.190. The highways and transportation commission of this state may
34 deputize and appoint any number of their regularly employed maintenance men to enforce the
35 provisions of such sections, and the maintenance men delegated and appointed in this section
36 shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution
37 by such proper officers.

38 3. The superintendent of the Missouri state highway patrol may assign qualified persons
39 who are not highway patrol officers to supervise or operate permanent or portable weigh stations
40 used in the enforcement of commercial vehicle laws. These persons shall be designated as
41 commercial vehicle inspectors and have limited police powers:

42 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
43 of rules and regulations of the division of motor carrier [and railroad safety of the department of
44 economic development] **services of the highways and transportation commission** and
45 department of public safety, and laws, rules, and regulations pertaining to commercial motor
46 vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver
47 requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and
48 the provisions of sections 303.024 and 303.025, RSMo;

49 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
50 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
51 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when
52 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as
53 defined by Title 49 of the Code of Federal Regulations;

54 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.
55 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in
56 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training
57 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right
58 as peace officers to bear arms.

59 4. The superintendent of the Missouri state highway patrol may appoint qualified
60 persons, who are not members of the highway patrol, designated as commercial vehicle
61 enforcement officers, with the powers:

62 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining
63 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the
64 provisions of sections 303.024 and 303.025, RSMo;

65 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
66 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
67 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a
68 cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting
69 hazardous materials as defined by Title 49 of the Code of Federal Regulations;

70 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
71 subsection. **Commercial vehicle officers selected and designated as peace officers by the**
72 **superintendent of the Missouri state highway patrol are hereby declared to be peace**
73 **officers of the state of Missouri, with full power and authority to make arrests solely for**
74 **violations under the powers granted in subdivisions (1) to (3) of this subsection.**
75 Commercial vehicle enforcement officers shall not have the authority to exercise the powers
76 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed
77 training approved by the superintendent of the Missouri state highway patrol **and have**
78 **completed the mandatory standards for the basic training and licensure of peace officers**
79 **established by the peace officers standards and training commission under subsection 1 of**
80 **section 590.030, RSMo. Commercial vehicle officers who are employed and performing**
81 **their duties on August 28, 2008, shall have until July 1, 2015, to comply with the mandatory**
82 **standards regarding police officer basic training and licensure.** Commercial vehicle
83 enforcement officers shall have the right as peace officers to bear arms.

84 5. Any additional employees needed for the implementation of this section shall be hired
85 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

86 6. Any part of this section which shall be construed to be in conflict with the axle or
87 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of
88 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same

13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 304.291, are thereby advised that there is insufficient time
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then
29 before entering the intersection and shall remain standing until an indication to proceed is shown
30 except as provided in paragraph (b);

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) **The driver of a vehicle traveling on a one-way street which is stopped as close**
41 **as practicable at the entrance to the crosswalk on the near side of the intersection or, if**
42 **none, then at the entrance to the intersection in obedience to a red signal, may cautiously**
43 **enter the intersection to make a left turn onto another one-way street but shall yield the**
44 **right-of-way to pedestrians and other traffic proceeding as directed by the signal at the**
45 **intersection, except that the state highways and transportation commission with reference**
46 **to an intersection involving a state highway, and local authorities with reference to an**
47 **intersection involving other highways under their jurisdiction, may prohibit any such left**
48 **turn against a red signal at any intersection where safety conditions so require, said**

49 **prohibition shall be effective when a sign is erected at such intersection giving notice**
50 **thereof;**

51 (d) Unless otherwise directed by a pedestrian control signal as provided in section
52 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

53 (4) In the event an official traffic control signal is erected and maintained at a place other
54 than an intersection, the provision of this section shall be applicable except as to those provisions
55 which by their nature can have no application. Any stop required shall be made at a sign or
56 marking on the pavement indicating where the stop shall be made, but in the absence of any such
57 sign or marking the stop shall be made at the signal.

58 2. Notwithstanding the provisions of section 304.361, violation of this section is a class
59 C misdemeanor.

304.590. 1. As used in this section, the term "travel safe zone" means any area
2 **upon or around any highway, as defined in section 302.010, RSMo, which is visibly marked**
3 **by the department of transportation; and when a highway safety analysis demonstrates**
4 **fatal or disabling motor vehicle crashes exceed a predicted safety performance level for**
5 **comparable roadways as determined by the department of transportation.**

6 2. Upon a conviction or a plea of guilty by any person for a moving violation as
7 defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court
8 shall double the amount of fine authorized to be imposed by law, if the moving violation
9 or offense occurred within a travel safe zone.

10 3. Upon a conviction or plea of guilty by any person for a speeding violation under
11 section 304.009 or 304.010, the court shall double the amount of fine authorized by law, if
12 the violation occurred within a travel safe zone.

13 4. The penalty authorized under subsections 1 and 3 of this section shall only be
14 assessed by the court if the department of transportation has erected signs upon or around
15 a travel safe zone which are clearly visible from the highway and which state substantially
16 the following message: "Travel Safe Zone -- Fines Doubled".

17 5. This section shall not be construed to enhance the assessment of court costs or
18 the assessment of points under section 302.302, RSMo.

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon
2 or along any state or supplementary state highway of this state any animal-driven vehicle
3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have
4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not
5 less than three inches in diameter of effective area or its equivalent in area. When such device
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection

8 of every such device shall be no less than sixty degrees and the spread and efficiency of the
9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor
10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five
11 hundred feet.

12 2. In addition, any person who operates any such animal-driven vehicle during the hours
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and
15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance
17 of at least five hundred feet.

18 **3. In addition, any person who shall place or drive or cause to be placed or driven**
19 **upon or along any state or supplementary state highway of this state any animal-driven**
20 **vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before**
21 **sunrise have attached to every such vehicle at the rear and at the front two corners thereof**
22 **reflective tape that meets United States Department of Transportation standards. Such**
23 **reflective tape shall be placed across the entire length of the rear of the vehicle and shall**
24 **be visible from the back of the vehicle at a distance of at least five hundred feet when**
25 **illuminated by the lower beams of vehicle headlights and such reflective tape shall be**
26 **placed horizontally on the two front corners of the vehicle with the tape on each front**
27 **corner measuring at least ten inches in length. The department of public safety shall by**
28 **rule establish the specifications for such reflective tape, including but not limited to the**
29 **width and color of the tape, and the height of placement on the vehicle.**

30 4. Any person violating the provisions of this section shall be guilty of a class C
31 misdemeanor.

