

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 683

## 95TH GENERAL ASSEMBLY

1576L.10T

2009

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### AN ACT

To repeal sections 21.795, 32.063, 136.055, 142.800, 144.054, 144.060, 144.070, 226.030, 227.600, 227.615, 227.630, 260.750, 301.010, 301.032, 301.131, 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.350, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof seventy-seven new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and effective dates for certain sections.

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

Section A. Sections 21.795, 32.063, 136.055, 142.800, 144.054, 144.060, 144.070, 226.030, 227.600, 227.615, 227.630, 260.750, 301.010, 301.032, 301.131, 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.350, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, are repealed and seventy-seven new sections enacted in lieu thereof, to be known as sections 21.795, 32.063, 32.095, 136.055, 142.800, 144.054, 144.060, 144.070, 226.030, 227.295, 227.297, 227.310, 227.313, 227.320, 227.368, 227.402, 227.406, 227.407, 227.410, 227.600,

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.

10 227.615, 227.630, 227.646, 260.392, 260.750, 301.032, 301.010, 301.131, 301.140, 301.150,  
11 301.165, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.571, 301.716, 301.3155,  
12 302.182, 302.184, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.034,  
13 304.155, 304.170, 304.260, 304.285, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155,  
14 307.172, 307.173, 307.195, 307.198, 307.350, 307.365, 307.375, 307.390, 307.400, 311.326,  
15 387.040, 476.385, 488.006, 556.021, 565.081, 565.082, and 565.083, to read as follows:

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

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

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

34 (2) Report to and be under the general supervision of the joint committee. The joint  
35 committee on transportation oversight shall, by a majority vote, direct the inspector general to  
36 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  
78 tenth of each year to the governor, lieutenant governor, and every member of the senate and  
79 house of representatives. The report shall be posted to the department's Internet web site so that  
80 general assembly members may elect to access a copy of the report electronically. The written  
81 report 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 All expenditures made by, or on behalf of, the department for personal services including fringe  
98 benefits, all categories of expense and equipment, real estate and capital improvements shall be  
99 assigned to the categories listed in this subdivision in conformity with generally accepted  
100 government accounting principles;

101       (2) A detailed explanation of the methods or criteria employed to select construction  
102 projects, including a listing of any new or reprioritized projects not mentioned in a previous

103 report, and an explanation as to how the new or reprioritized projects meet the selection methods  
104 or criteria;

105 (3) The proposed allocation and expenditure of moneys and the proposed work plan for  
106 the current fiscal year, at least the next four years, and for any period of time expressed in any  
107 public transportation plan approved by either the general assembly or by the voters of Missouri.  
108 This proposed allocation and expenditure of moneys shall include the amounts of proposed  
109 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this  
110 subsection;

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

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

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

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

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

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

135 [4.] **3.** Prior to December first of each year, the committee shall hold an annual meeting  
136 and call before its members, officials or employees of the state highways and transportation  
137 commission or department of transportation, as determined by the committee, for the sole  
138 purpose of receiving and examining the report required pursuant to subsection [3] **2** of this

139 section. [The joint committee may also call before its members at the annual meeting, the  
140 inspector general of the joint committee on transportation oversight for purposes authorized in  
141 this section.] The committee shall not have the power to modify projects or priorities of the state  
142 highways and transportation commission or department of transportation. The committee may  
143 make recommendations to the state highways and transportation commission or the department  
144 of transportation. Disposition of those recommendations shall be reported by the commission  
145 or the department to the joint committee on transportation oversight.

146 [5.] 4. In addition to the annual meeting required by subsection [4] 3 of this section, the  
147 committee shall meet two times each year. The co-chairs of the committee shall establish an  
148 agenda for each meeting that may include, but not be limited to, the following items to be  
149 discussed with the committee members throughout the year during the scheduled meeting:

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

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

153 (3) Presentation of a status report on department of transportation revenues and  
154 expenditures, including a detailed summary of projects funded by new state revenue as provided  
155 in paragraph (a) of subdivision (1) of subsection [3] 2 of this section; **and**

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

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

159

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

163 [6.] 5. The committee shall also review [for approval or denial] all applications for the  
164 development of specialty plates submitted to it by the department of revenue. The committee  
165 shall approve such application by [unanimous] **a majority** vote. The committee shall [not]  
166 approve any application [if] **unless** the committee receives:

167 (1) A signed petition from five house members or two senators that they are opposed to  
168 the approval of the proposed license plate **and the reason for such opposition;**

169 (2) **Notification that the organization seeking authorization to establish a new**  
170 **specialty license plate has not met all the requirements of section 301.3150, RSMo;**

171 (3) **A proposed new specialty license plate containing objectionable language or**  
172 **design;**

173 (4) **A proposed license plate not meeting the requirements of any reason**  
174 **promulgated by rule.**

175 The committee shall notify the director of the department of revenue upon approval or denial of  
176 an application for the development of a specialty plate.

177 [7.] 6. The committee shall submit records of its meetings to the secretary of the senate  
178 and the chief clerk of the house of representatives in accordance with sections 610.020 and  
179 610.023, RSMo.

32.063. 1. The director of revenue[, his] **and the director's** employees or agents may  
2 accept credit cards in payment of taxes and fees. The type of credit cards accepted shall be at the  
3 discretion of the director.

4 2. In addition to other fees provided by law, the director of revenue **and the director's**  
5 **employees or agents** may set a fee to be added to each credit card transaction equal to the charge  
6 paid by the state or the taxpayer for the use of the credit card by the taxpayer. No other fees shall  
7 be imposed other than those herein authorized.

**32.095. 1. Beginning January 1, 2012, the director of the department of revenue**  
2 **may select or appoint any motor vehicle dealer, as such term is defined in chapter 301,**  
3 **RSMo, to act as an agent of the department of revenue for the purpose of titling and**  
4 **registering motor vehicles under chapter 301, RSMo. Such motor vehicle dealers shall only**  
5 **act as an agent under this section for an initial sale or lease of a motor vehicle, but shall not**  
6 **act as an agent under this section for any subsequent registration under chapter 301 or**  
7 **306, RSMo.**

8 **2. The director of revenue may promulgate rules to administer the provisions of**  
9 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
10 **that is created under the authority delegated in this section shall become effective only if**  
11 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
12 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
13 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
14 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
15 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
16 **adopted after August 28, 2009, shall be invalid and void.**

136.055. 1. Any person who is selected or appointed by the state director of revenue **as**  
2 **provided in subsection 2 of this section** to act as an agent of the department of revenue, whose  
3 duties shall be the [sale] **processing** of motor vehicle [licenses] **title and registration**  
4 **transactions** and the collection of [motor vehicle] sales and use taxes **when required** under [the  
5 provisions of section] **sections 144.070 and 144.440, RSMo,** and who receives no salary from  
6 the department of revenue, shall be authorized to collect from the party requiring such services  
7 additional fees as compensation in full and for all services rendered on the following basis:

8 (1) For each motor vehicle or trailer [license sold] **registration issued**, renewed or  
9 transferred--[two dollars and fifty cents beginning January 1, 1998; and four dollars beginning  
10 July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed  
11 pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer  
12 license sold, renewed or transferred--]three dollars and fifty cents and seven dollars for those  
13 licenses sold or biennially renewed pursuant to section 301.147, RSMo;

14 (2) For each application or transfer of title--two dollars and fifty cents [beginning  
15 January 1, 1998];

16 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's  
17 license issued for a period of three years or less--two dollars and fifty cents and five dollars for  
18 licenses or instruction permits issued or renewed for a period exceeding three years;

19 (4) For each notice of lien processed--two dollars and fifty cents [beginning August 28,  
20 2000];

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

23 **2. The director of revenue shall award fee office contracts under this section**  
24 **through a competitive bidding process. The director of the department of revenue may**  
25 **promulgate rules and regulations necessary to carry out the provisions of this subsection.**  
26 **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is**  
27 **created under the authority delegated in this subsection shall become effective only if it**  
28 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
29 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
30 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
31 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
32 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
33 **adopted after August 28, 2009, shall be invalid and void.**

34 **3. All fees collected by a tax-exempt organization may be retained and used by the**  
35 **organization.**

36 [2.] **4.** All fees charged shall not exceed those in this section. [Beginning July 1, 2003,]  
37 The fees imposed by this section shall be collected by all permanent [branch] offices and all  
38 full-time or temporary offices maintained by the department of revenue.

39 [3.] **5.** Any person acting as agent of the department of revenue for the sale and issuance  
40 of **registrations**, licenses, and other documents related to motor vehicles shall have an insurable  
41 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the  
42 department.

43 [4.] 6. [The fee increases authorized by this section and approved by the general  
44 assembly were requested by the fee agents. All fee agent offices shall display a three foot by four  
45 foot sign with black letters of at least three inches in height on a white background which states:  
46 The increased fees approved by the Missouri Legislature and charged by this fee office  
47 were requested by the fee agents.] **The fees authorized by this section shall not be collected**  
48 **by motor vehicle dealers acting as agents of the department of revenue under section**  
49 **32.095, RSMo, or those motor vehicle dealers authorized to collect and remit sales tax**  
50 **under subsection 8 of section 144.070, RSMo.**

142.800. As used in this chapter, the following words, terms and phrases have the  
2 meanings given:

3 (1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a  
4 farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising  
5 and feeding livestock and poultry; building fences; pumping water for any and all uses on the  
6 farm, including irrigation; building roads upon any farm by the owner or person farming the  
7 same; operating milking machines; sawing wood for use on a farm; producing electricity for use  
8 on a farm; movement of tractors, farm implements and nonlicensed equipment from one field  
9 to another;

10 (2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), compressed  
11 natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas  
12 or electricity product used in an internal combustion engine or motor to propel any form of  
13 vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or  
14 commercially known or sold as butane, propane, or compressed natural gas;

15 (3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating  
16 aircraft engines;

17 (4) "Blend stock", any petroleum product component of motor fuel, such as naphtha,  
18 reformat, toluene or kerosene, that can be blended for use in a motor fuel without further  
19 processing. The term includes those petroleum products presently defined by the Internal  
20 Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended.  
21 However, the term does not include any substance that:

22 (a) Will be ultimately used for consumer nonmotor fuel use; and

23 (b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the  
24 removal or sale;

25 (5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend  
26 stock, other than a de minimis amount of a product such as carburetor detergent or oxidation  
27 inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited  
28 to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

29 (6) "Blender", any person that produces blended motor fuel outside the bulk  
30 transfer/terminal system;

31 (7) "Blending", the mixing of one or more petroleum products, with or without another  
32 product, regardless of the original character of the product blended, if the product obtained by  
33 the blending is capable of use or otherwise sold for use in the generation of power for the  
34 propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the  
35 blending that occurs in the process of refining by the original refiner of crude petroleum or the  
36 blending of products known as lubricating oil and greases;

37 (8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal  
38 within the bulk transfer system and from which motor fuel may be removed by truck;

39 (9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline  
40 tender or marine delivery within the bulk transfer/terminal system;

41 (10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of  
42 refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or  
43 terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine,  
44 or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation  
45 is not in the bulk transfer/terminal system;

46 (11) "Consumer", the user of the motor fuel;

47 (12) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor  
48 vehicle or bulk storage facility;

49 (13) "Department", the department of revenue;

50 (14) "Destination state", the state, territory, or foreign country to which motor fuel is  
51 directed for delivery into a storage facility, a receptacle, a container, or a type of transportation  
52 equipment for the purpose of resale or use;

53 (15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel  
54 that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if,  
55 without further processing or blending, the liquid has practical and commercial fitness for use  
56 in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include  
57 jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel  
58 and remit taxes on its sale or use to the Internal Revenue Service. **"Diesel fuel" does not**  
59 **include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or**  
60 **B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;**

61 (16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is  
62 propelled by a diesel-powered engine;

63 (17) "Director", the director of revenue;

64 (18) "Distributor", a person who either produces, refines, blends, compounds or  
65 manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or  
66 who is engaged in distribution of motor fuel;

67 (19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United  
68 States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service  
69 rules or pursuant to any other requirements subsequently set by the United States Environmental  
70 Protection Agency or Internal Revenue Service including any invisible marker requirements;

71 (20) "Eligible purchaser", a distributor who has been authorized by the director to  
72 purchase motor fuel on a tax-deferred basis;

73 (21) "Export", to obtain motor fuel in this state for sale or other distribution outside of  
74 this state. In applying this definition, motor fuel delivered out of state by or for the seller  
75 constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser  
76 constitutes an export by the purchaser;

77 (22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state  
78 for the purpose of transporting or delivering the fuel outside of this state;

79 (23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall  
80 not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor  
81 vehicles required to be registered and licensed each year pursuant to the provisions of the motor  
82 vehicle license and registration laws of this state;

83 (24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one  
84 hundred ninety degrees (determined without regard to denaturants) and products derived from  
85 such alcohol for blending with motor fuel;

86 (25) "Fuel transportation vehicle", any vehicle designed for highway use which is also  
87 designed or used to transport motor fuels and includes transport trucks and tank wagons;

88 (26) "Gasoline", all products commonly or commercially known or sold as gasoline that  
89 are suitable for use as a motor fuel. Gasoline does not include products that have an American  
90 Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined  
91 by the "motor method";

92 (27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or  
93 pressure adjustments, in U.S. gallons;

94 (28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating  
95 or industrial processing purposes;

96 (29) "Import", to bring motor fuel into this state by any means of conveyance other than  
97 in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into  
98 this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel

99 delivered into this state from out-of-state by or for the purchaser constitutes an import by the  
100 purchaser;

101 (30) "Import verification number", the number assigned by the director with respect to  
102 a single transport truck delivery into this state from another state upon request for an assigned  
103 number by an importer or the transporter carrying motor fuel into this state for the account of an  
104 importer;

105 (31) "Importer" includes any person who is the importer of record, pursuant to federal  
106 customs law, with respect to motor fuel. If the importer of record is acting as an agent, the  
107 person for whom the agent is acting is the importer. If there is no importer of record of motor  
108 fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is  
109 the importer;

110 (32) "Indian country":

111 (a) Land held in trust by the United States of America for the benefit of a federally  
112 recognized Indian tribe or nation;

113 (b) All land within the limits of any Indian reservation under the jurisdiction of the  
114 United States government, notwithstanding the issuance of any patent, and including  
115 rights-of-way running through the reservation;

116 (c) All dependent Indian communities within the borders of the United States whether  
117 within the original or subsequently acquired territory thereof, and whether within or without the  
118 limits of a state; and

119 (d) All Indian allotments, the Indian titles to which have not been extinguished,  
120 including individual allotments held in trust by the United States or allotments owned in fee by  
121 individual Indians subject to federal law restrictions regarding disposition of said allotments and  
122 including rights-of-way running through the same. The term shall also include the definition of  
123 Indian country as found in 18 U.S.C., Section 1151;

124 (33) "Indian tribe", "tribes", or "federally recognized Indian tribe or nation", an Indian  
125 tribal entity which is recognized by the United States Bureau of Indian Affairs as having a special  
126 relationship with the United States. The term shall also include the definition of a tribe as  
127 defined in 25 U.S.C., Section 479a;

128 (34) "Interstate motor fuel user", any person who operates a motor fuel-powered motor  
129 vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this  
130 state into another state or from another state into this state;

131 (35) "Invoiced gallons", the gallons actually billed on an invoice for payment to a  
132 supplier which shall be either gross or net gallons on the original manifest or bill of lading;