32 [3.] 5. Any person operating an animal-driven vehicle during the hours between sunset
33 and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section,
34 use lamps or lanterns complying with the rules promulgated by the director of the department
35 of public safety.

36 [4.] 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
37 that is created under the authority delegated in this section shall become effective only if it
38 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
39 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
40 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
41 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
42 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall
43 be invalid and void.

307.127. 1. No person shall operate on any public highway of this state any
2 slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any
3 animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds
4 less than twenty-five miles per hour, including all road construction or maintenance machinery
5 except when engaged in actual construction or maintenance work either guarded by a flagman
6 or clearly visible warning signs, which normally travels or is normally used at a speed of less
7 than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as
8 described in, and displayed as provided in subsection 2 in this section. The requirement of such
9 emblem shall be in addition to any lighting devices required by section 307.115.

10 2. The emblem required by subsection 1 of this section shall be of substantial
11 construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or
12 equivalent quality paint with a base of not less than fourteen inches and an altitude of not less
13 than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum
14 width of one and three-fourths inches, with the vertices of the overall triangle truncated such that
15 the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted
16 on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a
17 height of not less than four feet above the roadway, and shall be maintained in a clean, reflective
18 condition. The provisions of this section shall not apply to any vehicle or equipment being
19 operated on a gravel or dirt-surfaced public highway.

20 3. Any person who shall violate the provisions of this section shall be guilty of an
21 infraction.

22 4. No emblem shall be required on machinery or equipment pulled or attached to a farm
23 tractor providing the machinery or equipment does not extend more than twelve feet to the rear
24 of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from
25 the rear.

26 5. Any person operating an animal-drawn vehicle on any public highway of this state
27 [may, in lieu of displaying the emblem required by subsections 1 and 2 of this section, equip the
28 animal-drawn vehicle with reflective material complying with rules and regulations promulgated
29 by the director of the department of public safety. The reflective material shall be visible from
30 a distance of not less than five hundred feet to the rear when illuminated by the lower beams of
31 vehicle headlights. Any rule or portion of a rule, as that term is defined in section 536.010,
32 RSMo, that is created under the authority delegated in this section shall become effective only
33 if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
34 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and
35 if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
36 to delay the effective date, or to disapprove and annul a rule are subsequently held

37 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
38 August 28, 2004, shall be invalid and void] **shall be deemed in compliance with this section**
39 **if the animal-driven vehicle displays reflective tape meeting department of transportation**
40 **standards as required under section 307.125.**

2 **385.400. Sections 385.400 to 385.436 shall be known and may be cited as the**
3 **"Missouri Vehicle Protection Product Act".**

4 **385.403. As used in sections 385.400 to 385.436, the following terms shall mean:**

5 (1) **"Administrator", a third party other than the warrantor who is designated by**
6 **the warrantor to be responsible for the administration of vehicle protection product**
7 **warranties;**

8 (2) **"Department", the department of insurance, financial institutions and**
9 **professional registration;**

10 (3) **"Director", the director of the department of insurance, financial institutions**
11 **and professional registration;**

12 (4) **"Incidental costs", expenses specified in the warranty incurred by the warranty**
13 **holder related to the failure of the vehicle protection product to perform as provided in the**
14 **warranty. Incidental costs may include, without limitation, insurance policy deductibles,**
15 **rental vehicle charges, the difference between the actual value of the stolen vehicle at the**
16 **time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction**
17 **fees, and mechanical inspection fees;**

18 (5) **"Premium", the consideration paid to an insurer for a reimbursement**
19 **insurance policy;**

20 (6) **"Service contract", a contract or agreement for a separately stated**
21 **consideration or for a specific duration to perform the repair, replacement, or maintenance**
22 **of a motor vehicle or indemnification for repair, replacement, or maintenance, for the**
23 **operational or structural failure due to a defect in materials, workmanship, or normal**
24 **wear and tear, with or without additional provision for incidental payment of indemnity**
25 **under limited circumstances, including but not limited to towing, rental, and emergency**
26 **road service, but does not include mechanical breakdown insurance or maintenance**
27 **agreements;**

28 (7) **"Vehicle protection product", a vehicle protection device, system, or service**
29 **that:**

30 (a) **Is installed on or applied to a vehicle;**

(b) **Is designed to prevent loss or damage to a vehicle from a specific cause; and**

(c) **Includes a written warranty.**

31 For purposes of sections 385.400 to 385.436, the vehicle protection product includes,
32 without limitation, alarm systems, body part marking products, steering locks, window
33 etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic,
34 radio, and satellite tracking devices;

35 (8) "Vehicle protection product warranty" or "warranty", a written agreement by
36 a warrantor that provides that if the vehicle protection product fails to prevent loss or
37 damage to a vehicle from a specific cause, then the warranty holder shall be paid specified
38 incidental costs by the warrantor as a result of the failure of the vehicle protection product
39 to perform pursuant to the terms of the warranty. Incidental costs may be reimbursed
40 under the provisions of the warranty in either a fixed amount specified in the warranty or
41 sales agreement or by the use of a formula itemizing specific incidental costs incurred by
42 the warranty holder;

43 (9) "Vehicle protection product warrantor" or "warrantor", a person who is
44 contractually obligated to the warranty holder under the terms of the vehicle protection
45 product warranty agreement. Warrantor does not include an authorized insurer providing
46 a warranty reimbursement insurance policy;

47 (10) "Warranty holder", the person who purchases a vehicle protection product
48 or who is a permitted transferee;

49 (11) "Warranty reimbursement insurance policy", a policy of insurance that is
50 issued to the vehicle protection product warrantor to provide reimbursement to the
51 warrantor or to pay on behalf of the warrantor all covered contractual obligations
52 incurred by the warrantor under the terms and conditions of the insured vehicle protection
53 product warranties sold by the warrantor.