- 133 (36) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty  
134 degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred  
135 degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;
- 136 (37) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier  
137 than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three  
138 hundred degrees Celsius;
- 139 (38) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at  
140 a pressure of fourteen and seven-tenths pounds per square inch absolute;
- 141 (39) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;
- 142 (40) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or  
143 self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term  
144 does not include:
- 145 (a) Farm tractors or machinery including tractors and machinery designed for off-road  
146 use but capable of movement on roads at low speeds, or
- 147 (b) A vehicle solely operated on rails;
- 148 (41) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a  
149 temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per  
150 square inch absolute (psi);
- 151 (42) "Permissive supplier", an out-of-state supplier that elects, but is not required, to  
152 have a supplier's license pursuant to this chapter;
- 153 (43) "Person", natural persons, individuals, partnerships, firms, associations,  
154 corporations, estates, trustees, business trusts, syndicates, this state, any county, city,  
155 municipality, school district or other political subdivision of the state, federally recognized  
156 Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any  
157 state or federal court;
- 158 (44) "Position holder", the person who holds the inventory position in motor fuel in a  
159 terminal, as reflected on the records of the terminal operator. A person holds the inventory  
160 position in motor fuel when that person has a contract with the terminal operator for the use of  
161 storage facilities and terminating services for motor fuel at the terminal. The term includes a  
162 terminal operator who owns motor fuel in the terminal;
- 163 (45) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;
- 164 (46) "Public highway", every road, toll road, highway, street, way or place generally open  
165 to the use of the public as a matter of right for the purposes of vehicular travel, including streets  
166 and alleys of any town or city notwithstanding that the same may be temporarily closed for  
167 construction, reconstruction, maintenance or repair;

- 168 (47) "Qualified terminal", a terminal which has been assigned a terminal control number  
169 ("tcn") by the Internal Revenue Service;
- 170 (48) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a  
171 railroad tank car, a transport truck or other means of bulk transfer outside of the bulk  
172 transfer/terminal system;
- 173 (49) "Refiner", any person that owns, operates, or otherwise controls a refinery;
- 174 (50) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils,  
175 natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by  
176 pipeline, by boat or barge, or at a rack;
- 177 (51) "Removal", any physical transfer of motor fuel from a terminal, manufacturing  
178 plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;
- 179 (52) "Retailer", a person that engages in the business of selling or dispensing to the  
180 consumer within this state;
- 181 (53) "Supplier", a person that is:
- 182 (a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for  
183 transactions in motor fuels in the bulk transfer/terminal distribution system; and
- 184 (b) One or more of the following:
- 185 a. The position holder in a terminal or refinery in this state;
- 186 b. Imports motor fuel into this state from a foreign country;
- 187 c. Acquires motor fuel from a terminal or refinery in this state from a position holder  
188 pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as  
189 an exchange and appears on the records of the terminal operator; or
- 190 d. The position holder in a terminal or refinery outside this state with respect to motor  
191 fuel which that person imports into this state. A terminal operator shall not be considered a  
192 supplier based solely on the fact that the terminal operator handles motor fuel consigned to it  
193 within a terminal. "Supplier" also means a person that produces fuel grade alcohol or  
194 alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative  
195 substances for import to this state into a terminal, or acquires upon import by truck, rail car or  
196 barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes  
197 a permissive supplier unless specifically provided otherwise;
- 198 (54) "Tank wagon", a straight truck having multiple compartments designed or used to  
199 carry motor fuel;
- 200 (55) "Terminal", a bulk storage and distribution facility which includes:
- 201 (a) For the purposes of motor fuel, is a qualified terminal;
- 202 (b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or  
203 pipeline and the products are removed at a rack;

- 204 (56) "Terminal bulk transfers" include but are not limited to the following:  
205 (a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;  
206 (b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;  
207 (c) Book transfers of product within a terminal between suppliers prior to completion  
208 of removal across the rack; and  
209 (d) Two-party exchanges or buy-sell supply arrangements within a terminal between  
210 licensed suppliers;
- 211 (57) "Terminal operator", any person that owns, operates, or otherwise controls a  
212 terminal. A terminal operator may own the motor fuel that is transferred through or stored in the  
213 terminal;
- 214 (58) "Transmix", the buffer or interface between two different products in a pipeline  
215 shipment, or a mix of two different products within a refinery or terminal that results in an  
216 off-grade mixture;
- 217 (59) "Transport truck", a semitrailer combination rig designed or used to transport motor  
218 fuel over the highways;
- 219 (60) "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged  
220 in the business of transporting motor fuels;
- 221 (61) "Two-party exchange", a transaction in which the motor fuel is transferred from one  
222 licensed supplier or licensed permissive supplier to another licensed supplier or licensed  
223 permissive supplier and:
- 224 (a) Which transaction includes a transfer from the person that holds the original  
225 inventory position for motor fuel in the terminal as reflected on the records of the terminal  
226 operator; and  
227 (b) The exchange transaction is simultaneous with removal from the terminal by the  
228 receiving exchange partner. However, in any event, the terminal operator in its books and  
229 records treats the receiving exchange party as the supplier which removes the product across a  
230 terminal rack for purposes of reporting such events to this state;
- 231 (62) "Ultimate vendor", a person that sells motor fuel to the consumer;
- 232 (63) "Undyed diesel fuel", diesel fuel that is not subject to the United States  
233 Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with  
234 Internal Revenue Service fuel dyeing provisions; and
- 235 (64) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied  
236 for the propulsion of the motor vehicle.

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 **private partner for use in completing a project under sections 227.600 to 227.669, RSMo.**

144.060. It shall be the duty of every person making any purchase or receiving any  
2 service upon which a tax is imposed by sections 144.010 to 144.510 to pay, to the extent possible  
3 under the provisions of section 144.285, the amount of such tax to the person making such sale  
4 or rendering such service[;]. Any person who shall willfully and intentionally refuse to pay such  
5 tax shall be guilty of a misdemeanor[; provided, however, that]. The provisions of this section  
6 shall not apply to any person making any purchase or sale of a motor vehicle subject to sales tax  
7 as provided by the Missouri sales tax law, **unless such person making the sale is a motor**  
8 **vehicle dealer authorized to collect and remit sales tax pursuant to subsection 8 of section**  
9 **144.070.**

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or  
2 outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales  
3 tax law makes application to the director of revenue for an official certificate of title and the  
4 registration of the [automobile] **motor vehicle**, trailer, boat, or outboard motor as otherwise  
5 provided by law, [he] **the owner** shall present to the director of revenue evidence satisfactory  
6 to the director of revenue showing the purchase price exclusive of any charge incident to the  
7 extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle,  
8 trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales  
9 tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of  
10 revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees  
11 now or hereafter required according to law, and the director of revenue shall not issue a  
12 certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to  
13 sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same  
14 under sections 144.010 to 144.510 has been paid as [herein] provided **in this section** or is  
15 registered under the provisions of subsection 5 of this section.

16 2. As used [above] **in subsection 1 of this section**, the term "purchase price" shall mean  
17 the total amount of the contract price agreed upon between the seller and the applicant in the  
18 acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of  
19 payment therefor.

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

23 4. The director of the department of revenue shall endorse upon the official certificate  
24 of title issued by [him] **the director** upon such application an entry showing that such sales tax  
25 has been paid or that the **motor** vehicle, trailer, boat, or outboard motor represented by such  
26 certificate is exempt from sales tax and state the ground for such exemption.

27           5. Any person, company, or corporation engaged in the business of renting or leasing  
28 motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental  
29 or lease purposes, and not for resale, may apply to the director of revenue for authority to operate  
30 as a leasing company. Any company approved by the director of revenue may pay the tax due  
31 on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time  
32 of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010,  
33 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company  
34 which does not exercise the option of paying in accordance with section 144.020, on the amount  
35 charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard  
36 motor is domiciled in this state. Any motor vehicle, **trailer**, boat, or outboard motor which is  
37 leased as the result of a contract executed in this state shall be presumed to be domiciled in this  
38 state.

39           6. Any corporation may have one or more of its divisions separately apply to the director  
40 of revenue for authorization to operate as a leasing company, provided that the corporation:

41           (1) Has filed a written consent with the director authorizing any of its divisions to apply  
42 for such authority;

43           (2) Is authorized to do business in Missouri;

44           (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from  
45 one of its divisions to another of its divisions as a sale at retail within the meaning of subdivision  
46 (9) of subsection 1 of section 144.010;

47           (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230,  
48 RSMo, each of its divisions doing business in Missouri as a leasing company; and

49           (5) Operates each of its divisions on a basis separate from each of its other divisions.  
50 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a  
51 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to  
52 sections 301.550 to [301.575] **301.573**, RSMo, the provisions in subdivision (3) of this  
53 subsection shall not apply.

54           7. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge  
55 and collect sales tax as provided [hereinabove] **in this section**, [he] **the owner** shall make  
56 application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or  
57 outboard motor leasing company. The director of revenue shall promulgate rules and regulations  
58 determining the qualifications of such a company, and the method of collection and reporting of  
59 sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles,  
60 trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard  
61 motor leasing companies under the provisions of subsection 5 of this section, and no motor  
62 vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing

63 company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all **motor**  
64 vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

65 **8. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560,**  
66 **RSMo, engaged in the business of selling motor vehicles or trailers may apply to the**  
67 **director of revenue for authority to collect and remit the sales tax required under this**  
68 **section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer**  
69 **receiving authority to collect and remit the tax is subject to all provisions under sections**  
70 **144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes**  
71 **on motor vehicles under this subsection shall be entitled to deduct and retain an amount**  
72 **equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any**  
73 **amount of the tax collected under this subsection that is retained by a motor vehicle dealer**  
74 **pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues**  
75 **from the general revenue fund or any other state fund be utilized to compensate motor**  
76 **vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In**  
77 **the event this subsection or any portion thereof is held to violate article IV, section 30(b)**  
78 **of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and**  
79 **remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek**  
80 **compensation from the state of Missouri or its agencies if a court of competent jurisdiction**  
81 **declares that the retention of two percent of the motor vehicle sales tax is unconstitutional**  
82 **and orders the return of such revenues.**

226.030. 1. The highways and transportation commission shall consist of six members,  
2 who shall be appointed by the governor, by and with the advice and consent of the senate, not  
3 more than three thereof to be members of the same political party. Each commissioner shall be  
4 a taxpayer and resident of state for at least five years prior to his appointment. Any  
5 commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of  
6 duty, or misconduct in office. Commissioners appointed pursuant to this section shall be  
7 appointed for terms of six years, except as otherwise provided in this subsection. Upon the  
8 expiration of each of the foregoing terms of these commissioners a successor shall be appointed  
9 for a term of six years or until his successor is appointed and qualified which term of six years  
10 shall thereafter be the length of term of each member of the commission unless removed as  
11 above provided. The members of the commission shall receive as compensation for their  
12 services twenty-five dollars per day for the time spent in the performance of their official duties,  
13 and also their necessary traveling and other expenses incurred while actually engaged in the  
14 discharge of their official duties. Members whose terms otherwise expire December 1, 2003,  
15 shall serve with terms expiring March 1, 2004, and new members or the members reappointed  
16 shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires  
17 December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term

18 otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and one  
19 member whose term otherwise expires October 13, 2007, shall serve with a term expiring March  
20 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a  
21 term expiring March 1, 2009. If a vacancy occurs in any term of a commissioner due to death,  
22 resignation, or removal, a successor shall be appointed for only the remainder of the unexpired  
23 term.

24         2. The two members of the commission, one each from opposing political parties, who  
25 have the most seniority in commission service shall serve as commission leadership with one  
26 member as chair and the other member as vice chair, respectively, for terms ending March 1,  
27 2005. The commission shall elect one of the members as chair and the other as vice chair.  
28 Effective March 1, 2005, the commission shall elect the two members of the commission, one  
29 from each opposing political party who has the most seniority in commission service, who shall  
30 serve as commission leadership with one member as chair and the other member as vice chair,  
31 respectively, for one year. At the end of such year, the [member] **members** currently serving as  
32 chair [shall then serve as] **and** vice chair **shall have the option to rotate positions**, and the  
33 member currently serving as vice chair [shall] **may** serve as chair, [each to serve in such position  
34 for one year] **and vice versa**. Thereafter, commission leadership shall continue to rotate  
35 accordingly with the two members from opposing political parties who have the most seniority  
36 in terms of commission service being elected by the commission to serve as commission  
37 leadership. If one of the commission leadership offices becomes vacant due to death,  
38 resignation, removal, or refuses to serve before the one-year leadership term expires, the  
39 commission shall elect one of its members that is of the same political party as the vacating  
40 officer to serve the remainder of the vacating officer's leadership term. Such election shall not  
41 prohibit that member from later serving as chair and vice chair when such member's seniority  
42 in commission service qualifies him or her for those offices as provided in this subsection.

43         3. No more than one-half of the members of the commission shall be of the same  
44 political party. The selection and removal of all employees of the department of transportation  
45 shall be without regard to political affiliation.

46         4. The present members of the commission shall continue to serve as members of the  
47 commission for the remainder of the terms for which they were appointed, except as provided  
48 in subsection 1 of this section.

49         5. [The director of the department of transportation shall, by February fifteenth of each  
50 year, present an annual state of the state of transportation to a joint session of the general  
51 assembly. The six members of the commission shall be present and available at such  
52 presentations for questions by members. The transportation inspector general may also be  
53 present and report to the general assembly on any matter of concern within his or her statutory  
54 authority. The provisions of this subsection shall expire August 28, 2008.

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

**227.295. 1. The department of transportation shall establish and administer a  
2 drunk driving risk reduction awareness program. The provisions of this section shall be  
3 known as "David's Law". The signs shall be placed upon the state highways in accordance  
4 with this section, placement guidelines adopted by the department, and any applicable  
5 federal limitations or conditions on highway signage, including location and spacing.**

**6           2. The department shall adopt, by rules and regulations, program guidelines for  
7 the application for and placement of signs authorized by this section, including, but not  
8 limited to, the sign application and qualification process, the procedure for the dedication  
9 of signs, and procedures for the replacement or restoration of any signs that are damaged  
10 or stolen. The department shall also establish by rule, application procedures and methods  
11 for proving eligibility for the program.**

**12           3. Any person may apply to the department of transportation to sponsor a drunk  
13 driving victim memorial sign in memory of an immediate family member who died as a  
14 result of a motor vehicle accident caused by a person who was shown to have been  
15 operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was  
16 committing an intoxication-related traffic offense at the time of the accident. Upon the  
17 request of an immediate family member of the deceased victim involved in a drunk driving  
18 accident, the department shall place a sign in accordance with this section. A person who  
19 is not a member of the immediate family may also submit a request to have a sign placed  
20 under this section if that person also submits the written consent of an immediate family  
21 member. The department shall charge the sponsoring party a fee to cover the  
22 department's cost in designing, constructing, placing, and maintaining that sign, and the  
23 department's costs in administering this section. Signs erected under this section shall  
24 remain in place for a period of ten years. After the expiration of the ten-year period, the  
25 department shall remove the sign unless the sponsoring party remits to the department of  
26 transportation a ten-year renewable fee to cover maintenance costs associated with the  
27 sign.**

**28           4. The signs shall feature the words "Drunk Driving Victim!", the initials of the  
29 victim, the month and year in which the victim of the drunk driving accident was killed,  
30 and the phrase "Think About It!". The overall design of the sign, including size, color, and  
31 lettering, shall conform to the guidelines and regulations established by the department.  
32 The signs shall be placed near the scene of the accident.**

**33           5. No person, other than a department of transportation employee or the  
34 department's designee, may erect a drunk driving victim memorial sign.**

35           **6. As used in this section, the term "immediate family member" shall mean spouse,**  
36 **child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or**  
37 **stepfather.**

38           **7. The department shall adopt rules and regulations to implement and administer**  
39 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**  
40 **section 536.010, RSMo, that is created under the authority delegated in this section shall**  
41 **become effective only if it complies with and is subject to all of the provisions of chapter**  
42 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**  
43 **RSMo, are nonseverable and if any of the powers vested with the general assembly**  
44 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**  
45 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
46 **authority and any rule proposed or adopted after August 28, 2009, shall be invalid and**  
47 **void.**

**227.297. 1. This section establishes an interstate interchange designation program,**  
2 **to be known as the "Heroes Way Interstate Interchange Designation Program", to honor**  
3 **the fallen Missouri heroes who have been killed in action while performing active military**  
4 **duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001. The**  
5 **signs shall be placed upon the interstate interchanges in accordance with this section, and**  
6 **any applicable federal limitations or conditions on highway signage, including location and**  
7 **spacing.**

8           **2. Any person who is related by marriage, adoption, or consanguinity within the**  
9 **second degree to a member of the United States armed forces who was killed in action**  
10 **while performing active military duty with the armed forces in Afghanistan or Iraq on or**  
11 **after September 11, 2001, and who was a resident of this state at the time he or she was**  
12 **killed in action, may apply for an interstate interchange designation under the provisions**  
13 **of this section.**

14           **3. Any person described under subsection 2 of this section who desires to have an**  
15 **interstate interchange designated after his or her family member shall petition the**  
16 **department of transportation by submitting the following:**

17           **(1) An application in a form prescribed by the director, describing the interstate**  
18 **interchange for which the designation is sought and the proposed name of the interstate**  
19 **interchange. The application shall include the name of at least one current member of the**  
20 **general assembly who will sponsor the interstate interchange designation. The application**  
21 **may contain written testimony for support of the interstate interchange designation;**

22           **(2) Proof that the family member killed in action was a member of the United States**  
23 **armed forces and proof that such family member was in fact killed in action while**

24 performing active military duty with the United States armed forces in Afghanistan or Iraq  
25 on or after September 11, 2001;

26 (3) By signing a form provided by the Missouri transportation department, the  
27 applicant shall certify that the applicant is related by marriage, adoption, or consanguinity  
28 within the second degree to the member of the United States armed forces who was killed  
29 in action; and

30 (4) A fee to be determined by the commission to cover the costs of constructing and  
31 maintaining the proposed interstate interchange signs. The fee shall not exceed the cost  
32 of constructing and maintaining each sign.