385.406. 1. No vehicle protection product may be sold or offered for sale in this
2 state unless the seller, warrantor, and administrator, if any, comply with the provisions of
3 sections 385.400 to 385.436.

4 2. Vehicle protection product warrantors and related vehicle protection product
5 sellers and warranty administrators complying with sections 385.400 to 385.436 are not
6 required to comply with and are not subject to any other provisions of the state insurance
7 code.

8 3. Service contract providers who do not sell vehicle protection products are not
9 subject to the requirements of sections 385.400 to 385.436 and sales of vehicle protection
10 products are exempt from the requirements of sections 407.1200 to 407.1227, RSMo.

11 4. Warranties, indemnity agreements, and guarantees that are not provided as a
12 part of a vehicle protection product are not subject to the provisions of sections 385.400 to
13 385.436.

14 **5. Notwithstanding the provisions of sections 408.140 and 408.233, RSMo, a**
15 **business which is licensed and regulated under sections 367.100 to 367.215, RSMo, or**
16 **sections 367.500 to 367.533, RSMo, may offer and sell service contracts, as defined in**
17 **sections 385.200, 385.300, and 385.403, in conjunction with other transactions so long as**
18 **such business complies with all other requirements of this chapter.**

385.409. 1. A person shall not operate as a warrantor or represent to the public
2 **that the person is a warrantor unless the person is registered with the department on a**
3 **form prescribed by the director.**

4 **2. Warrantor registration records shall be filed annually and shall be updated**
5 **within thirty days of any change. The registration records shall contain the following**
6 **information:**

7 **(1) The warrantor's name, any fictitious names under which the warrantor does**
8 **business in the state, principal office address, and telephone number;**

9 **(2) The name and address of the warrantor's agent for service of process in the**
10 **state if other than the warrantor;**

11 **(3) The names of the warrantor's executive officer or officers directly responsible**
12 **for the warrantor's vehicle protection product business;**

13 **(4) The name, address, and telephone number of any administrators designated by**
14 **the warrantor to be responsible for the administration of vehicle protection product**
15 **warranties in this state;**

16 **(5) A copy of the warranty reimbursement insurance policy or policies or other**
17 **financial information required by section 385.412;**

18 **(6) A copy of each warranty the warrantor proposes to use in this state; and**

19 **(7) A statement indicating under which provision of section 385.412 the warrantor**
20 **qualifies to do business in this state as a warrantor.**

21 **3. The director may charge each registrant a reasonable fee to offset the cost of**
22 **processing the registration and maintaining the records in an amount not to exceed five**
23 **hundred dollars annually or as set by regulation. The information in subdivisions (1) and**
24 **(2) of subsection 2 of this section shall be made available to the public.**

25 **4. If a registrant fails to register by the renewal deadline, the director shall give the**
26 **registrant written notice of the failure and the registrant shall have thirty days to complete**
27 **the renewal of his or her registration before the registrant is suspended from being**
28 **registered in this state.**

29 **5. An administrator or person who sells or solicits a sale of a vehicle protection**
30 **product but who is not a warrantor shall not be required to register as a warrantor or be**
31 **licensed under the insurance laws of this state to sell vehicle protection products.**

385.412. No vehicle protection product shall be sold or offered for sale in this state unless the warrantor conforms to subdivision (1) or (2) of this section in order to ensure adequate performance under the warranty. No other financial security requirements or financial standards for warrantors shall be required. The vehicle protection product's warrantor may meet the requirements of this section by:

(1) Obtaining a warranty reimbursement insurance policy issued by an insurer authorized to do business within this state which provides that the insurer shall pay to, or on behalf of, the warrantor one hundred percent of all sums that the warrantor is legally obligated to pay according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty. The warrantor shall file a true and correct copy of the warranty reimbursement insurance policy with the director. The policy shall contain the provisions required in section 385.415; or

(2) Maintaining a net worth or stockholder's equity of fifty million dollars. The warrantor shall provide the director with a copy of the warrantor's or warrantor's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission within the last calendar year, or if the warrantor does not file with the Securities and Exchange Commission, a copy of the warrantor or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least fifty million dollars. If the warrantor's parent company's Form 10-K, Form 20-F, or audited financial statements are filed to meet the warrantor's financial stability requirement, the parent company shall agree to guarantee the obligations of the warrantor relating to warranties issued by the warrantor in this state. The financial information filed under this subdivision shall be confidential as a trade secret of the entity filing the information and not subject to public disclosure if the entity is not required to file with the Securities and Exchange Commission.

385.415. No warranty reimbursement insurance policy shall be issued, sold, or offered for sale in this state unless the policy meets the following conditions:

(1) The policy states that the issuer of the policy shall reimburse or pay on behalf of the vehicle protection product warrantor all covered sums which the warrantor is legally obligated to pay or shall provide that all service that the warrantor is legally obligated to perform according to the warrantor's contractual obligations under the provisions of the insured warranties sold by the warrantor;

(2) The policy states that in the event payment due under the terms of the warranty is not provided by the warrantor within sixty days after proof of loss has been filed according to the terms of the warranty by the warranty holder, the warranty holder may file directly with the warranty reimbursement insurance company for reimbursement;

12 **(3) The policy provides that a warranty reimbursement insurance company that**
13 **insures a warranty shall be deemed to have received payment of the premium if the**
14 **warranty holder paid for the vehicle protection product and insurer's liability under the**
15 **policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to**
16 **report the issuance of a warranty to the insurer; and**

17 **(4) The policy has the following provisions regarding cancellation of the policy:**

18 **(a) The issuer of a reimbursement insurance policy shall not cancel such policy**
19 **until a notice of cancellation in writing has been mailed or delivered to the director and**
20 **each insured warrantor sixty days prior to cancellation of the policy;**