33 4. All moneys received by the department of transportation for the construction  
34 and maintenance of an interstate interchange signs shall be deposited in the state treasury  
35 to the credit of the state road fund.

36 5. The documents and fees required under this section shall be submitted to the  
37 department of transportation.

38 6. The department of transportation shall submit for approval or disapproval all  
39 applications for interstate interchange designations to the joint committee on  
40 transportation oversight. The joint committee on transportation oversight may review  
41 such applications at any scheduled meeting convened pursuant to section 21.795, RSMo.  
42 If satisfied with the application and all its contents, the committee shall approve the  
43 application. The committee shall notify the department of transportation upon the  
44 approval or denial of an application for an interstate interchange designation.

45 7. The department of transportation shall give notice of any proposed interstate  
46 interchange designation under this section in a manner reasonably calculated to advise the  
47 public of such proposal. Reasonable notice shall include posting the proposal for the  
48 designation on the department's official public web site and making available copies of the  
49 sign designation application to any representative of the news media or public upon  
50 request and posting the application on a bulletin board or other prominent public place  
51 which is easily accessible to the public and clearly designated for that purpose at the  
52 principal office.

53 8. If the memorial interstate interchange designation request is not approved by the  
54 joint committee on transportation oversight, ninety-seven percent of the application fee  
55 shall be refunded to the applicant.

56 9. Two signs shall be erected for each interstate interchange designation processed  
57 under this section.

58 10. No interstate interchange may be named or designated after more than one  
59 member of the United States armed forces killed in action. Such person shall only be  
60 eligible for one interstate interchange designation under the provisions of this section.

61           **11. Any highway signs erected for any interstate interchange designation under the**  
62 **provisions of this section shall be erected and maintained for a twenty-year period. After**  
63 **such period, the signs shall be subject to removal by the department of transportation and**  
64 **the interstate interchange may be designated to honor persons other than the current**  
65 **designee. An existing interstate interchange designation processed under the provisions**  
66 **of this section may be retained for additional twenty-year increments if, at least one year**  
67 **before the designation's expiration, an application to the department of transportation is**  
68 **made to retain the designation along with the required documents and all applicable fees**  
69 **required under this section.**

**227.310. The portion of Missouri highway 100 located in Franklin County, from**  
2 **its intersection with Missouri highway 47, to the highway's connection with Interstate 44,**  
3 **shall be designated as the "Veterans Memorial Highway". The department of**  
4 **transportation shall erect and maintain appropriate signs designating such highway, with**  
5 **the costs for such designation to be paid for by the city of Washington.**

**227.313. The portion of Missouri Highway 266 located in Greene County from**  
2 **North Missouri Road AB to 1 mile east, shall be designated as the "Dr. Martin Luther**  
3 **King Jr. Memorial Mile". The department of transportation shall erect and maintain**  
4 **appropriate signs designating such highway, with the costs for such designation to be paid**  
5 **for by private donations.**

**227.320. The portion of the state highway system which was designated as Highway**  
2 **47 as of January 1, 2009, within the limits of the city of Washington shall be designated and**  
3 **known as "Franklin Street" and shall not be designated as a numbered state highway.**

**227.368. The bridge crossing over Interstate 44 on Business Loop 44 at exit 127 in**  
2 **Laclede County shall be designated the "Specialist James M. Finley Memorial Bridge".**  
3 **The department of transportation shall erect and maintain appropriate signs designating**  
4 **such highway. The costs of such designation shall be paid for by private donations.**

**227.402. The Highway 17 bridge crossing over the Gasconade River in Pulaski**  
2 **County shall be designated the "WWII Okinawa Veterans Memorial Bridge". The**  
3 **department of transportation shall erect and maintain appropriate signs designating such**  
4 **highway, with the costs to be paid for by private donations.**

**227.406. The portion of U.S. Highway 69, from the southern city limits of Cameron**  
2 **to its intersection with Interstate 35, shall be designated the "CW2 Matthew G. Kelley**  
3 **Memorial Highway". The department of transportation shall erect and maintain**  
4 **appropriate signs designating such highway, with the costs to be paid for by private**  
5 **donations.**

**227.407. Interstate 435 from mile marker 63.4 to mile marker 54.2 shall be**  
2 **designated the "Lamar Hunt Memorial Highway". The department of transportation shall**

3 **erect and maintain appropriate signs designating such highway, with the costs to be paid**  
4 **for by private donations.**

227.410. **The portion of U.S. highway 160 in Greene County from the intersection**  
2 **of Farm Road 142 to the intersection of West Sunshine Street shall be designated the**  
3 **"Rabbi Abraham Joshua Heschel Memorial Highway". The department of transportation**  
4 **shall erect and maintain appropriate signs designating such highway, with the costs for**  
5 **such designation to be paid for by private donation.**

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] **exclusively includes any pipeline, ferry, river port, airport,**

31 **railroad, light rail or other mass transit facility, to be financed, developed, and/or operated**  
32 **under agreement between the commission and a private partner. Any project not**  
33 **specifically included in this subdivision shall not be financed, developed, or operated by**  
34 **a private partner until such project is approved by a vote of the people;**

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

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) **"State transportation system", the state system of nonhighway transportation**  
53 **programs, including, but not limited to aviation, transit and mass transportation, railroads,**  
54 **ports, waterborne commerce, freight and intermodal connections;**

55 (16) "User fees", tolls, fees, or other charges authorized to be imposed by the  
56 commission and collected by the private partner for the use of all or a portion of a project under  
57 a comprehensive agreement.

227.615. **1.** The commission may by commission minute **preliminarily** approve the  
2 project if the commission determines the project will improve and is a needed addition to the  
3 [state highway system] **state transportation system.**

4 **2.** After a project has been **preliminarily approved by the commission pursuant to**  
5 **subsection 1 of this section, the commission shall submit the proposed project to the joint**  
6 **committee on transportation oversight, as established in section 21.795, RSMo, for final**  
7 **approval. The joint committee shall approve such project submission by a majority vote.**

8 **3.** Any private partner who has had a project request disapproved by the joint  
9 committee on transportation oversight may, within fifteen days of the committee's  
10 disapproval, request a hearing before the committee to review the committee's

11 **determination. Such request shall be made in writing. Within thirty days after receipt of**  
12 **the written request, the joint committee shall grant a hearing and set a date therefor.**

227.630. The private partner shall have the following powers:

2 (1) To contract with a federal agency, a state or its agencies and political subdivisions,  
3 the commission, a local or regional transportation authority, a corporation, a partnership, or any  
4 person to finance, develop, and/or operate the project;

5 (2) To lease or acquire any right to use or finance, develop, and/or operate the project  
6 with the length of any term to be established in the comprehensive agreement;

7 (3) **Upon completion of the project**, to collect user fees in connection with the use of  
8 the project by the traveling public **or the direct beneficiaries of the project. The private**  
9 **partner, however, shall not have the authority to collect user fees in connection with the**  
10 **use of the project from motor carriers. As used in this subdivision, the term "motor**  
11 **carrier" shall mean any person engaged in the transportation of property, passengers, or**  
12 **both, for compensation or hire, over the public roads of this state by motor vehicle. The**  
13 **term motor carrier shall include common carriers, private carriers, interstate carriers, and**  
14 **intrastate carriers.** The collection and enforcement of such user fees shall be consistent with  
15 sections 227.660 and 227.666;

16 (4) To borrow money for project purposes at such rates or interest as the private partner  
17 may determine; and

18 (5) Any other powers delegated to such private partner in the comprehensive agreement  
19 with the commission.

**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.**

**260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:**

2 (1) **"Cask"**, all the components and systems associated with the container in which  
3 spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic  
4 radioactive waste are stored;

5 (2) **"Shipper"**, the generator, owner, or company contracting for transportation  
6 by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled  
7 quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

8 (3) **"High-level radioactive waste"**, the highly radioactive material resulting from  
9 the reprocessing of spent nuclear fuel including liquid waste produced directly in  
10 reprocessing and any solid material derived from such liquid waste that contains fission  
11 products in sufficient concentrations, and other highly radioactive material that the United  
12 States Nuclear Regulatory Commission has determined to be high-level radioactive waste  
13 requiring permanent isolation;

14           (4) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as  
15 amended, a quantity of radioactive material within a single package. Highway route  
16 controlled quantity shipments of thirty miles or less within the state are exempt from the  
17 provisions of this section;

18           (5) "Low-level radioactive waste", any radioactive waste not classified as high-level  
19 radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States  
20 Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed  
21 sources meeting the definition of low-level radioactive waste, shipments of low-level  
22 radioactive waste that are within a radius of no more than fifty miles from the point of  
23 origin, and all naturally occurring radioactive material given written approval for landfill  
24 disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are  
25 exempt from the provisions of this section. Any low-level radioactive waste that has a  
26 radioactive half-life equal to or less than one hundred twenty days is exempt from the  
27 provisions of this section;

28           (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor  
29 following irradiation, the constituent elements of which have not been separated by  
30 reprocessing;

31           (7) "State-funded institutions of higher education", any campus of any university  
32 within the state of Missouri that receives state funding and has a nuclear research reactor;

33           (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended,  
34 as waste containing more than one hundred nanocuries of alpha-emitting transuranic  
35 isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of  
36 this section, transuranic waste shall not include:

37           (a) High-level radioactive wastes;

38           (b) Any waste determined by the Environmental Protection Agency with the  
39 concurrence of the Environmental Protection Agency administrator, that does not need the  
40 degree of isolation required by this section; or

41           (c) Any waste that the United States Nuclear Regulatory Commission has approved  
42 for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

43           2. Any shipper that ships high-level radioactive waste, transuranic radioactive  
44 waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level  
45 radioactive waste through or within the state shall be subject to the fees established in this  
46 subsection, provided that no state-funded institution of higher education that ships nuclear  
47 waste shall pay any such fee. These higher education institutions shall reimburse the  
48 Missouri state highway patrol directly for all costs related to shipment escorts. The fees  
49 for all other shipments shall be:

50           (1) One thousand eight hundred dollars for each cask transported through or  
51 within the state by truck of high-level radioactive waste, transuranic radioactive waste,  
52 spent nuclear fuel or highway route controlled quantity shipments. All casks of high-level  
53 radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route  
54 controlled quantity shipments transported by truck are subject to a surcharge of twenty-  
55 five dollars per mile for every mile over two hundred miles traveled within the state;

56           (2) One thousand three hundred dollars for the first cask and one hundred twenty-  
57 five dollars for each additional cask for each rail shipment through or within the state of  
58 high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

59           (3) One hundred twenty-five dollars for each truck or train transporting low-level  
60 radioactive waste through or within the state. The department of natural resources may  
61 accept an annual shipment fee as negotiated with a shipper or accept payment per  
62 shipment.

63           3. All revenue generated from the fees established in subsection 2 of this section  
64 shall be deposited into the environmental radiation monitoring fund established in section  
65 260.750 and shall be used by the department of natural resources to achieve the following  
66 objectives and for purposes related to the shipment of high-level radioactive waste,  
67 transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear  
68 fuel, or low-level radioactive waste, including, but not limited to:

69           (1) Inspections, escorts, and security for waste shipment and planning;

70           (2) Coordination of emergency response capability;

71           (3) Education and training of state, county, and local emergency responders;

72           (4) Purchase and maintenance of necessary equipment and supplies for state,  
73 county, and local emergency responders through grants or other funding mechanisms;

74           (5) Emergency responses to any transportation incident involving the high-level  
75 radioactive waste, transuranic radioactive waste, highway route controlled quantity  
76 shipments, spent nuclear fuel, or low-level radioactive waste;

77           (6) Oversight of any environmental remediation necessary resulting from an  
78 incident involving a shipment of high-level radioactive waste, transuranic radioactive  
79 waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level  
80 radioactive waste. Reimbursement for oversight of any such incident shall not reduce or  
81 eliminate the liability of any party responsible for the incident; such party may be liable  
82 for full reimbursement to the state or payment of any other costs associated with the  
83 cleanup of contamination related to a transportation incident;

84           (7) Administrative costs attributable to the state agencies which are incurred  
85 through their involvement as it relates to the shipment of high-level radioactive waste,

86 **transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear**  
87 **fuel, or low-level radioactive waste through or within the state.**

88 **4. Nothing in this section shall preclude any other state agency from receiving**  
89 **reimbursement from the department of natural resources and the environmental radiation**  
90 **monitoring fund for services rendered that achieve the objectives and comply with the**  
91 **provisions of this section.**

92 **5. Any unencumbered balance in the environmental radiation monitoring fund that**  
93 **exceeds three hundred thousand dollars in any given fiscal year shall be returned to**  
94 **shippers on a pro rata basis, based on the shipper's contribution into the environmental**  
95 **radiation monitoring fund for that fiscal year.**

96 **6. The department of natural resources, in coordination with the department of**  
97 **health and senior services and the department of public safety, may promulgate rules**  
98 **necessary to carry out the provisions of this section. Any rule or portion of a rule, as that**  
99 **term is defined in section 536.010, RSMo, that is created under the authority delegated in**  
100 **this section shall become effective only if it complies with and is subject to all of the**  
101 **provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section**  
102 **and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**  
103 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**  
104 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
105 **rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be**  
106 **invalid and void.**

107 **7. All funds deposited in the environmental radiation monitoring fund through fees**  
108 **established in subsection 2 of this section shall be utilized, subject to appropriation by the**  
109 **general assembly, for the administration and enforcement of this section by the department**  
110 **of natural resources. All interest earned by the monies in the fund shall accrue to the fund.**

111 **8. All fees shall be paid to the department of natural resources prior to shipment.**

112 **9. Notice of any shipment of high-level radioactive waste, transuranic radioactive**  
113 **waste, highway route controlled quantity shipments, or spent nuclear fuel through or**  
114 **within the state shall be provided by the shipper to the governor's designee for advanced**  
115 **notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment**  
116 **entering the state. Notice of any shipment of low-level radioactive waste through or within**  
117 **the state shall be provided by the shipper to the Missouri department of natural resources**  
118 **before such shipment enters the state.**

119 **10. Any shipper who fails to pay a fee assessed under this section, or fails to provide**  
120 **notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times**  
121 **the amount assessed and not paid. The action shall be brought by the attorney general at**  
122 **the request of the department of natural resources. If the action involves a facility**

123 domiciled in the state, the action shall be brought in the circuit court of the county in which  
124 the facility is located. If the action does not involve a facility domiciled in the state, the  
125 action shall be brought in the circuit court of Cole county.

126 **11. Beginning on December 31, 2009, and every two years thereafter, the**  
127 **department of natural resources shall prepare and submit a report on activities of the**  
128 **environmental radiation monitoring fund to the general assembly. This report shall**  
129 **include information on fee income received and expenditures made by the state to enforce**  
130 **and administer the provisions of this section.**

131 **12. The provisions of this section shall not apply to high-level radioactive waste,**  
132 **transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear**  
133 **fuel, or low-level radioactive waste shipped by or for the federal government for military**  
134 **or national defense purposes.**

135 **13. Under section 23.253, RSMo, of the Missouri sunset act:**

136 **(1) The provisions of the new program authorized under this section shall**  
137 **automatically sunset six years after the effective date of this section unless reauthorized by**  
138 **an act of the general assembly; and**

139 **(2) If such program is reauthorized, the program authorized under this section**  
140 **shall automatically sunset twelve years after the effective date of the reauthorization of this**  
141 **section; and**

142 **(3) This section shall terminate on September first of the calendar year immediately**  
143 **following the calendar year in which the program authorized under this section is sunset.**

260.750. 1. The department of natural resources shall develop an environmental  
2 radiation monitoring program for the purpose of monitoring radioactivity in air, water, soil, plant  
3 and animal life as necessary to insure the protection of the public health and safety of the  
4 environment from radiation hazards.

5 2. There is hereby created within the state treasury an "Environmental Radiation  
6 Monitoring Fund". In addition to general revenue, the department of natural resources is  
7 authorized to accept and shall deposit in said fund all gifts, bequests, donations, or other moneys,  
8 equipment, supplies, or services from any state, interstate or federal agency, or from any  
9 institution, person, firm, or corporation, public or private **as well as fees collected under**  
10 **subsection 2 of section 260.392.** This fund shall be used for the environmental radiation  
11 monitoring program established in this section **and to administer and enforce the provisions**  
12 **of section 260.392.**

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 **five hundred** pounds or less, traveling on three, four or more [low pressure] **non-**  
6 **highway** tires, with a seat designed to be straddled by the operator, or with a seat designed to  
7 carry more than one person, and 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) **"Recreational off-highway vehicle", any motorized vehicle manufactured and**  
169 **used exclusively for off-highway use which is sixty inches or less in width, with an unladen**  
170 **dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more**  
171 **nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to**  
172 **ATV trails;**

173 (49) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
174 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
175 wrecker or towing service;

176 [(49)] (50) "Saddlemount combination", a combination of vehicles in which a truck or  
177 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame  
178 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front  
179 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a  
180 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination  
181 is called a "double saddlemount combination". When three vehicles are towed in this manner,  
182 the combination is called a "triple saddlemount combination";

183 [(50)] (51) "Salvage dealer and dismantler", a business that dismantles used motor  
184 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and  
185 accessories;

186 [(51)] (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

198 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section  
199 304.157, RSMo, and designated with the words "salvage/abandoned property".

200

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

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

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

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

213 [(52)] **(53)** "School bus", any motor vehicle used solely to transport students to or from  
214 school or to transport students to or from any place for educational purposes;

215 [(53)] **(54)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
216 corporation as an incidental service to transport patrons or customers of the regular business of  
217 such person, firm, or corporation to and from the place of business of the person, firm, or  
218 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
219 buses or as commercial motor vehicles;

220 [(54)] **(55)** "Special mobile equipment", every self-propelled vehicle not designed or  
221 used primarily for the transportation of persons or property and incidentally operated or moved  
222 over the highways, including farm equipment, implements of husbandry, road construction or  
223 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,

224 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
225 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
226 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
227 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
228 shall not operate to exclude other such vehicles which are within the general terms of this  
229 section;

230 [(55)] **(56)** "Specially constructed motor vehicle", a motor vehicle which shall not have  
231 been originally constructed under a distinctive name, make, model or type by a manufacturer of  
232 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

233 [(56)] **(57)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth  
234 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

235 [(57)] **(58)** "Tandem axle", a group of two or more axles, arranged one behind another,  
236 the distance between the extremes of which is more than forty inches and not more than  
237 ninety-six inches apart;

238 [(58)] **(59)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle  
239 designed for drawing other vehicles, but not for the carriage of any load when operating  
240 independently. When attached to a semitrailer, it supports a part of the weight thereof;

241 [(59)] **(60)** "Trailer", any vehicle without motive power designed for carrying property  
242 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
243 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
244 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
245 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton  
246 trailers as defined in subdivision (8) of this section and shall not include manufactured homes  
247 as defined in section 700.010, RSMo;

248 [(60)] **(61)** "Truck", a motor vehicle designed, used, or maintained for the transportation  
249 of property;

250 [(61)] **(62)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the  
251 two trailing units are connected with a B-train assembly which is a rigid frame extension  
252 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point  
253 for the second semitrailer and has one less articulation point than the conventional A-dolly  
254 connected truck-tractor semitrailer-trailer combination;

255 [(62)] **(63)** "Truck-trailer boat transporter combination", a boat transporter combination  
256 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
257 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
258 trailer but so as to maintain a downward force on the trailer tongue;

259 [(63)] (64) "Used parts dealer", a business that buys and sells used motor vehicle parts  
260 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.  
261 "Business" does not include isolated sales at a swap meet of less than three days;

262 [(64)] (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively  
263 for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of  
264 one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used  
265 primarily for landscaping, lawn care, or maintenance purposes;

266 [(65)] (66) "Vanpool", any van or other motor vehicle used or maintained by any person,  
267 group, firm, corporation, association, city, county or state agency, or any member thereof, for the  
268 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
269 and from their place of employment; however, a vanpool shall not be included in the definition  
270 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this  
271 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section  
272 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
273 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
274 monetary profit other than for use in a ride-sharing arrangement;

275 [(66)] (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or  
276 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human  
277 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
278 wheelchairs operated by handicapped persons;

279 [(67)] (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,  
280 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from  
281 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
282 a replacement vehicle to replace a disabled or wrecked vehicle;

283 [(68)] (69) "Wrecker or towing service", the act of transporting, towing or recovering  
284 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the  
285 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives  
286 compensation or other personal gain.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the  
2 contrary, the director of revenue shall establish a system of registration [on a calendar year basis]  
3 of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The  
4 director of revenue shall prescribe the forms for such fleet registration and the forms and  
5 procedures for the registration updates prescribed in this section. Any owner of ten or more  
6 motor vehicles which must be registered in accordance with this chapter may register as a fleet  
7 owner. All registered fleet owners may, at their option, register all motor vehicles included in  
8 the fleet on a calendar year **or biennial** basis pursuant to this section in lieu of the registration

9 periods provided in sections 301.030 [and] , 301.035, **and 301.147**. The director shall issue an  
10 identification number to each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered  
12 during April each year or on a prorated basis as provided in subsection 3 of this section. Fees  
13 of all vehicles in the fleet to be registered on a calendar year basis **or on a biennial basis** shall  
14 be payable not later than the last day of April of each year, **with two years' fees due for**  
15 **biennially-registered vehicles. Notwithstanding the provisions of section 307.355, RSMo,**  
16 **an application for registration of a fleet vehicle must be accompanied by a certificate of**  
17 **inspection and approval issued no more than one hundred twenty days prior to the date**  
18 **of application.** The fees for vehicles added to the fleet which must be licensed at the time of  
19 registration shall be payable at the time of registration, except that when such vehicle is licensed  
20 between July first and September thirtieth the fee shall be three-fourths the annual fee, when  
21 licensed between October first and December thirty-first the fee shall be one-half the annual fee  
22 and when licensed on or after January first the fee shall be one-fourth the annual fee. **When**  
23 **biennial registration is sought for vehicles added to a fleet, an additional year's annual fee**  
24 **will be added to the partial year's prorated fee.**

25 3. At any time during the calendar year in which an owner of a fleet purchases or  
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,  
27 the owner shall present to the director of revenue the identification number as a fleet number and  
28 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet  
29 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant  
30 to this subsection.

31 4. **Except as specifically provided in this subsection,** all fleet vehicles registered  
32 pursuant to this section shall be issued a special license plate which shall have the words "Fleet  
33 Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory  
34 committee established in section 301.129. [Such] **Alternatively, for a one time additional five**  
35 **dollar per vehicle fee beyond the regular registration fee, owners of fleet vehicles may**  
36 **apply for fleet license plates bearing a company name or logo. All fleet** license plates shall  
37 be made with fully reflective material with a common color scheme and design, shall be clearly  
38 visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet  
39 vehicles shall be issued multiyear license plates as provided in this section which shall not  
40 require issuance of a renewal tab.

41 Upon payment of appropriate registration fees, the director of revenue shall issue a registration  
42 certificate or other suitable evidence of payment of the annual **or biennial** fee, and such evidence  
43 of payment shall be carried at all times in the vehicle for which it is issued. The director of  
44 revenue shall promulgate rules and regulations establishing the procedure for application and  
45 issuance of fleet vehicle license plates.

46           5. Notwithstanding the provisions of sections 307.350 to 307.390, RSMo, to the  
47 contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections  
48 307.350 to 307.390, RSMo, if at the time of the annual fleet registration, such fleet vehicle is  
49 situated outside the state of Missouri.

          301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a  
2 collector's item and which is used and intended to be used for exhibition and educational  
3 purposes shall be permanently registered upon payment of a registration fee of twenty-five  
4 dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and  
5 the license plates issued therefor shall be returned to the director of revenue.

6           2. The owner of any such vehicle shall file an application in a form prescribed by the  
7 director, if such vehicle meets the requirements of this section, and a certificate of registration  
8 shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

9           3. The director shall issue to the owner of any motor vehicle registered pursuant to this  
10 section the same number of license plates which would be issued with a regular annual  
11 registration, containing the number assigned to the registration certificate issued by the director  
12 of revenue. Such license plates shall be made with fully reflective material with a common color  
13 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as  
14 prescribed by section 301.130.

15           4. Historic vehicles may be driven to and from repair facilities one hundred miles from  
16 the vehicle's location, and in addition may be driven up to one thousand miles per year for  
17 personal use. The owner of the historic vehicle shall be responsible for keeping a log of the  
18 miles driven for personal use each calendar year. Such log must be kept in the historic vehicle  
19 when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique  
20 auto tour or event and mileage driven to and from such a tour or event shall not be considered  
21 mileage driven for the purpose of the mileage limitations in this section. Violation of this section  
22 [is a class C misdemeanor] **shall be punishable under section 301.440** and in addition to any  
23 other penalties prescribed by law, upon [conviction] **plea or finding of guilt** thereof, the director  
24 of revenue shall revoke the historic motor vehicle license plates of such violator which were  
25 issued pursuant to this section.

26           5. Notwithstanding any provisions of this section to the contrary, any person possessing  
27 a license plate issued by the state of Missouri that is over twenty-five years old, in which the year  
28 of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the  
29 owner of the vehicle may register such plate as an historic vehicle plate as set forth in  
30 subsections 1 and 2 of this section, provided that the configuration of letters, numbers or  
31 combination of letters and numbers of such plate are not identical to the configuration of letters,  
32 numbers or combination of letters and numbers of any plates already issued to an owner by the  
33 director. Such license plate shall not be required to possess the characteristic features of

34 reflective material and common color scheme and design as prescribed in section 301.130. The  
35 owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of  
36 registration in the vehicle at all times. The certificate of registration shall be prima facie  
37 evidence that the vehicle has been properly registered with the director and that all fees have  
38 been paid.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate  
2 of registration and the right to use the number plates shall expire and the number plates shall be  
3 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any  
4 person other than the person to whom such number plates were originally issued to have the  
5 same in his or her possession whether in use or not, **unless such possession is solely for**  
6 **charitable purposes**; except that the buyer of a motor vehicle or trailer who trades in a motor  
7 vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the  
8 newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred  
9 plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in  
10 motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the  
11 newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or  
12 trailer are still valid.

13 2. In the case of a transfer of ownership the original owner may register another motor  
14 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle  
15 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)  
16 seating capacity, not in excess of that originally registered. When such motor vehicle is of  
17 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor  
18 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee  
19 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less  
20 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating  
21 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

22 3. License plates may be transferred from a motor vehicle which will no longer be  
23 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay  
24 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in  
25 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that  
26 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of  
27 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor  
28 vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer  
29 fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased  
30 vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial  
31 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be  
32 entitled to a refund.

33           4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made  
34 application for registration, by mail or otherwise, may operate the same for a period of thirty days  
35 after taking possession thereof, if during such period the motor vehicle or trailer shall have  
36 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.  
37 Upon application and presentation of **proof of financial responsibility as required under**  
38 **subsection 5 of this section and** satisfactory evidence that the buyer has applied for registration,  
39 a dealer may furnish such number plates to the buyer for such temporary use. In such event, the  
40 dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to  
41 the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer  
42 such number plates within thirty days. The director shall issue a temporary permit authorizing  
43 the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of  
44 purchase.

45           5. The temporary permit shall be made available by the director of revenue and may be  
46 purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer  
47 for which the buyer has no registration plate available for transfer **and upon proof of financial**  
48 **responsibility**, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer  
49 has no registration plate available for transfer. The director shall make temporary permits  
50 available to registered dealers in this state or authorized agents of the department of revenue in  
51 sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for  
52 each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars  
53 and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from  
54 the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle  
55 or trailer by a dealer for which the purchaser obtains a permit as set out above. **No permit shall**  
56 **be issued for a vehicle under this section unless the buyer shows proof of financial**  
57 **responsibility.**

58           6. The permit shall be issued on a form prescribed by the director and issued only for the  
59 applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant  
60 to legally operate the vehicle while proper title and registration plate are being obtained, and  
61 shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall  
62 not be transferable or renewable and shall not be valid upon issuance of proper registration plates  
63 for the motor vehicle or trailer. The director shall determine the size and numbering  
64 configuration, construction, and color of the permit.

65           7. The dealer or authorized agent shall insert the date of issuance and expiration date,  
66 year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The  
67 dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary  
68 permit shall keep, for inspection of proper officers, a correct record of each permit issued by

69 recording the permit or plate number, buyer's name and address, year, make, manufacturer's  
70 vehicle identification number on which the permit is to be used, and the date of issuance.

71 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the  
72 owner cannot transfer the license plates due to a change of vehicle category, the owner may  
73 surrender the license plates issued to the motor vehicle and receive credit for any unused portion  
74 of the original registration fee against the registration fee of another motor vehicle. Such credit  
75 shall be granted based upon the date the license plates are surrendered. No refunds shall be made  
76 on the unused portion of any license plates surrendered for such credit.

301.150. 1. License plates issued to owners of motor vehicles registered pursuant to the  
2 monthly series system of registration as provided in section 301.030 shall be removed on the sale  
3 or transfer of ownership of such vehicles. The plates, if still current, may thereafter be retained  
4 and preserved by the person to whom issued, to be fastened to such other motor vehicles as such  
5 person shall thereafter register in the person's name.

6 2. If application for registration of another motor vehicle is not made to the director of  
7 revenue within one year following the sale or transfer of ownership of a motor vehicle, the  
8 license plates held by the person who sold or transferred ownership of such motor vehicle shall  
9 be declared void, and new license plates bearing the same numbers may be issued to another  
10 registrant.

11 3. It shall be unlawful to fasten voided plates to any motor vehicle. Violation of this  
12 section shall be [deemed a class C misdemeanor] **punishable under section 301.440.**

**301.165. 1. Notwithstanding any other provision of law to the contrary, any person,  
2 after an annual payment of an emblem-use fee to the Brain Tumor Awareness  
3 Organization, may receive special license plates for any vehicle the person owns, either  
4 solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle  
5 licensed in excess of eighteen thousand pounds gross weight. The Brain Tumor Awareness  
6 Organization hereby authorizes the use of its official emblem to be affixed on multi-year  
7 personalized license plates as provided in this section. Any contribution to the Brain  
8 Tumor Awareness Organization derived from this section, except reasonable  
9 administrative costs, shall be used solely for the purposes of the Brain Tumor Awareness  
10 Organization. Any member of the Brain Tumor Awareness Organization may annually  
11 apply for the use of the emblem.**

12 **2. Upon annual application and payment of a twenty-five dollar emblem-use  
13 contribution to the Brain Tumor Awareness Organization, the Brain Tumor Awareness  
14 Organization shall issue to the vehicle owner, without further charge, an emblem-use  
15 authorization statement, which shall be presented by the vehicle owner to the director of  
16 revenue at the time of registration. Upon presentation of the annual statement and  
17 payment of a twenty-five dollar fee in addition to the regular registration fees, and**

18 presentation of any documents which may be required by law, the director of revenue shall  
19 issue to the vehicle owner a special license plate which shall bear the emblem of the Brain  
20 Tumor Awareness Organization. Such license plates shall be made with fully reflective  
21 material with a common color scheme and design, shall be clearly visible at night, and shall  
22 be aesthetically attractive, as prescribed by section 301.130. In addition, upon such set of  
23 license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words  
24 "BRAINTUMORAWARENESS.ORG". Notwithstanding the provisions of section  
25 301.144, no additional fee shall be charged for the personalization of license plates issued  
26 pursuant to this section.