21 **(b) The cancellation of a reimbursement insurance policy shall not reduce the**
22 **issuer's responsibility for vehicle protection products sold prior to the date of cancellation;**
23 **and**

24 **(c) In the event an insurer cancels a policy that a warrantor has filed with the**
25 **director, the warrantor shall do one of the following:**

26 **a. File a copy of a new policy with the director before the termination of the prior**
27 **policy; or**

28 **b. Discontinue offering warranties as of the termination date of the policy until a**
29 **new policy becomes effective and is accepted by the director.**

385.418. 1. Every vehicle protection product warranty shall be written in clear,
2 **understandable language and shall be printed or typed in an easy-to-read point size and**
3 **font and shall not be issued, sold, or offered for sale in the state unless the warranty:**

4 **(1) States that the obligations of the warrantor to the warranty holder are**
5 **guaranteed under a warranty reimbursement insurance policy if the warrantor elects to**
6 **meet its financial responsibility obligations under subdivision (1) of section 385.412, or**
7 **states the obligations of the warrantor under this warranty are backed by the full faith and**
8 **credit of the warrantor if the warrantor elects to meet its financial responsibility under**
9 **subdivision (2) of section 385.412;**

10 **(2) States that in the event a warranty holder must make a claim against a party**
11 **other than the warrantor, the warranty holder is entitled to make a direct claim against**
12 **the warranty reimbursement insurer upon the failure of the warrantor to pay any claim**
13 **or meet any obligation under the terms of the warranty within sixty days after proof of loss**
14 **has been filed with the warrantor, if the warrantor elects to meet its financial responsibility**
15 **obligations under subdivision (1) of section 385.412;**

16 **(3) States the name and address of the insurer of the warranty reimbursement**
17 **insurance policy, and this information need not be preprinted on the warranty form but**

18 may be stamped on the warranty, if the warrantor elects to meet its financial responsibility
19 obligations under subdivision (1) of section 385.412;

20 (4) Identifies the warrantor, the seller, and the warranty holder;

21 (5) Sets forth the total purchase price of the vehicle protection product and the
22 terms under which it is to be paid; however, the purchase price is not required to be
23 preprinted on the vehicle protection product warranty and may be negotiated with the
24 consumer at the time of sale;

25 (6) Sets forth the procedure for making a claim, including a telephone number;

26 (7) States the existence of a deductible amount, if any;

27 (8) Specifies the payments or performance to be provided under the warranty
28 including payments for incidental costs, the manner of calculation or determination of
29 payments or performance, and any limitations, exceptions, or exclusions;

30 (9) Sets forth all of the obligations and duties of the warranty holder such as the
31 duty to protect against further damage to the vehicle, the obligation to notify the warrantor
32 in advance of any repair, or other similar requirements, if any;

33 (10) Sets forth any terms, restrictions, or conditions governing transferability of the
34 warranty, if any; and

35 (11) Contains a disclosure that reads substantially as follows: "This agreement is
36 a product warranty and is not insurance".

37 2. At the time of sale, the seller or warrantor shall provide to the purchaser:

38 (1) A copy of the vehicle protection product warranty; or

39 (2) A receipt or other written evidence of the purchase of the vehicle protection
40 product and a copy of the warranty within thirty days of the date of purchase.

385.421. 1. No vehicle protection product may be sold or offered for sale in this
2 state unless the vehicle protection product warranty states the terms and conditions
3 governing the cancellation of the sale and warranty, if any.

4 2. The warrantor may only cancel the warranty if the warranty holder does any of
5 the following:

6 (1) Fails to pay for the vehicle protection product;

7 (2) Makes a material misrepresentation to the seller or warrantor;

8 (3) Commits fraud; or

9 (4) Substantially breaches the warranty holder's duties under the warranty.

10 3. A warrantor canceling a warranty shall mail written notice of cancellation to the
11 warranty holder at the last known address of the warranty holder in the warrantor's
12 records at least thirty days prior to the effective date of the cancellation. The notice shall
13 state the effective date of the cancellation and the reason for the cancellation.

385.424. 1. Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts, or literature the words "insurance", "casualty", "surety", "mutual", or any other word that is descriptive of the insurance, casualty, or surety business or that is deceptively similar to the name or description of any insurance or surety corporation or any other vehicle protection product warrantor. A warrantor may use the term "guaranty" or a similar word in the warrantor's name. A warrantor or its representative shall not in its vehicle protection product warranties or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell, or advertisement of a vehicle protection product warranty.

2. A vehicle protection product seller or warrantor shall not require as a condition of financing that a retail purchaser of a motor vehicle purchase a vehicle protection product.

385.427. 1. All vehicle protection product warrantors shall keep accurate accounts, books, and records concerning transactions regulated under sections 385.400 to 385.436.

2. A vehicle protection product warrantor's accounts, books, and records shall include:

- (1) Copies of all vehicle protection product warranties;**
- (2) The name and address of each warranty holder; and**
- (3) Claims files which shall contain at least the dates, amounts, and descriptions of all receipts, claims, and expenditures.**

3. A vehicle protection product warrantor shall retain all required accounts, books, and records pertaining to each warranty holder for at least three years after the specified period of coverage has expired. A warrantor discontinuing business in the state shall maintain its records until it furnishes the director satisfactory proof that it has discharged all obligations to warranty holders in this state.

4. Vehicle protection product warrantors shall make all accounts, books, and records concerning transactions regulated under sections 385.400 to 385.436 available to the director for examination.

385.430. 1. The director may conduct examinations of warrantors, administrators, or other persons to enforce sections 385.400 to 385.436 and protect warranty holders in this state. Upon request of the director, a warrantor shall make available to the director all accounts, books, and records concerning vehicle protection products provided by the warrantor that are necessary to enable the director to reasonably determine compliance or noncompliance with sections 385.400 to 385.436.

7 **2. If the director determines that a person has engaged, is engaging, or is about to**
8 **engage in a violation of sections 385.400 to 385.436 or a rule adopted or order issued**
9 **thereunder, or a person has materially aided, is materially aiding, or is about to materially**
10 **aid an act, practice, omission, or course of business constituting a violation of sections**
11 **385.400 to 385.436 or a rule adopted or order issued thereunder, the director may issue**
12 **such administrative orders as authorized under section 374.046, RSMo. A violation of**
13 **these sections is a level two violation under section 374.049, RSMo.**

14 **3. If the director believes that a person has engaged, is engaging, or is about to**
15 **engage in a violation of sections 385.400 to 385.436 or a rule adopted or order issued**
16 **thereunder, or that a person has materially aided, is materially aiding, or is about to**
17 **materially aid an act, practice, omission, or course of business constituting a violation of**
18 **sections 385.400 to 385.436 or a rule adopted or order issued thereunder, the director may**
19 **maintain a civil action for relief authorized under section 374.048, RSMo. A violation of**
20 **these sections is a level two violation under section 374.049, RSMo.**

385.433. The director may promulgate rules and regulations to implement the
2 **provisions of sections 385.400 to 385.436. Such rules and regulations shall include**
3 **disclosures for the benefit of the warranty holder, record keeping, and procedures for**
4 **public complaints. Any rule or portion of a rule, as that term is defined in section 536.010,**
5 **RSMo, that is created under the authority delegated in this section shall become effective**
6 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
7 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
8 **nonseverable and if any of the powers vested with the general assembly pursuant to**
9 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
10 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
11 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

385.436. Sections 385.400 to 385.436 applies to all vehicle protection products sold
2 **or offered for sale on or after January 1, 2009. The failure of any person to comply with**
3 **sections 385.400 to 385.436 prior to January 1, 2009, shall not be admissible in any court**
4 **proceeding, administrative proceeding, arbitration, or alternative dispute resolution**
5 **proceeding and may not otherwise be used to prove that the action of any person or the**
6 **affected vehicle protection product was unlawful or otherwise improper. The adoption of**
7 **sections 385.400 to 385.436 does not imply that a vehicle protection product warranty was**
8 **insurance prior to January 1, 2009. The penalty provision of sections 385.400 to 385.436**
9 **do not apply to any violation of sections 385.400 to 385.436 relating to or in connection with**
10 **the sale or failure to disclose in a retail installment contract or lease, or contract or**
11 **agreement that provides for payments under a vehicle protection product warranty so long**

12 as the sale of such product, contract, or agreement was otherwise disclosed to the
13 purchaser in writing at the time of the purchase or lease.

390.021. 1. The provisions of this section shall be applicable, notwithstanding any
2 provisions of section 390.030 to the contrary.

3 2. As used in chapter 622, RSMo, and in this section, except when the context
4 clearly requires otherwise, the following terms shall mean:

5 (1) "UCR implementing regulations", includes the regulations issued by the United
6 States Secretary of Transportation under 49 U.S.C.A. Section 13908, the rules and
7 regulations issued by the board of directors of the Unified Carrier Registration (UCR) plan
8 under 49 U.S.C.A. Section 14504a, and the administrative rules adopted by the state
9 highways and transportation commission under this section;

10 (2) "Unified Carrier Registration Act", or "UCR Act", sections 4301 to 4308 of the
11 Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe,
12 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users" or
13 "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as those sections have been and
14 periodically may be amended.

15 3. Except when the context clearly requires otherwise, the definitions of words in
16 49 U.S.C. Sections 13102, 13908, and 14504a shall apply to and determine the meaning of
17 those words as used in this section.

18 4. In carrying out and being subject to the provisions of the UCR Act, the Unified
19 Carrier Registration (UCR) agreement, the UCR implementing regulations, and this
20 section, but notwithstanding any other provisions of law to the contrary, the state highways
21 and transportation commission may:

22 (1) Submit to the proper federal authorities, amend and carry out a state plan to
23 qualify as a base-state and to participate in the UCR plan and administer the UCR
24 agreement, and take other necessary actions as the designated representative of the state
25 of Missouri so that:

26 (a) Missouri domiciled entities who must register and pay UCR registration fees are
27 not required to register and pay those fees in a base-state other than the state of Missouri;

28 (b) The state of Missouri does not forfeit UCR registration fee revenues; and

29 (c) The state of Missouri may maintain its eligibility to receive the maximum
30 allowable allocations of revenues derived under the UCR agreement;

31 (2) Administer the UCR registration of Missouri domiciled motor carriers, motor
32 private carriers, brokers, freight forwarders and leasing companies, and such persons
33 domiciled in nonparticipating states who have designated this state as their base-state
34 under the UCR Act;

35 **(3) Receive, collect, process, deposit, transfer, distribute, and refund UCR**
36 **registration fees relating to any of the persons and activities described in this section.**
37 **Notwithstanding any provisions of law to the contrary, these UCR registration fees**
38 **collected by the commission are hereby designated as "nonstate funds" within the meaning**
39 **of section 15, article IV, Constitution of Missouri, and the commission shall transmit these**
40 **funds to the state department of revenue for deposit to the credit of the state highways and**
41 **transportation department fund. The commission shall, from time to time, direct the**
42 **payment of, and the director of revenue shall pay, the fees so deposited, in accordance with**
43 **the provisions of the UCR Act, the UCR agreement, and the UCR implementing**
44 **regulations. The director of revenue shall credit all income derived from the investment**
45 **of these funds to the state highways and transportation department fund;**

46 **(4) Exercise all other powers, duties, and functions the UCR Act requires of or**
47 **allows a participating state or base-state;**

48 **(5) Promulgate administrative rules and issue specific orders relating to any of the**
49 **persons and activities described in this section. Any rule or portion of a rule, as that term**
50 **is defined in section 536.010, RSMo, that is created under the authority delegated in this**
51 **section shall become effective only if it complies with and is subject to all of the provisions**
52 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
53 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
54 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
55 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
56 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
57 **void;**

58 **(6) Enter into agreements with any agencies or officers of the United States, or of**
59 **any state that participates or intends to enter into the UCR agreement; and**

60 **(7) Delegate any or all of the powers, duties, and functions of the commission under**
61 **this section to any agent or contractor.**

62 **5. After the commission has entered into the UCR plan on behalf of this state, the**
63 **requirements in the UCR agreement shall take precedence over any conflicting**
64 **requirements under chapter 622, RSMo, or this chapter.**

65 **6. Notwithstanding any other provisions of law to the contrary, every motor**
66 **carrier, motor private carrier, broker, freight forwarder, and leasing company that has its**
67 **principal place of business within this state, and every such person who has designated this**
68 **state as the person's base-state under the provisions of the UCR Act, shall timely complete**
69 **and file with the state highways and transportation commission all the forms required by**

70 the UCR agreement and the UCR implementing regulations, and shall pay the required
71 UCR registration fees to the commission.