27         **3. A vehicle owner who was previously issued a plate with the Brain Tumor**  
28 **Awareness Organization's emblem authorized by this section, but who does not provide**  
29 **an emblem-use authorization statement at a subsequent time of registration, shall be issued**  
30 **a new plate which does not bear the Brain Tumor Awareness Organization's emblem, as**  
31 **otherwise provided by law. The director of revenue shall make necessary rules and**  
32 **regulations for the enforcement of this section, and shall design all necessary forms**  
33 **required by this section.**

34         **4. Prior to the issuance of a Brain Tumor Awareness Organization specialty plate**  
35 **authorized under this section the department of revenue must be in receipt of an**  
36 **application, as prescribed by the director, which shall be accompanied by a list of at least**  
37 **two hundred potential applicants who plan to purchase the specialty plate, the proposed**  
38 **art design for the specialty license plate, and an application fee, not to exceed five thousand**  
39 **dollars, to defray the department's cost for issuing, developing, and programming the**  
40 **implementation of the specialty plate. Once the plate design is approved, the director of**  
41 **revenue shall not authorize the manufacture of the material to produce such specialized**  
42 **license plates with the individual seal, logo, or emblem until such time as the director has**  
43 **received two hundred applications, the twenty-five dollar specialty plate fee per**  
44 **application, and emblem-use statements, if applicable, and other required documents or**  
45 **fees for such plates.**

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to  
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the  
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle  
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;  
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall  
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.  
7 **Each monthly sales report filed by a motor vehicle dealer who collects sales tax under**  
8 **subsection 8 of section 144.070, RSMo, shall also include the amount of state and local sales**  
9 **tax collected for each motor vehicle sold if sales tax was due.** The odometer reading is not

10 required when reporting the sale of any motor vehicle that is ten years old or older, any motor  
11 vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles  
12 that are transferred on a manufacturer's statement of origin between one franchised motor vehicle  
13 dealer and another, or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary  
14 permits, without exception, shall be recorded in the appropriate space on the dealer's monthly  
15 sales report by recording the complete permit number issued on the motor vehicle or trailer sale  
16 listed. The monthly sales report shall be completed in full and signed by an officer, partner, or  
17 owner of the dealership, and actually received by the department of revenue on or before the  
18 fifteenth day of the month succeeding the month for which the sales are being reported. If no  
19 sales occur in any given month, a report shall be submitted for that month indicating no sales.  
20 Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be  
21 subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the  
22 director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer  
23 shall retain copies of the monthly sales report as part of the records to be maintained at the  
24 dealership location and shall hold them available for inspection by appropriate law enforcement  
25 officials and officials of the department of revenue. Every vehicle dealer selling twenty or more  
26 vehicles a month shall file the monthly sales report with the department in an electronic format.  
27 Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the  
28 notice of transfer required by section 301.196. For any dealer not filing electronically, the notice  
29 of transfer required by section 301.196 shall be submitted with the monthly sales report as  
30 prescribed by the director.

31         2. Every dealer and every person operating a public garage shall keep a correct record  
32 of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles  
33 or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together  
34 with the name and address of the person delivering such motor vehicle or trailer to the dealer or  
35 public garage keeper, and the person delivering such motor vehicle or trailer shall record such  
36 information in a file kept by the dealer or garage keeper. The record shall be kept for three years  
37 and be open for inspection by law enforcement officials, members or authorized or designated  
38 employees of the Missouri highway patrol, and persons, agencies and officials designated by the  
39 director of revenue.

40         3. Every dealer and every person operating a public garage in which a motor vehicle  
41 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that  
42 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on  
43 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and  
44 address are known to the dealer or his employee or person operating a public garage or his  
45 employee is not considered unclaimed. Any dealer or person operating a public garage who fails

46 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its  
47 garaging, parking or storing.

48 4. The director of revenue shall maintain appropriately indexed cumulative records of  
49 unclaimed vehicles reported to the director. Such records shall be kept open to public inspection  
50 during reasonable business hours.

51 5. The alteration or obliteration of the vehicle identification number on any such motor  
52 vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public  
53 garage shall upon the discovery of such obliteration or alteration immediately notify the highway  
54 patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or  
55 garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period  
56 of forty-eight hours for the purpose of an investigation by the officer so notified.

301.290. 1. Correctional enterprises of the department of corrections shall purchase,  
2 erect and maintain all of the machinery and equipment necessary for the manufacture of the  
3 license plates and tabs issued by the director of revenue, and of signs used by the state  
4 transportation department. Beginning on January 1, [2010] **2011**, correctional enterprises shall  
5 no longer erect and maintain tabs for the department of revenue.

6 2. The director of revenue shall procure all plates issued by him, and the state  
7 transportation department shall procure all signs used by it from correctional enterprises, unless  
8 an emergency arises and correctional enterprises cannot furnish the plates, tabs or signs.

9 3. Correctional enterprises shall furnish the plates and signs at such a price as will not  
10 exceed the price at which such plates and signs may be obtained upon the open market, but in  
11 no event shall such price be less than the cost of manufacture, including labor and materials.

12 4. All moneys derived from the sale of the plates, tabs and signs shall be paid into the  
13 state treasury to the credit of the working capital revolving fund as provided in section 217.595,  
14 RSMo.

301.310. 1. Whenever a law enforcement officer observes a plate to be in such condition  
2 as to hinder or make difficult identification of same, he shall notify the director of revenue and  
3 instruct the owner to apply for a duplicate plate.

4 2. If the owner has not made application within fifteen days, the director of revenue may  
5 cancel such registration and notify the registrant and such cancellation shall remain in force until  
6 the application has been filed.

7 3. The director of revenue may at his discretion replace worn plates without cost to the  
8 registrant.

9 4. Failure to surrender a mutilated or worn plate for which duplicate has been issued  
10 shall [be deemed a misdemeanor] **punishable under section 301.440.**

301.420. No person shall willfully or knowingly make a false statement in any  
2 application for the registration of a motor vehicle or trailer, or as a dealer, or in an application

3 for or assignment of a certificate of ownership. All blanks or forms issued by the director of  
4 revenue for the purpose of making application for registration of certificate of ownership shall  
5 conspicuously bear on the face thereof the following words: "Any false statement in this  
6 application is a violation of the law and may be punished by fine or imprisonment or both".

7 **Violation of this section shall be a class C misdemeanor.**

301.440. Any person who violates any provision of sections 301.010 to 301.440 for  
2 which no specific punishment is provided shall upon [conviction] **a plea of finding of guilt**  
3 thereof be [punished] **guilty of an infraction punishable** by a fine of not less than five dollars  
4 or more than five hundred dollars [or by imprisonment in the county jail for a term not exceeding  
5 one year, or by both the fine and imprisonment].

301.562. 1. The department may refuse to issue or renew any license required pursuant  
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2  
3 of this section. The department shall notify the applicant or licensee in writing at his or her last  
4 known address of the reasons for the refusal to issue or renew the license and shall advise the  
5 applicant or licensee of his or her right to file a complaint with the administrative hearing  
6 commission as provided by chapter 621, RSMo.

7 2. The department may cause a complaint to be filed with the administrative hearing  
8 commission as provided by chapter 621, RSMo, against any holder of any license issued under  
9 sections 301.550 to 301.573 for any one or any combination of the following causes:

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

14 (2) The applicant or license holder was previously a partner, stockholder, director or  
15 officer controlling or managing a partnership or corporation whose license issued under sections  
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and  
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the  
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo  
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense  
21 reasonably related to the qualifications, functions, or duties of any business licensed under  
22 sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty,  
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is  
24 imposed;

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

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

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this  
30 chapter and chapters **144**, 306, 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation  
31 adopted pursuant to this chapter and chapters 306, 307, 407, 578, and 643, RSMo;

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

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

39 (9) Uses or permits the use of any special license or license plate assigned to the license  
40 holder for any purpose other than those permitted by law;

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

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

44 (12) Violations of sections 407.511 to 407.556, RSMo, section 578.120, RSMo, which  
45 resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which  
46 result in a conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the  
48 department receives notice of an alleged violation of an applicable statute or regulation. After  
49 the filing of such complaint, the proceedings shall be conducted in accordance with the  
50 provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that  
51 the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
52 department may, singly or in combination, refuse to issue the person a license, issue a private  
53 reprimand, place the person on probation on such terms and conditions as the department deems  
54 appropriate for a period of one day to five years, suspend the person's license from one day to  
55 six days, or revoke the person's license for such period as the department deems appropriate. The  
56 applicant or licensee shall have the right to appeal the decision of the administrative hearing  
57 commission and department in the manner provided in chapter 536, RSMo.

58 4. Upon the suspension or revocation of any person's license issued under sections  
59 301.550 to 301.573, the department shall recall any distinctive number plates that were issued  
60 to that licensee.

**301.571. 1. For purposes of this section, the following terms mean:**

2 (1) "Mobility motor vehicle", a motor vehicle that is designed and equipped to  
3 transport a person with a disability and:

4 (a) Contains a lowered floor or lowered frame, or a raised roof and/or raised door;  
5 (b) Contains an electronic or mechanical wheelchair, scooter, or platform lift that  
6 enables a person to enter or exit the vehicle while occupying a wheelchair or scooter; an  
7 electronic or mechanical wheelchair ramp; or a system to secure a wheelchair or scooter  
8 to allow for a person to be safely transported while occupying the wheelchair or scooter;  
9 and

10 (c) Is installed as an integral part or permanent attachment to the motor vehicle  
11 chassis;

12 (2) "Mobility motor vehicle dealer", a dealer who is licensed as a new or used  
13 motor vehicle dealer under this chapter who is engaged in the business of buying, selling,  
14 or exchanging mobility motor vehicles and servicing or repairing mobility motor vehicles  
15 at an established and permanent place of business.

16 2. Notwithstanding any other law, a mobility motor vehicle dealer may:

17 (1) Purchase or otherwise acquire a new motor vehicle from a franchised dealer to  
18 fit or equip the motor vehicle for retail sale as a mobility motor vehicle from a franchised  
19 dealer wherever located;

20 (2) Display a new motor vehicle to a person with a disability to fit or equip the  
21 vehicle as a mobility motor vehicle for the person; or

22 (3) Sell a new motor vehicle that has been fitted or equipped as a new mobility  
23 motor vehicle with the resale occurring through or by a franchised dealer.

24 3. A mobility motor vehicle dealer who purchased or acquired a new motor vehicle  
25 from a franchised dealer to equip the vehicle as a mobility vehicle shall not advertise the  
26 vehicle for resale until the vehicle is fitted or equipped as a mobility motor vehicle.

27 4. A mobility motor vehicle dealer shall not, except as permitted by subdivision (2)  
28 of subsection 2 of this section, display or offer to display a new motor vehicle that is not a  
29 mobility motor vehicle to the public.

301.716. 1. Any violation of the provisions of sections 301.700 to 301.714 shall be  
2 an infraction. An arrest or service of summons for violations of the provisions of sections  
3 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304,  
4 RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly  
5 authorized law enforcement officer of any political subdivision of the state, the highway patrol  
6 and the state water patrol.

7 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the  
8 provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to  
9 all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting  
10 attorney or circuit attorney who may, with or without such reference, institute appropriate  
11 [criminal] proceedings.

12           3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions  
13 of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain  
14 vehicles limits the power of the state to punish any person for any conduct which constitutes a  
15 crime by statute or at common law.

**301.3155. 1. Any person who has been awarded the military service award known  
2 as the "Armed Forces Expeditionary Medal" may apply for Armed Forces Expeditionary  
3 Medal motor vehicle license plates for any motor vehicle such person owns, either solely  
4 or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed  
5 in excess of eighteen thousand pounds gross weight.**

**6           2. Any such person shall make application for Armed Forces Expeditionary Medal  
7 license plates on a form provided by the director of revenue and furnish such proof as a  
8 recipient of the Armed Forces Expeditionary Medal as the director may require. The  
9 director shall then issue license plates bearing letters or numbers or a combination thereof  
10 as determined by the director with the words "ARMED FORCES EXPEDITIONARY  
11 MEDAL" in place of the words "SHOW-ME STATE". Such license plates shall be made  
12 with fully reflective material with a common color scheme and design, shall be clearly  
13 visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such  
14 plates shall also be inscribed with the words "expeditionary service" and bear a  
15 reproduction of the armed forces expeditionary service ribbon.**

**16           3. There shall be a fifteen-dollar fee in addition to the regular registration fees  
17 charged for each set of Armed Forces Expeditionary Medal license plates issued under this  
18 section. A fee for the issuance of personalized license plates under section 301.144 shall not  
19 be required for plates issued under this section. There shall be no limit on the number of  
20 license plates any person qualified under this section may obtain so long as each set of  
21 license plates issued under this section is issued for vehicles owned solely or jointly by such  
22 person. License plates issued under the provisions of this section shall not be transferable  
23 to any other person except that any registered co-owner of the motor vehicle shall be  
24 entitled to operate the motor vehicle with such plates for the duration of the year licensed  
25 in the event of the death of the qualified person.**

**302.182. 1. Any resident of this state who is permanently disabled may apply to the  
2 department of revenue to have a notation indicating such status on the person's driver's  
3 license or nondriver's license. The department of revenue, by rule, may establish the cost  
4 and criteria for placement of the notation, such as requiring an applicant to submit certain  
5 medical proof of permanent disability.**

**6           2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
7 that is created under the authority delegated in this section shall become effective only if  
8 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**

9 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
 10 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
 11 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
 12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
 13 adopted after August 28, 2009, shall be invalid and void.

302.184. Any resident of this state who possesses a boater identification card issued  
 2 by the Missouri state water patrol under section 306.127, RSMo, may apply to the  
 3 department of revenue to have a notation placed on the person's driver's license or  
 4 nondriver's license indicating that such person has complied with the provisions of section  
 5 306.127, RSMo. The department of revenue, by rule, may establish the cost and criteria  
 6 for placement of the notation. Any driver's license or nondriver's license bearing such a  
 7 notation may be used for identification in lieu of a boater identification card issued under  
 8 section 306.127, RSMo. Any rule or portion of a rule, as that term is defined in section  
 9 536.010, RSMo, that is created under the authority delegated in this section shall become  
 10 effective only if it complies with and is subject to all of the provisions of chapter 536,  
 11 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
 12 nonseverable and if any of the powers vested with the general assembly pursuant to  
 13 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule  
 14 are subsequently held unconstitutional, then the grant of rulemaking authority and any  
 15 rule proposed or adopted after August 28, 2009, shall be invalid and void.