72 7. All powers of the commission under section 226.008, RSMo, are hereby made
73 applicable to the enforcement of this section with reference to any person subject to any
74 provision of this section. The chief counsel shall not be required to exhaust any
75 administrative remedies before commencing any enforcement actions under this section.
76 The provisions of chapter 622, RSMo, shall apply to and govern the practice and
77 procedures before the courts in those actions.

78 8. Except as required by the UCR Act, the UCR agreement, or the UCR
79 implementing regulations, the provisions of this section and the rules adopted by the
80 commission under this section shall not be construed as exempting any motor carrier, or
81 any person controlled by a motor carrier, from any of the requirements of chapter 622,
82 RSMo, or this chapter, relating to the transportation of passengers or property in
83 intrastate commerce.

390.372. 1. Notwithstanding any provision of law to the contrary, a provision,
2 clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier
3 transportation contract that purports to indemnify, defend, or hold harmless, or has the
4 effect of indemnifying, defending, or holding harmless, the promisee from or against any
5 liability for loss or damage resulting from the negligence or intentional acts or omissions
6 of the promisee is against the public policy of this state and is void and unenforceable.

7 2. For purposes of this section, the following terms mean:

8 (1) "Motor carrier transportation contract", a contract, agreement, or
9 understanding covering:

10 (a) The transportation of property for compensation or hire by the motor carrier;

11 (b) The entrance on property by the motor carrier for the purpose of loading,
12 unloading, or transporting property for compensation or hire; or

13 (c) A service incidental to activity described in paragraphs (a) and (b) of this
14 subdivision, including but not limited to, storage of property;

15

16 "Motor carrier transportation contract" shall not include the Uniform Intermodal
17 Interchange and Facilities Access Agreement administered by the Intermodal Association
18 of North America or other agreements providing for the interchange, use, or possession of
19 intermodal chassis, or other intermodal equipment;

20 (2) "Promisee", the promisee and any agents, employees, servants, or independent
21 contractors who are directly responsible to the promisee except for motor carriers party
22 to a motor carrier transportation contract with a promisee, and such motor carrier's

23 **agents, employees, servants, or independent contractors directly responsible to such motor**
24 **carrier.**

390.375. 1. A transportation property broker or freight forwarder providing
2 **truckload transportation or service using fuel not paid for by it:**

3 **(1) Shall pass through to the person responsible for paying for fuel any surcharge**
4 **provided for in transportation contracts and agreements and collected by the**
5 **transportation property broker, or freight forwarder, at the same time payment for the**
6 **truckload transportation or service is made to the person responsible for paying for fuel;**

7 **(2) Shall disclose in writing to the person responsible for paying for fuel the amount**
8 **of all fuel surcharges applicable to that truckload transportation or service and shall make**
9 **available upon inquiry the means and the method of calculation of the amount of fuel**
10 **surcharge paid to the person responsible for paying for fuel; and**

11 **(3) May not reduce, for the purpose of adjusting for or avoiding the pass-through**
12 **of the fuel surcharge, nonfuel related compensatory transportation payments to the person**
13 **responsible for paying the fuel.**

14 **2. The exclusive remedy for a person responsible for paying for fuel against the**
15 **transportation property broker or freight forwarder providing the truckload**
16 **transportation or services with a vehicle using fuel not paid for by said transportation**
17 **freight broker or freight forwarder to enforce the provisions of this section shall be to**
18 **bring civil action for declaratory or injunctive relief and actual damages in an appropriate**
19 **state court or U.S. district court solely for the failure of the transportation property broker**
20 **or freight forwarder to pay to the person responsible for paying for fuel the amount of any**
21 **surcharge required to be paid under this section. Any civil action for damages brought**
22 **under this section by a person responsible for paying for fuel shall be brought within**
23 **eighteen months after the claim accrues.**

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
3 parole officer in the first degree if such person attempts to kill or knowingly causes or attempts
4 to cause serious physical injury to a law enforcement officer [or] , emergency personnel,
5 **highway worker in a construction zone or work zone, or probation and parole officer.**

6 **2. As used in this section, "emergency personnel" means any paid or volunteer**
7 **firefighter, emergency room or trauma center personnel, or emergency medical technician as**
8 **defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.**

9 **3. As used in this section, the terms "highway worker", "construction zone", or**
10 **"work zone" shall have the same meanings as such terms are defined in section 304.580,**
11 **RSMo.**

12 **4.** Assault of a law enforcement officer, emergency personnel, **highway worker in a**
13 **construction zone or work zone**, or probation and parole officer in the first degree is a class A
14 felony.

 565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
3 parole officer in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
6 parole officer by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
8 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
9 parole officer by means other than a deadly weapon or dangerous instrument;

10 (3) Recklessly causes serious physical injury to a law enforcement officer, emergency
11 personnel, **highway worker in a construction zone or work zone**, or probation and parole
12 officer; or

13 (4) While in an intoxicated condition or under the influence of controlled substances or
14 drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence
15 to cause physical injury to a law enforcement officer, emergency personnel, **highway worker**
16 **in a construction zone or work zone**, or probation and parole officer;

17 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
18 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
19 parole officer by means of a deadly weapon or dangerous instrument;

20 (6) Purposely or recklessly places a law enforcement officer, emergency personnel,
21 **highway worker in a construction zone or work zone**, or probation and parole officer in
22 apprehension of immediate serious physical injury; or

23 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
24 injury to a law enforcement officer, emergency personnel, **highway worker in a construction**
25 **zone or work zone**, or probation and parole officer.

26 2. As used in this section, "emergency personnel" means any paid or volunteer
27 firefighter, emergency room or trauma center personnel, or emergency medical technician as
28 defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

29 3. As used in this section, the terms "**highway worker**", "**construction zone**" or
30 "**work zone**" shall have the same meaning as such terms are defined in section 304.580,
31 RSMo.

32 **4.** Assault of a law enforcement officer, emergency personnel, **highway worker in a**
33 **construction zone or work zone**, or probation and parole officer in the second degree is a class

34 B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this
35 section in which case it is a class C felony. **For any violation of subdivision (1), (3) or (4) of**
36 **subsection 1 of this section, the defendant must serve mandatory jail time as part of his or**
37 **her sentence.**

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
3 parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
6 parole officer;

7 (2) Such person purposely places a law enforcement officer, emergency personnel,
8 **highway worker in a construction zone or work zone**, or probation and parole officer in
9 apprehension of immediate physical injury;

10 (3) Such person knowingly causes or attempts to cause physical contact with a law
11 enforcement officer, emergency personnel, **highway worker in a construction zone or work**
12 **zone**, or probation and parole officer without the consent of the law enforcement officer [or] ,
13 emergency personnel, **highway worker in a construction zone or work zone, or probation**
14 **and parole officer.**

15 2. As used in this section, "emergency personnel" means any paid or volunteer
16 firefighter, emergency room or trauma center personnel, or emergency medical technician as
17 defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

18 3. **As used in this section, the terms "highway worker", "construction zone" or**
19 **"work zone" shall have the same meaning as such terms are defined in section 304.580,**
20 **RSMo.**

21 4. Assault of a law enforcement officer, emergency personnel, **highway worker in a**
22 **construction zone or work zone**, or probation and parole officer in the third degree is a class
23 A misdemeanor.

[301.3150. 1. An organization, other than an organization seeking a
2 special military license plate, that seeks authorization to establish a new specialty
3 license plate shall initially petition the department of revenue by submitting the
4 following:

5 (1) An application in a form prescribed by the director for the particular
6 specialty license plate being sought, describing the proposed specialty license
7 plate in general terms and have a sponsor of at least one current member of the
8 general assembly. The application may contain written testimony for support of
9 this specialty plate;

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

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

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

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

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

30 (2) Determine the amount of disbursements from the department of
31 revenue specialty plate fund which were made to produce the specialty plate and
32 process the two hundred applications; and

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

36 3. The state treasurer shall transfer an amount of money equal to the
37 figure provided by the director of revenue from the department of revenue
38 specialty plate fund to the state highway department fund. An unexpended
39 balance in the department of revenue specialty plate fund at the end of the
40 biennium not exceeding twenty-five thousand dollars shall be exempt from the
41 provisions of section 33.080, RSMo, relating to transfer of unexpended balances
42 to the general revenue fund.

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

47 5. The department of revenue shall give notice of any proposed specialty
48 plate in a manner reasonably calculated to advise the public of such proposal.

49 Reasonable notice shall include posting the proposal for the specialty plate on
50 the department's official public web site, and making available copies of the
51 specialty plate application to any representative of the news media or public upon
52 request and posting the application on a bulletin board or other prominent public

53 place which is easily accessible to the public and clearly designated for that
54 purpose at the principal office.

55 6. Adequate notice conforming with all the requirements of subsection
56 5 of this section shall be given not less than four weeks, exclusive of weekends
57 and holidays when the facility is closed, after the submission of the application
58 by the organization to the department of revenue. Written or electronic testimony
59 in support or opposition of the proposed specialty plate shall be submitted to the
60 department of revenue by November thirtieth of the year of filing of the original
61 proposal. All written testimony shall contain the printed name, signature,
62 address, phone number, and e-mail address, if applicable, of the individual giving
63 the testimony.

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

67 8. If the specialty license plate requested by an organization is approved
68 by the joint committee on transportation oversight, the organization shall submit
69 the proposed art design for the specialty license plate to the department as soon
70 as practicable, but no later than sixty days after the approval of the specialty
71 license plate. If the specialty license plate requested by the organization is not
72 approved by the joint committee on transportation oversight, ninety-seven percent
73 of the application fee shall be refunded to the requesting organization.

74 9. An emblem-use authorization fee may be charged by the organization
75 prior to the issuance of an approved specialty plate. The organization's specialty
76 plate proposal approved by the joint committee on transportation oversight shall
77 state what fee is required to obtain such statement and if such fee is required
78 annually or biennially, if the applicant has a two-year registration. An
79 organization applying for specialty plates shall authorize the use of its official
80 emblem to be affixed on multiyear personalized license plates within the plate
81 area prescribed by the director of revenue and as provided in this section. Any
82 contribution to the organization derived from the emblem-use contribution,
83 except reasonable administrative costs, shall be used solely for the purposes of
84 the organization. Any member of the organization or nonmember, if applicable,
85 may annually apply for the use of the emblem, if applicable.

86 10. The department shall begin production and distribution of each new
87 specialty license plate within one year after approval of the specialty license plate
88 by the joint committee on transportation oversight.

89 11. The department shall issue a specialty license plate to the owner who
90 meets the requirements for issuance of the specialty plate for any motor vehicle
91 such owner owns, either solely or jointly, other than an apportioned motor vehicle
92 or a commercial motor vehicle licensed in excess of eighteen thousand pounds
93 gross weight.

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

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

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

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

112 16. Specialty license plates shall bear a design approved by the
113 organization submitting the original application for approval by the joint
114 committee on transportation oversight. The design shall be within the plate area
115 prescribed by the director of revenue, and the designated organization's name or
116 slogan shall be in place of the words "SHOW-ME STATE". Such license plates
117 shall be made with fully reflective material with a common color scheme, shall
118 be clearly visible at night, shall have a reflective white background in the area of
119 the plate configuration, and shall be aesthetically attractive, as prescribed by
120 section 301.130 and as provided in this section. In addition to a design, the
121 specialty license plates shall be in accordance with criteria and plate design set
122 forth in this chapter.