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

- 4 (1) Any moving violation of a state law or county or municipal or  
 5 federal traffic ordinance or regulation not listed in this section, other than a  
 6 violation of vehicle equipment provisions or a court-ordered supervision as  
 7 provided in section 302.303 . . . . . 2 points  
 8 (except any violation of municipal stop sign  
 9 ordinance where no accident is involved . . . . . 1 point)
- 10 (2) Speeding  
 11 In violation of a state law . . . . . 3 points  
 12 In violation of a county or municipal ordinance . . . . . 2 points
- 13 (3) Leaving the scene of an accident in  
 14 violation of section 577.060, RSMo . . . . . 12 points  
 15 In violation of any county or municipal ordinance . . . . . 6 points
- 16 (4) Careless and imprudent driving in violation of subsection 4 of  
 17 section 304.016, RSMo . . . . . 4 points

- 18 In violation of a county or municipal ordinance . . . . . 2 points
- 19       (5) Operating without a valid license in violation of subdivision (1) or (2)
- 20 of subsection 1 of section 302.020:
- 21       (a) For the first conviction . . . . . 2 points
- 22       (b) For the second conviction . . . . . 4 points
- 23       (c) For the third conviction . . . . . 6 points
- 24       (6) Operating with a suspended or revoked license prior to restoration of
- 25 operating privileges . . . . . 12 points
- 26       (7) Obtaining a license by misrepresentation . . . . . 12 points
- 27       (8) For the first conviction of driving while in an intoxicated condition or
- 28 under the influence of controlled substances or drugs . . . . . 8 points
- 29       (9) For the second or subsequent conviction of any of the following offenses
- 30 however combined: driving while in an intoxicated condition, driving under
- 31 the influence of controlled substances or drugs or driving with a blood alcohol
- 32 content of eight-hundredths of one percent or more by weight . . . . . 12 points
- 33       (10) For the first conviction for driving with blood alcohol content
- 34 eight-hundredths of one percent or more by weight In violation of state law . . . . . 8 points
- 35 In violation of a county or municipal ordinance or federal law or regulation . . . . . 8 points
- 36       (11) Any felony involving the use of a motor vehicle . . . . . 12 points
- 37       (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points
- 38       (13) For a conviction for failure to maintain financial responsibility pursuant
- 39 to county or municipal ordinance or pursuant to section 303.025, RSMo . . . . . 4 points
- 40       (14) Endangerment of a highway worker in violation of section 304.585,
- 41 RSMo . . . . . 4 points
- 42       (15) Aggravated endangerment of a highway worker in violation of
- 43 section 304.585, RSMo . . . . . 12 points
- 44       (16) For a conviction of violating a municipal ordinance that prohibits
- 45 tow truck operators from stopping at or proceeding to the scene of an accident
- 46 unless they have been requested to stop or proceed to such scene by a party
- 47 involved in such accident or by an officer of a public safety agency . . . . . 4 points
- 48       2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 49 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
- 50 302.020, when the director issues such operator a license or permit pursuant to the provisions
- 51 of sections 302.010 to 302.340.
- 52       3. An additional two points shall be assessed when personal injury or property damage
- 53 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
- 54 found to be warranted and certified by the reporting court.

55           4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
56 section constitutes both a violation of a state law and a violation of a county or municipal  
57 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
58 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
59 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
60 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
61 offenses arising out of the same occurrence.

62           5. The director of revenue shall put into effect a system for staying the assessment of  
63 points against an operator. The system shall provide that the satisfactory completion of a  
64 driver-improvement program or, in the case of violations committed while operating a  
65 motorcycle, a motorcycle-rider training course approved by the state highways and transportation  
66 commission, by an operator, when so ordered and verified by any court having jurisdiction over  
67 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
68 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation  
69 committed by an individual who has been issued a commercial driver's license or is required to  
70 obtain a commercial driver's license in this state or any other state, shall be accepted by the  
71 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)  
72 of subsection 1 of this section or pursuant to subsection 3 of this section. **A court using a**  
73 **centralized violation bureau established under section 476.385, RSMo, may elect to have**  
74 **the bureau order and verify completion of a driver-improvement program or motorcycle-**  
75 **rider training course as prescribed by order of the court.** For the purposes of this subsection,  
76 the driver-improvement program shall meet or exceed the standards of the National Safety  
77 Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred  
78 during the operation of a motorcycle, the program shall meet the standards established by the  
79 state highways and transportation commission pursuant to sections 302.133 to 302.137. The  
80 completion of a driver-improvement program or a motorcycle-rider training course shall not be  
81 accepted in lieu of points more than one time in any thirty-six-month period and shall be  
82 completed within sixty days of the date of conviction in order to be accepted in lieu of the  
83 assessment of points. Every court having jurisdiction pursuant to the provisions of this  
84 subsection shall, within fifteen days after completion of the driver-improvement program or  
85 motorcycle-rider training course by an operator, forward a record of the completion to the  
86 director, all other provisions of the law to the contrary notwithstanding. The director shall  
87 establish procedures for record keeping and the administration of this subsection.

302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state  
2 or any county or municipality of this state fails to dispose of the charges of which **[he] the**  
3 **resident** is accused through authorized prepayment of fine and court costs and fails to appear on  
4 the return date or at any subsequent date to which the case has been continued, or without good

5 cause fails to pay any fine or court costs assessed against [him] **the resident** for any such  
6 violation within the period of time specified or in such installments as approved by the court or  
7 as otherwise provided by law, any court having jurisdiction over the charges shall within ten days  
8 of the failure to comply inform the defendant by ordinary mail at the last address shown on the  
9 court records that the court will order the director of revenue to suspend the defendant's driving  
10 privileges if the charges are not disposed of and fully paid within thirty days from the date of  
11 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay  
12 any applicable fines and court costs, the court shall notify the director of revenue of such failure  
13 and of the pending charges against the defendant. Upon receipt of this notification, the director  
14 shall suspend the license of the driver, effective immediately, and provide notice of the  
15 suspension to the driver at the last address for the driver shown on the records of the department  
16 of revenue. Such suspension shall remain in effect until the court with the subject pending  
17 charge requests setting aside the noncompliance suspension pending final disposition, or  
18 satisfactory evidence of disposition of pending charges and payment of fine and court costs, if  
19 applicable, is furnished to the director by the individual. Upon proof of disposition of charges  
20 and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set  
21 forth in section 302.304, the director shall return the license and remove the suspension from the  
22 individual's driving record. The filing of financial responsibility with the bureau of safety  
23 responsibility, department of revenue, shall not be required as a condition of reinstatement of a  
24 driver's license suspended solely under the provisions of this section.

25       **2.** If any city, town or village receives more than [forty-five] **thirty-five** percent of its  
26 [total] annual **general operating** revenue from fines **and court costs** for traffic violations  
27 occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-**  
28 **five** percent of the [total] annual **general operating** revenue of the city, town or village shall be  
29 sent to the director of the department of revenue and shall be distributed annually to the schools  
30 of the county in the same manner that proceeds of all penalties, forfeitures and fines collected  
31 for any breach of the penal laws of the state are distributed. For the purpose of this section the  
32 words "state highways" shall mean any state or federal highway, including any such highway  
33 continuing through the boundaries of a city, town or village with a designated street name other  
34 than the state highway number. **The director of the department of revenue shall set forth by**  
35 **rule a procedure whereby excess revenues as set forth above shall be sent to the**  
36 **department of revenue. If any city, town, or village disputes a determination that it has**  
37 **received excess revenues required to be sent to the department of revenue, such city, town,**  
38 **or village may submit to an annual audit by the state auditor under the authority of article**  
39 **IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is**  
40 **defined in section 536.010, RSMo, that is created under the authority delegated in this**  
41 **section shall become effective only if it complies with and is subject to all of the provisions**

42 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**  
43 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**  
44 **under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul**  
45 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
46 **any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

302.545. 1. Any person who is less than twenty-one years of age and whose driving  
2 privilege has been suspended or revoked, for a first determination under sections 302.500 to  
3 302.540, that such person was driving with two-hundredths of one percent of blood alcohol  
4 content, shall have all official records and all recordations maintained by the department of  
5 revenue of such suspension or revocation expunged two years after the date of such suspension  
6 or revocation, or when such person attains the age of twenty-one, whichever date first occurs.  
7 Such expungement shall be performed by the department of revenue without need of a court  
8 order. No records shall be expunged if the person was found guilty or pled guilty to operating  
9 a commercial motor vehicle, as defined in section 302.700, **or if the person was holding a**  
10 **commercial driver's license at the time of the offense**, with a blood alcohol content of at least  
11 four-hundredths of one percent.

12 2. The provisions of this section shall not apply to any person whose license is suspended  
13 or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is  
14 convicted of any alcohol-related driving offense before the age of twenty-one including, but not  
15 limited to:

- 16 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or  
17 (2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial  
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited  
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters  
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number  
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section  
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which  
12 authorizes the individual to operate a commercial motor vehicle;

13 (5) "Commercial driver's license information system", the information system established  
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)

15 to serve as a clearinghouse for locating information related to the licensing and identification of  
16 commercial motor vehicle drivers;

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport  
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or  
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand  
21 one pounds or more;

22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more  
23 pounds or such lesser rating as determined by federal regulation;

24 (c) If the vehicle is designed to transport sixteen or more passengers, including the  
25 driver; or

26 (d) If the vehicle is transporting hazardous materials and is required to be placarded  
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);

28 (7) "Controlled substance", any substance so classified under Section 102(6) of the  
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules  
30 I through V of 21 CFR part 1308, as they may be revised from time to time;

31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo  
32 contendere, or a determination that a person has violated or failed to comply with the law in a  
33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture  
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine  
35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty  
36 is rebated, suspended or prorated, **including an offense for failure to appear or pay**;

37 (9) "Director", the director of revenue or his authorized representative;

38 (10) "Disqualification", any of the following three actions:

39 (a) The suspension, revocation, or cancellation of a commercial driver's license;

40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor  
42 vehicle traffic control or violations committed through the operation of motor vehicles, other  
43 than parking, vehicle weight, or vehicle defect violations;

44 (c) A determination by the Federal Motor Carrier Safety Administration that a person  
45 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

47 (12) "Driver", any person who drives, operates, or is in physical control of a motor  
48 vehicle, or who is required to hold a commercial driver's license;

49 (13) "Driving under the influence of alcohol", the commission of any one or more of the  
50 following acts:

51 (a) Driving a commercial motor vehicle with the alcohol concentration of four  
52 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol  
53 concentration as may be later determined by the secretary by regulation;

54 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation  
55 of any federal or state law, or in violation of a county or municipal ordinance;

56 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol  
57 content in violation of any federal or state law, or in violation of a county or municipal  
58 ordinance;

59 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section  
60 302.750, any federal or state law, or a county or municipal ordinance; or

61 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
62 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to  
63 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years  
64 of age or older shall have been committed by the person with an alcohol concentration of at least  
65 eight-hundredths of one percent or more, or in the case of an individual who is less than  
66 twenty-one years of age, shall have been committed by the person with an alcohol concentration  
67 of at least two-hundredths of one percent or more, and if committed in a commercial motor  
68 vehicle, a concentration of four-hundredths of one percent or more;

69 (14) "Driving under the influence of a controlled substance", the commission of any one  
70 or more of the following acts in a commercial or noncommercial motor vehicle:

71 (a) Driving a commercial or noncommercial motor vehicle while under the influence of  
72 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
73 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they  
74 may be revised from time to time;

75 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition  
76 in violation of any federal or state law or in violation of a county or municipal ordinance; or

77 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section  
78 302.750, any federal or state law, or a county or municipal ordinance;

79 (15) "Employer", any person, including the United States, a state, or a political  
80 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
81 operate such a vehicle;

82 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer  
83 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,  
84 or a combination of these, within one hundred fifty miles of the farm, other than one which  
85 requires placarding for hazardous materials as defined in this section, or used in the operation  
86 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial

87 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand  
88 one pounds when transporting fertilizers as defined in subdivision (21) of this subsection;

89 (17) "Fatality", the death of a person as a result of a motor vehicle accident;

90 (18) "Felony", any offense under state or federal law that is punishable by death or  
91 imprisonment for a term exceeding one year;

92 (19) "Gross combination weight rating" or "GCWR", the value specified by the  
93 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a  
94 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the  
95 power unit and the total weight of the towed unit and any load thereon;

96 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer  
97 as the loaded weight of a single vehicle;

98 (21) "Hazardous materials", [hazardous materials as specified in Section 103 of the  
99 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)] **any material that has been**  
100 **designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under**  
101 **subpart F of CFR part 172 or any quantity of a material listed as a select agent or toxin in**  
102 **42 CFR part 73.** Fertilizers, including but not limited to ammonium nitrate, phosphate,  
103 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered  
104 hazardous materials when transported by a farm vehicle provided all other provisions of this  
105 definition are followed;

106 (22) "Imminent hazard", the existence of a condition that presents a substantial  
107 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to  
108 health, property, or the environment may occur before the reasonably foreseeable completion  
109 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or  
110 endangerment;

111 (23) "Issuance", the initial licensure, license transfers, license renewals, and license  
112 upgrades;

113 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

114 (25) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles  
115 not defined by the term "commercial motor vehicle" in this section;

116 (26) "Out of service", a temporary prohibition against the operation of a commercial  
117 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,  
118 or the operation of a particular motor carrier;

119 (27) "Out-of-service order", a declaration by the Federal Highway Administration, or any  
120 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,  
121 Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier  
122 operation, is out of service;

123 (28) "School bus", a commercial motor vehicle used to transport preprimary, primary,  
124 or secondary school students from home to school, from school to home, or to and from  
125 school-sponsored events. School bus does not include a bus used as a common carrier as defined  
126 by the Secretary;

127 (29) "Secretary", the Secretary of Transportation of the United States;

128 (30) "Serious traffic violation", driving a commercial motor vehicle in such a manner  
129 that the driver receives a conviction for the following offenses or driving a noncommercial motor  
130 vehicle when the driver receives a conviction for the following offenses and the conviction  
131 results in the suspension or revocation of the driver's license or noncommercial motor vehicle  
132 driving privilege:

133 (a) Excessive speeding, as defined by the Secretary by regulation;

134 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,  
135 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other  
136 violation of federal or state law, or any county or municipal ordinance while driving a  
137 commercial motor vehicle in a willful or wanton disregard for the safety of persons or property,  
138 or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall  
139 not include careless and imprudent driving by excessive speed;

140 (c) A violation of any federal or state law or county or municipal ordinance regulating  
141 the operation of motor vehicles arising out of an accident or collision which resulted in death to  
142 any person, other than a parking violation;

143 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license  
144 in violation of any federal or state or county or municipal ordinance;

145 (e) Driving a commercial motor vehicle without a commercial driver's license in the  
146 driver's possession in violation of any federal or state or county or municipal ordinance. Any  
147 individual who provides proof to the court which has jurisdiction over the issued citation that the  
148 individual held a valid commercial driver's license on the date that the citation was issued shall  
149 not be guilty of this offense;

150 (f) Driving a commercial motor vehicle without the proper commercial driver's license  
151 class or endorsement for the specific vehicle group being operated or for the passengers or type  
152 of cargo being transported in violation of any federal or state law or county or municipal  
153 ordinance; or

154 (g) Any other violation of a federal or state law or county or municipal ordinance  
155 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the  
156 secretary by regulation;

157 (31) "State", a state, territory or possession of the United States, the District of  
158 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

159 (32) "United States", the fifty states and the District of Columbia.

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

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

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

4. The director shall issue an annual commercial driver's license containing a school bus endorsement to an applicant who is seventy years of age or older. The fee for such license shall be seven dollars and fifty cents.

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

**(1) The state shall immediately revoke a hazardous materials endorsement upon receipt of an initial determination of threat assessment and immediate revocation from the Transportation Security Administration as defined by 49 CFR 1572.13(a).**

**(2) The state shall revoke or deny a hazardous materials endorsement within fifteen days of receipt of a final determination of threat assessment from the Transportation Security Administration as required by CFR 1572.13(a).**

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

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

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

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

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

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

59           12. Beginning July 1, 2005, the director shall not issue a commercial driver's license  
60 under this section unless the director verifies that the applicant is lawfully present in the United  
61 States before accepting the application. If lawful presence is granted for a temporary period, no  
62 commercial driver's license shall be issued. The director may, by rule or regulation, establish  
63 procedures to verify the lawful presence of the applicant and establish the duration of any  
64 commercial driver's license issued under this section. No rule or portion of a rule promulgated  
65 pursuant to the authority of this section shall become effective unless it has been promulgated  
66 pursuant to chapter 536, RSMo.

67           13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1  
68 and 5 of this section to the contrary, the director may issue a nonresident commercial driver's  
69 license to a resident of a foreign jurisdiction if the United States Secretary of Transportation has  
70 determined that the commercial motor vehicle testing and licensing standards in the foreign  
71 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

72           (2) Any applicant for a nonresident commercial driver's license must present evidence  
73 satisfactory to the director that the applicant currently has employment with an employer in this  
74 state. The nonresident applicant must meet the same testing, driver record requirements,

75 conditions, and is subject to the same disqualification and conviction reporting requirements  
76 applicable to resident commercial drivers.

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

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

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

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a  
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, **or**  
4 **of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;**

5 (2) Driving a commercial motor vehicle which causes a fatality through the negligent  
6 operation of the commercial motor vehicle, including but not limited to the crimes of vehicular  
7 manslaughter, homicide by motor vehicle, and negligent homicide;

8 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

9 (4) Leaving the scene of an accident involving a commercial or noncommercial motor  
10 vehicle operated by the person;

11 (5) Using a commercial or noncommercial motor vehicle in the commission of any  
12 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

13 2. If any of the violations described in subsection 1 of this section occur while  
14 transporting a hazardous material the person is disqualified for a period of not less than three  
15 years.

16 3. Any person is disqualified from operating a commercial motor vehicle for life if  
17 convicted of two or more violations of any of the offenses specified in subsection 1 of this  
18 section, or any combination of those offenses, arising from two or more separate incidents. The  
19 director may issue rules and regulations, in accordance with guidelines established by the  
20 secretary, under which a disqualification for life under this section may be reduced to a period  
21 of not less than ten years.

22 4. Any person is disqualified from driving a commercial motor vehicle for life who uses  
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the  
24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to  
25 manufacture, distribute, or dispense a controlled substance.

26           5. Any person is disqualified from operating a commercial motor vehicle for a period  
27 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty  
28 days if convicted of three serious traffic violations, arising from separate incidents occurring  
29 within a three-year period.

30           6. Any person found to be operating a commercial motor vehicle while having any  
31 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour  
32 out-of-service order by a law enforcement officer in this state.

33           7. Any person who is convicted of operating a commercial motor vehicle beginning at  
34 the time of issuance of the out-of-service order until its expiration is guilty of a class A  
35 misdemeanor.

36           8. Any person convicted for the first time of driving while out of service shall be  
37 disqualified from driving a commercial motor vehicle [for a period of ninety days] **in the**  
38 **manner prescribed in 49 CFR Part 383, or as amended by the Secretary.**

39           9. Any person convicted of driving while out of service on a second occasion during any  
40 ten-year period, involving separate incidents, shall be disqualified [for a period of one year] **in**  
41 **the manner prescribed in 49 CFR Part 383, or as amended by the Secretary.**

42           10. Any person convicted of driving while out of service on a third or subsequent  
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a  
44 period of three years.

45           11. Any person convicted of a first violation of an out-of-service order while transporting  
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more  
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48           12. Any person convicted of any subsequent violation of an out-of-service order in a  
49 separate incident within ten years after a previous violation, while transporting hazardous  
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including  
51 the driver, is disqualified for a period of three years.

52           13. Any person convicted of any other offense as specified by regulations promulgated  
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54           14. After suspending, revoking, canceling or disqualifying a driver, the director shall  
55 update records to reflect such action and notify a nonresident's licensing authority and the  
56 commercial driver's license information system within ten days in the manner prescribed in 49  
57 CFR Part 384, or as amended by the Secretary.

58           15. Any person disqualified from operating a commercial motor vehicle pursuant to  
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and  
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet  
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation

62 shall not be withdrawn by the director until such person reapplies for a commercial driver's  
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 16. The director shall disqualify a driver upon receipt of notification that the Secretary  
65 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process  
66 of a disqualification determined by the Secretary pursuant to this section shall be held in  
67 accordance with regulations promulgated by the Secretary. The period of disqualification  
68 determined by the Secretary pursuant to this section shall be served concurrently to any other  
69 period of disqualification which may be imposed by the director pursuant to this section. Both  
70 disqualifications shall appear on the driving record of the driver.

71 **17. The director shall disqualify a commercial license holder or operator of a**  
72 **commercial vehicle from operation of any commercial motor vehicle upon receipt of a**  
73 **conviction for an offense of failure to appear or pay, and such disqualification shall remain**  
74 **in effect until the director receives notice that the person has complied with the**  
75 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700 **which is:**
  - 3 **(a) Controlled and operated by a farmer, including operation by employees or**  
4 **family members;**
  - 5 **(b) Used to transport agricultural products, farm machinery, farm supplies, or**  
6 **both, to or from a farm;**
  - 7 **(c) Not used in the operations of a common or contract motor carrier; and**
  - 8 **(d) Used within two hundred forty-one kilometers or one hundred fifty miles of the**  
9 **farmer's farm;**
- 10 (2) Any active duty military personnel, members of the reserves and national guard on  
11 active duty, including personnel on full-time national guard duty, personnel on part-time training  
12 and national guard military technicians, while driving [military] vehicles for military purposes;
- 13 (3) Any person who drives emergency or fire equipment necessary to the preservation  
14 of life or property or the execution of emergency governmental functions under emergency  
15 conditions;
- 16 (4) Any person qualified to operate the equipment under subdivision (3) of this section  
17 when operating such equipment in other functions such as parades, special events, repair, service  
18 or other authorized movements;
- 19 (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010  
20 and 700.010, RSMo, for personal use; and
- 21 (6) Any other class of persons exempted by rule or regulation of the director, which rule  
22 or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any  
23 amendments or regulations drafted to that act.

304.034. 1. Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs upon any street or highway under the governing body's jurisdiction. A golf cart or motorized wheelchair shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No golf cart or motorized wheelchair shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour.

2. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of chapter 301, RSMo.

3. As used in this section, a "golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for [forty-eight] **twenty-four** hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than [forty-eight] **twenty-four** hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or  
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct  
26 the normal movement of traffic where there is no reasonable indication that the person in control  
27 of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080, RSMo;

29 (4) Any abandoned property which has been reported as stolen or taken without consent  
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for  
32 an alleged offense for which the officer [is required to take] **takes** the person into custody and  
33 where such person is unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is  
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance  
37 where signs have been posted giving notice of the law or where the violation causes a safety  
38 hazard; [or]

39 (8) Any abandoned property illegally left standing on the waters of this state as defined  
40 in section 306.010, RSMo, where the abandoned property is obstructing the normal movement  
41 of traffic, or where the abandoned property has been unattended for more than ten hours or is  
42 floating loose on the water; **or**

43 **(9) Any abandoned property for which the person operating such property or**  
44 **vehicle eludes arrest for an alleged offense for which the officer would have taken the**  
45 **offender into custody.**

46 2. The [state transportation] department **of transportation or any law enforcement**  
47 **officer within the officer's jurisdiction** may immediately remove any abandoned, unattended,  
48 wrecked, burned or partially dismantled property, spilled cargo or other personal property from  
49 the [roadway] **right of way** of any **interstate highway, freeway, or** state highway if the  
50 abandoned property, cargo or personal property is creating a traffic hazard because of its position  
51 in relation to the **interstate highway, freeway, or** state highway. In the event the property  
52 creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo,  
53 the department's authority under this subsection shall be limited to authorizing a towing company  
54 to remove the commercial motor vehicle to a place of safety, except that the owner of the  
55 commercial motor vehicle or the owner's designated representative shall have a reasonable  
56 opportunity to contact a towing company of choice. The provisions of this subsection shall not  
57 apply to vehicles transporting any material which has been designated as hazardous under  
58 Section 5103(a) of Title 49, U.S.C.

59 3. Any law enforcement agency authorizing a tow pursuant to this section in which the  
60 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and

61 inspection report. Any state or federal government agency other than a law enforcement agency  
62 authorizing a tow pursuant to this section in which the abandoned property is moved away from  
63 the immediate vicinity in which it was abandoned shall report the towing to the state highway  
64 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection  
65 report as required in this section. Any local government agency, other than a law enforcement  
66 agency, authorizing a tow pursuant to this section where property is towed away from the  
67 immediate vicinity shall report the tow to the local law enforcement agency within two hours  
68 along with a crime inquiry and inspection report.

69 4. Neither the law enforcement officer, government agency official nor anyone having  
70 custody of abandoned property under his direction shall be liable for any damage to such  
71 abandoned property occasioned by a removal authorized by this section or by ordinance of a  
72 county or municipality licensing and regulating the sale of abandoned property by the  
73 municipality, other than damages occasioned by negligence or by willful or wanton acts or  
74 omissions.

75 5. The owner of abandoned property removed as provided in this section or in section  
76 304.157 shall be responsible for payment of all reasonable charges for towing and storage of  
77 such abandoned property as provided in section 304.158.

78 6. Upon the towing of any abandoned property pursuant to this section or under authority  
79 of a law enforcement officer or local government agency pursuant to section 304.157, the law  
80 enforcement agency that authorized such towing or was properly notified by another government  
81 agency of such towing shall promptly make an inquiry with the national crime information center  
82 and any statewide Missouri law enforcement computer system to determine if the abandoned  
83 property has been reported as stolen and shall enter the information pertaining to the towed  
84 property into the statewide law enforcement computer system. If the abandoned property is not  
85 claimed within ten working days of the towing, the tower who has online access to the  
86 department of revenue's records shall make an inquiry to determine the abandoned property  
87 owner and lienholder, if any, of record. In the event that the records of the department of  
88 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply  
89 with the requirements of subsection 3 of section 304.156. If the tower does not have online  
90 access, the law enforcement agency shall submit a crime inquiry and inspection report to the  
91 director of revenue. A towing company that does not have online access to the department's  
92 records and that is in possession of abandoned property after ten working days shall report such  
93 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.  
94 The crime inquiry and inspection report shall be designed by the director of revenue and shall  
95 include the following:

96 (1) The year, model, make and property identification number of the property and the  
97 owner and any lienholders, if known;

- 98 (2) A description of any damage to the property noted by the officer authorizing the tow;  
99 (3) The license plate or registration number and the state of issuance, if available;  
100 (4) The storage location of the towed property;  
101 (5) The name, telephone number and address of the towing company;  
102 (6) The date, place and reason for the towing of the abandoned property;  
103 (7) The date of the inquiry of the national crime information center, any statewide  
104 Missouri law enforcement computer system and any other similar system which has titling and  
105 registration information to determine if the abandoned property had been stolen. This  
106 information shall be entered only by the law enforcement agency making the inquiry;  
107 (8) The signature and printed name of the officer authorizing the tow; [and]  
108 (9) The name of the towing company, the signature and printed name of the towing  
109 operator, and an indicator disclosing whether the tower has online access to the department's  
110 records; **and**  
111 (10) Any additional information the director of revenue deems appropriate.
- 112 7. One copy of the crime inquiry and inspection report shall remain with the agency  
113 which authorized the tow. One copy shall be provided to and retained by the storage facility and  
114 one copy shall be retained by the towing facility in an accessible format in the business records  
115 for a period of three years from the date of the tow or removal.
- 116 8. The owner of such abandoned property, or the holder of a valid security interest of  
117 record, may reclaim it from the towing company upon proof of ownership or valid security  
118 interest of record and payment of all reasonable charges for the towing and storage of the  
119 abandoned property.
- 120 9. Any person who removes abandoned property at the direction of a law enforcement  
121 officer or an officer of a government agency where that agency's real property is concerned as  
122 provided in this section shall have a lien for all reasonable charges for the towing and storage of  
123 the abandoned property until possession of the abandoned property is voluntarily relinquished  
124 to the owner of the abandoned property or to the holder of a valid security interest of record.  
125 Any personal property within the abandoned property need not be released to the owner thereof  
126 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been  
127 paid or satisfactory arrangements for payment have been made, except that any medication  
128 prescribed by a physician shall be released to the owner thereof upon request. The company  
129 holding or storing the abandoned property shall either release the personal property to the owner  
130 of the abandoned property or allow the owner to inspect the property and provide an itemized  
131 receipt for the contents. The company holding or storing the property shall be strictly liable for  
132 the condition and safe return of the personal property. Such lien shall be enforced in the manner  
133 provided under section 304.156.

134           10. Towing companies shall keep a record for three years on any abandoned property  
135 towed and not reclaimed by the owner of the abandoned property. Such record shall contain  
136 information regarding the authorization to tow, copies of all correspondence with the department  
137 of revenue concerning the abandoned property, including copies of any online records of the  
138 towing company accessed and information concerning the final disposition of the possession of  
139 the abandoned property.

140           11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard  
141 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall  
142 notify the local law enforcement agency where the repossession occurred within two hours of  
143 the repossession and shall further provide the local law enforcement agency with any additional  
144 information the agency deems appropriate. The local law enforcement agency shall make an  
145 inquiry with the national crime information center and the Missouri statewide law enforcement  
146 computer system and shall enter the repossessed vehicle into the statewide law enforcement  
147 computer system.

148           12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who  
149 has complied with the notification provisions in section 304.156 including notice that any  
150 property remaining unredeemed after thirty days may be sold as scrap property may then dispose  
151 of such property as provided in this subsection. Such sale shall only occur if at least thirty days  
152 has passed since the date of such notification, the abandoned property remains unredeemed with  
153 no satisfactory arrangements made with the towing company for continued storage, and the  
154 owner or holder of a security agreement has not requested a hearing as provided in section  
155 304.156. The towing company may dispose of such abandoned property by selling the property  
156 on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed  
157 salvage dealer for destruction purposes only. The towing company shall forward a copy of the  
158 bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of  
159 revenue within two weeks of the date of such sale. The towing company shall keep a record of  
160 each such vehicle sold for destruction for three years that shall be available for inspection by law  
161 enforcement and authorized department of revenue officials. The record shall contain the year,  
162 make, identification number of the property, date of sale, and name of the purchasing scrap metal  
163 operator or licensed salvage dealer and copies of all notifications issued by the towing company  
164 as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record  
165 of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators  
166 and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo,  
167 on vehicles purchased on a bill of sale pursuant to this section.

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 combination of truck-tractor and semitrailer or truck-tractor equipped with  
25 dromedary and semitrailer operated upon the highways of this state shall have a length, including  
26 load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the  
27 United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or  
28 truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway  
29 system of this state shall have an overall length, including load, in excess of the length of the  
30 truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The  
31 length of such semitrailer shall not exceed fifty-three feet.

32         6. In order to comply with the provisions of Title 23 of the United States Code (Public  
33 Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate  
34 highway system of this state shall have an overall length, including load, in excess of the length  
35 of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall  
36 exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to  
37 twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982,  
38 within a sixty-five foot overall length limit in any state, may continue to be operated upon the  
39 interstate highways of this state. On those primary highways not designated by the state  
40 highways and transportation commission as provided in subsection 10 of this section, no

41 combination of truck-tractor, semitrailer and trailer shall have an overall length, including load,  
42 in excess of sixty-five feet; provided, however, the state highways and transportation commission  
43 may designate additional routes for such sixty-five foot combinations.

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

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

61 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the  
62 interstate and designated primary highway system of this state shall have a semitrailer length in  
63 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and  
64 lawful operation in any state on December 1, 1982, operating in a truck-tractor  
65 semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement  
66 of semitrailer length when used between the first and second semitrailer of a truck-tractor  
67 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the  
68 B-train assembly, it shall be included in the length measurement of the semitrailer.

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

75 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other  
76 combination of vehicles operated upon the primary or interstate highways of this state plus a  
77 distance of ten miles from a primary or interstate highway shall have an overall length, unladen

78 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway,  
79 except the state highways and transportation commission may designate additional routes for use  
80 by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five  
81 foot saddlemount combinations. Any vehicle or combination of vehicles transporting  
82 automobiles, boats or other motor vehicles may carry a load which extends no more than three  
83 feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of  
84 vehicles.

85 12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural  
86 implements operating occasionally on the highways for short distances[,] **including tractor**  
87 **parades for fund-raising activities or special events, provided the tractors are driven by**  
88 **licensed drivers during daylight hours only and with the approval of the superintendent**  
89 **of the Missouri state highway patrol;** or to self-propelled hay-hauling equipment or to  
90 implements of husbandry, or to the movement of farm products as defined in section [400.9-109]  
91 **400.9-102, RSMo,** or to vehicles temporarily transporting agricultural implements or implements  
92 of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles  
93 that have become disabled upon the highways; or to implement dealers delivering or moving  
94 farm machinery for repairs on any state highway other than the interstate system.

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

99 13. As used in this chapter the term "implements of husbandry" means all self-propelled  
100 machinery operated at speeds of less than thirty miles per hour, specifically designed for, or  
101 especially adapted to be capable of, incidental over-the-road and primary offroad usage and used  
102 exclusively for the application of commercial plant food materials or agricultural chemicals, and  
103 not specifically designed or intended for transportation of such chemicals and materials.

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

304.260. Farm tractors when using the highways in traveling from one field or farm to  
2 another, or to or from places of delivery or repair, **or when participating in activities or events**  
3 **permitted under subsection 12 of section 304.170** are exempt from the provisions of the law  
4 relating to registration and display of number plates, but shall comply with all the other  
5 provisions hereof. The state highways and transportation commission shall have the power and

6 authority to prescribe the type of road upon which such tractors may be used and may exclude  
7 the use of such tractors or the use of trucks of any particular weight from the use of certain  
8 designated roads or types of roads, by the posting of signs along or upon such roads or any part  
9 thereof.