123 17. The department is authorized to discontinue the issuance and renewal
124 of a specialty license plate if the organization has stopped providing services and
125 emblem-use authorization statements are no longer being issued by the
126 organization. Such organizations shall notify the department immediately to
127 discontinue the issuance of a specialty plate.

128 18. The organization that requested the specialty license plate shall not
129 redesign the specialty personalized license plate unless such organization pays the
130 director in advance all redesigned plate fees. All plate holders of such plates
131 must pay the replacement fees prescribed in section 301.300 for the replacement
132 of the existing specialty plate. All other applicable license plate fees in
133 accordance with this chapter shall be required.]

134
2 [301.3152. Any person or organization who has received a notice of
denial of application for development of a specialty plate may make a request to

3 the joint committee on transportation oversight within fifteen days of receipt of
4 the notice for a review of the committee's determination at a hearing before the
5 committee at a time deemed appropriate.]
6

[390.071. 1. No person shall engage in the business of a motor carrier
2 in interstate commerce on any public highway in this state unless there is in force
3 with respect to such carrier a permit issued by the division of motor carrier and
4 railroad safety authorizing such operations.

5 2. Upon application to the division in writing, containing such
6 information as the division may by rule require, accompanied by a copy of
7 applicant's certificate of public convenience and necessity or permit issued by the
8 Interstate Commerce Commission, the filing of such liability insurance policy or
9 bond and other formal documents as the division shall by rule require, the
10 division, if it finds applicant qualified, shall, with or without hearing, issue a
11 permit authorizing the proposed interstate operations.]
12

[622.095. 1. In addition to its other powers, the state highways and
2 transportation commission may negotiate and enter into fair and equitable
3 cooperative agreements or contracts with other states, the District of Columbia,
4 territories and possessions of the United States, foreign countries, and any of their
5 officials, agents or instrumentalities, to promote cooperative action and mutual
6 assistance between the participating jurisdictions with regard to the uniform
7 administration and registration, through a single base jurisdiction for each
8 registrant, of Federal Motor Carrier Safety Administration operating authority
9 and exempt operations by motor vehicles operated in interstate commerce.
10 Notwithstanding any other provision of law to the contrary, and in accordance
11 with the provisions of such agreements or contracts between participating
12 jurisdictions, the commission may:

13 (1) Delegate to other participating jurisdictions the authority and
14 responsibility to collect and pay over statutory registration, administration or
15 license fees; to receive, approve and maintain the required proof of public
16 liability insurance coverage; to receive, process, maintain and transmit
17 registration information and documentation; to issue evidence of proper
18 registration in lieu of certificates, licenses, or permits which the commission may
19 issue motor vehicle licenses or identifiers in lieu of regulatory licenses under
20 section 390.136, RSMo; and to suspend or revoke any credential, approval,
21 registration, certificate, permit, license, or identifier referred to in this section, as
22 agents on behalf of the 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 other
25 jurisdictions participating in such agreements or contracts to collect and direct the
26 department of revenue to pay over to the appropriate jurisdictions statutory
27 registration, administration or license fees, and to perform all other activities

28 described in subdivision (1) of this subsection, on its own behalf or as an agent
29 on behalf of other participating jurisdictions, with regard to motor vehicle
30 operations in interstate commerce by persons having this state as their base
31 jurisdiction;

32 (3) Establish or modify dates for the payment of fees and the issuance of
33 annual motor vehicle licenses or identifiers in conformity with such agreements
34 or contracts, notwithstanding any provisions of section 390.136, RSMo, to the
35 contrary; and

36 (4) Modify, cancel or terminate any of the agreements or contracts.

37 2. Notwithstanding the provisions of section 390.136, RSMo, statutory
38 registration, administration or license fees collected by the commission on behalf
39 of other jurisdictions under such agreements or contracts are hereby designated
40 as "nonstate funds" within the meaning of section 15, article IV, Constitution of
41 Missouri, and shall be immediately transmitted to the department of revenue of
42 the state for deposit to the credit of a special fund which is hereby created and
43 designated as the "Base State Registration Fund". The commission shall direct
44 the payment of, and the director of revenue shall pay, the fees so collected to the
45 appropriate other jurisdictions. All income derived from the investment of the
46 base state registration fund by the director of revenue shall be credited to the state
47 highways and transportation department fund.

48 3. "Base jurisdiction", as used in this section, means the jurisdiction
49 participating in such agreements or contracts where the registrant has its principal
50 place of business.

51 4. Every person who has properly registered his or her interstate
52 operating authority or exempt operations with his or her base jurisdiction and
53 maintains such registration in force in accordance with such agreements or
54 contracts is authorized to operate in interstate commerce within this state any
55 motor vehicle which is accompanied by a valid annual license or identifier issued
56 by his base jurisdiction in accordance with such agreements or contracts,
57 notwithstanding any provision of section 390.071, 390.126 or 390.136, RSMo,
58 or rules of the commission to the contrary.

59 5. Notwithstanding any provision of law to the contrary, the commission
60 may stagger and prorate the payment and collection of license fees pursuant to
61 this section for the purposes of:

62 (1) Coordinating the issuance of regulatory licenses under this section
63 with the issuance of other motor carrier credentials; and

64 (2) Complying with any federal law or regulation.]

Section B. The provisions of sections 385.400 to 385.436 of section A of this act are
2 severable. If any part of sections 385.400 to 385.436 of section A of this act is declared invalid
3 or unconstitutional, it is the intent of the legislature that the remaining portions of sections
4 385.400 to 385.436 of section A of this act shall remain in full force and effect.

Section C. The enactment of sections 385.400 to 385.436 of section A of this act shall
2 become effective on January 1, 2009.

Section D. The repeal and reenactment of sections 302.060 and 302.171, and the
2 enactment of section 302.063, of section A of this act shall become effective January 1, 2011.

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