**304.285. Any person operating a motorcycle or bicycle who violates the provisions  
2 of section 304.281 or section 304.301 by entering or crossing an intersection controlled by  
3 a traffic control signal against a red light shall have an affirmative defense to that charge  
4 if the person establishes all of the following conditions:**

5 (1) **The motorcycle or bicycle has been brought to a complete stop;**

6 (2) **The traffic control signal continues to show a red light for an unreasonable  
7 time;**

8 (3) **The traffic control is apparently malfunctioning or, if programmed or  
9 engineered to change to a green light only after detecting the approach of a motor vehicle,  
10 the signal has apparently failed to detect the arrival of the motorcycle; and**

11 (4) **No motor vehicle or person is approaching on the street or highway to be  
12 crossed or entered or is so far away from the intersection that it does not constitute an  
13 immediate hazard.**

14 **The affirmative defense of this section applies only to a violation for entering or crossing  
15 an intersection controlled by a traffic control signal against a red light and does not  
16 provide a defense to any other civil or criminal action.**

307.010. 1. All motor vehicles, and every trailer and semitrailer operating upon the  
2 public highways of this state and carrying goods or material or farm products which may  
3 reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as  
4 a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or  
5 semitrailer shall have a protective cover or be sufficiently secured so that no portion of such  
6 goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while  
7 being transported or carried.

8 2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be  
9 [a class C misdemeanor] **an infraction**, and any person [convicted] **who pleads or is found  
10 guilty** thereof shall be punished as provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders,  
2 attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall  
3 be equipped with mud flaps for the rear wheels when operated on the public highways of this  
4 state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire  
5 or tires being protected; shall be so installed that they extend from the underside of the vehicle  
6 body in a vertical plane behind the rear wheels to within eight inches of the ground; and shall be  
7 constructed of a rigid material or a flexible material which is of a sufficiently rigid character to

8 provide adequate protection when the vehicle is in motion. No provisions of this section shall  
9 apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps,  
10 to farm implements, or to any vehicle which is not required to be registered.

11 2. Any person who violates this section is guilty of [a class B misdemeanor] **an**  
12 **infraction** and, upon [conviction] **plea or finding of guilt**, shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one spotlight but  
2 every lighted spotlight shall be so aimed and used so as not to be dazzling or glaring to any  
3 person.

4 2. Notwithstanding the provisions of section 307.120, violation of this section is [a class  
5 C misdemeanor] **an infraction**.

307.120. Any person violating any of the provisions of sections 307.020 to 307.120  
2 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an infraction**. The term  
3 "person" as used in sections 307.020 to 307.120 shall mean and include any individual,  
4 association, joint stock company, copartnership or corporation.

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. Any person violating the provisions of this section shall be guilty  
18 of [a class C misdemeanor] **an infraction**.

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

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
 24 is created under the authority delegated in this section shall become effective only if it complies  
 25 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
 26 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
 27 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
 28 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
 29 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be  
 30 invalid and void.

307.155. Any person violating any of the provisions of sections 307.130 to 307.160 shall  
 2 be deemed guilty of [a class C misdemeanor] **an infraction** and shall be punished by a fine of  
 3 not to exceed fifty dollars for each offense.

307.172. 1. No person shall operate any passenger motor vehicle upon the public streets  
 2 or highways of this state, the body of which has been altered in such a manner that the front or  
 3 rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street  
 4 or highway in front or to the rear of the vehicle.

5 2. Every motor vehicle which is licensed in this state and operated upon the public streets  
 6 or highways of this state shall be equipped with front and rear bumpers if such vehicle was  
 7 equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles  
 8 designed or modified primarily for off-highway purposes while such vehicles are in tow or to  
 9 motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles  
 10 when the original design of such vehicles did not include bumpers nor shall the provisions of this  
 11 subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway  
 12 patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights  
 13 of both the front and rear bumpers of motor vehicles shall be determined by weight category of  
 14 gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the  
 15 bottom of the bumper when the vehicle is unloaded and the tires are inflated to the  
 16 manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
19 Motor vehicles except		
20 commercial motor		
21 vehicles	22 inches	22 inches
22 Commercial motor		
23 vehicles (GVWR)		
24 4,500 lbs and under	24 inches	26 inches
25 4,501 lbs through		
26 7,500 lbs	27 inches	29 inches

27	7,501 lbs through		
28	9,000 lbs	28 inches	30 inches
29	9,001 lbs through		
30	11,500 lbs	29 inches	31 inches

31 3. A motor vehicle in violation of this section shall not be approved during any motor  
 32 vehicle safety inspection required pursuant to sections 307.350 to 307.390.

33 4. Any person knowingly violating the provisions of this section is guilty of [a class C  
 34 misdemeanor] **an infraction.**

307.173. 1. Any person may operate a motor vehicle with front sidewing vents or  
 2 windows located immediately to the left and right of the driver that have a sun screening device,  
 3 in conjunction with safety glazing material, that has a light transmission of thirty-five percent  
 4 or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus  
 5 or minus three percent. Except as provided in subsection 5 of this section, any sun screening  
 6 device applied to front sidewing vents or windows located immediately to the left and right of  
 7 the driver in excess of the requirements of this section shall be prohibited without a permit  
 8 pursuant to a physician's prescription as described below. A permit to operate a motor vehicle  
 9 with front sidewing vents or windows located immediately to the left and right of the driver that  
 10 have a sun screening device, in conjunction with safety glazing material, which permits less light  
 11 transmission and luminous reflectance than allowed under the requirements of this subsection,  
 12 may be issued by the department of public safety to a person having a serious medical condition  
 13 which requires the use of a sun screening device if the permittee's physician prescribes its use.  
 14 The director of the department of public safety shall promulgate rules and regulations for the  
 15 issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or  
 16 relative within the second degree by consanguinity or affinity, which shall mean a spouse, each  
 17 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person,  
 18 who resides in the household. Except as provided in subsection 2 of this section, all sun  
 19 screening devices applied to the windshield of a motor vehicle are prohibited.

20 2. This section shall not prohibit labels, stickers, decalomania, or informational signs  
 21 on motor vehicles or the application of tinted or solar screening material to recreational vehicles  
 22 as defined in section 700.010, RSMo, provided that such material does not interfere with the  
 23 driver's normal view of the road. This section shall not prohibit factory-installed tinted glass,  
 24 the equivalent replacement thereof or tinting material applied to the upper portion of the motor  
 25 vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

26 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
 27 is created under the authority delegated in this section shall become effective only if it complies  
 28 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
 29 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers

30 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
31 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
32 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be  
33 invalid and void.

34 4. Any person who violates the provisions of this section is guilty of [a class C  
35 misdemeanor] **an infraction**.

36 5. Any vehicle licensed with a historical license plate shall be exempt from the  
37 requirements of this section.

307.195. 1. No person shall operate a motorized bicycle on any highway or street in this  
2 state unless the person has a valid license to operate a motor vehicle.

3 2. No motorized bicycle may be operated on any public thoroughfare located within this  
4 state which has been designated as part of the federal interstate highway system.

5 3. Violation of this section shall be deemed [a class C misdemeanor] **an infraction**.

307.198. 1. Every all-terrain vehicle, except those used in competitive events, shall have  
2 the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any time in which  
4 an all-terrain vehicle is being used on any street or highway in this state pursuant to section  
5 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least  
7 two feet above the roadway when such vehicle is operated upon any street or highway pursuant  
8 to section 300.348, RSMo, or 304.013, RSMo. The emblem shall be constructed of substantial  
9 material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in  
10 width. Each side of the emblem shall measure at least ten inches;

11 (3) A braking system maintained in good operating condition;

12 (4) An adequate muffler system in good working condition, and a United States Forest  
13 Service qualified spark arrester.

14 2. A violation of this section shall be [a class C misdemeanor] **an infraction**.

307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo,  
2 which is required to be registered in this state, except:

3 (1) [New] motor vehicles [which have not been previously titled and registered], for the  
4 [two-year] **five-year** period following their model year of manufacture, **excluding prior salvage**  
5 **vehicles immediately following a rebuilding process and vehicles subject to the provisions**  
6 **of section 307.380;**

7 (2) Those motor vehicles which are engaged in interstate commerce and are  
8 proportionately registered in this state with the Missouri highway reciprocity commission,  
9 although the owner may request that such vehicle be inspected by an official inspection station,  
10 and a peace officer may stop and inspect such vehicles to determine whether the mechanical

11 condition is in compliance with the safety regulations established by the United States  
12 Department of Transportation; and

13 (3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

14 (4) **Vehicles registered in excess of twenty-four thousand pounds for a period of less**  
15 **than twelve months;**

16

17 shall submit such vehicles to a biennial inspection of their mechanism and equipment in  
18 accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of  
19 inspection and approval and a sticker, seal, or other device from a duly authorized official  
20 inspection station. The inspection, except the inspection of school buses which shall be made  
21 at the time provided in section 307.375, shall be made at the time prescribed in the rules and  
22 regulations issued by the superintendent of the Missouri state highway patrol; but the inspection  
23 of a vehicle shall not be made more than sixty days prior to the date of application for  
24 registration or within sixty days of when a vehicle's registration is transferred. Any vehicle  
25 manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant  
26 to the safety inspection program established pursuant to sections 307.350 to 307.390 in each  
27 even-numbered calendar year and any such vehicle manufactured as an odd-numbered model  
28 year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each  
29 odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other  
30 device or combination thereof, as the superintendent of the Missouri state highway patrol  
31 prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed  
32 by the regulations established by him. The replacement of certificates of inspection and approval  
33 which are lost or destroyed shall be made by the superintendent of the Missouri state highway  
34 patrol under regulations prescribed by him.

35 2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle  
36 over the most direct route between the owner's usual place of residence and an inspection station  
37 of such owner's choice, notwithstanding the fact that the vehicle does not have a current state  
38 registration license. It shall also be lawful to operate such a vehicle from an inspection station  
39 to another place where repairs may be made and to return the vehicle to the inspection station  
40 notwithstanding the absence of a current state registration license.

41 3. No person whose motor vehicle was duly inspected and approved as provided in this  
42 section shall be required to have the same motor vehicle again inspected and approved for the  
43 sole reason that such person wishes to obtain a set of any special personalized license plates  
44 available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant  
45 to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current  
46 registration.

47           4. Notwithstanding the provisions of section 307.390, violation of this section shall be  
48 deemed an infraction.

          307.365. 1. No permit for an official inspection station shall be assigned or transferred  
2 or used at any location other than therein designated and every permit shall be posted in a  
3 conspicuous place at the location designated. The superintendent of the Missouri state highway  
4 patrol shall design and furnish each official inspection station, at no cost, one official sign made  
5 of metal or other durable material to be displayed in a conspicuous location to designate the  
6 station as an official inspection station. Additional signs may be obtained by an official  
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be  
8 supplied with one or more posters which must be displayed in a conspicuous location at the place  
9 of inspection and which informs the public that required repairs or corrections need not be made  
10 at the inspection station.

11           2. No person operating an official inspection station pursuant to the provisions of  
12 sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle  
13 except upon an official form furnished by the superintendent of the Missouri state highway patrol  
14 for that purpose and only after inspecting the vehicle and determining that its brakes, lighting  
15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,  
16 wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety  
17 equipment as required by the state are in proper condition and adjustment to be operated upon  
18 the public highways of this state with safety to the driver or operator, other occupants therein,  
19 as well as other persons and property upon the highways, as provided by sections 307.350 to  
20 307.390 and the regulations prescribed by the superintendent of the Missouri state highway  
21 patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake  
22 testing. No person operating an official inspection station shall furnish, loan, give or sell a  
23 certificate of inspection and approval to any other person except those entitled to receive it under  
24 provisions of sections 307.350 to 307.390. No person shall have in such person's possession any  
25 certificate of inspection and approval and/or inspection sticker with knowledge that the  
26 certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

27           3. The superintendent of the Missouri state highway patrol may require officially  
28 designated stations to furnish reports upon forms furnished by the superintendent for that purpose  
29 as the superintendent considers reasonably necessary for the proper and efficient administration  
30 of sections 307.350 to 307.390.

31           4. If, upon inspection, defects or unsafe conditions are found, the owner may correct  
32 them or shall have them corrected at any place the owner chooses within twenty days after the  
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place  
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,  
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the

36 official inspection station must inform the owner that the corrections need not be made at the  
37 inspection station.

38         5. A fee, not to exceed twelve dollars, as determined by each official inspection station,  
39 may be charged by an official inspection station for each official inspection including the  
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,  
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for  
42 an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate  
43 of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted  
44 on the premises of each such official inspection station. No owner shall be charged an additional  
45 inspection fee upon having corrected defects or unsafe conditions found in an inspection  
46 completed within the previous twenty consecutive days, excluding Saturdays, Sundays and  
47 holidays, if such follow-up inspection is made by the station making the initial inspection. Every  
48 inspection for which a fee is charged shall be a complete inspection, and upon completion of the  
49 inspection, if any defects are found the owner of the vehicle shall be furnished a list of the  
50 defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have  
51 any necessary repairs or corrections made at the official inspection station, the owner shall be  
52 furnished a written estimate of the cost of such repairs before such repairs or corrections are  
53 made by the official inspection station. The written estimate shall have plainly written upon it  
54 that the owner understands that the corrections need not be made by the official inspection  
55 station and shall have a signature line for the owner. The owner must sign below the statement  
56 on the signature line before any repairs are made.

57         6. Certificates of inspection and approval, sticker, seal or other device shall be purchased  
58 by the official inspection stations from the superintendent of the Missouri state highway patrol.  
59 The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty  
60 cents for each certificate of inspection, sticker, seal or other device issued to the official  
61 inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal  
62 or other device issued to official inspection stations operated by governmental entities. All fees  
63 collected shall be deposited in the state treasury with one dollar of each fee collected credited to  
64 the state highway fund and, for the purpose of administering and enforcing the state motor  
65 vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund"  
66 which is hereby created. The moneys collected and deposited in the highway patrol inspection  
67 fund shall be expended subject to appropriations by the general assembly for the administration  
68 and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The  
69 unexpended balance in the fund at the end of each biennium exceeding the amount of the  
70 appropriations from the fund for the first two fiscal years shall be transferred to the state road  
71 fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general  
72 revenue fund at the end of the biennium, shall not apply to the fund.

73           7. The owner or operator of any inspection station who discontinues operation during  
74 the period that a station permit is valid or whose station permit is suspended or revoked shall  
75 return all official signs and posters and any current unused inspection stickers, seals or other  
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund  
77 on request except for official signs and posters, provided the request is made during the calendar  
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the  
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused  
80 previous year issue inspection stickers and/or decals for an identical number of current year  
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April  
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the  
83 Missouri state highway patrol.

84           **8. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**  
85 **this section shall be a class C misdemeanor.**

          307.375. 1. The owner of every bus used to transport children to or from school in  
2 addition to any other inspection required by law shall submit the vehicle to an official inspection  
3 station, and obtain a certificate of inspection, sticker, seal or other device annually, but the  
4 inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle  
5 during the school year. The inspection shall, in addition to the inspection of the mechanism and  
6 equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,  
7 include an inspection to ascertain that the following items are correctly fitted, adjusted, and in  
8 good working condition:

- 9           (1) All mirrors, including crossview, inside, and outside;
- 10          (2) The front and rear warning flashers;
- 11          (3) The stop signal arm;
- 12          (4) The crossing control arm on public school buses required to have them pursuant to  
13 section 304.050, RSMo;
- 14          (5) The rear bumper to determine that it is flush with the bus so that hitching of rides  
15 cannot occur;
- 16          (6) The exhaust tailpipe shall be flush with or may extend not more than two inches  
17 beyond the perimeter of the body or bumper;
- 18          (7) The emergency doors and exits to determine them to be unlocked and easily opened  
19 as required;
- 20          (8) The lettering and signing on the front, side and rear of the bus;
- 21          (9) The service door;
- 22          (10) The step treads;
- 23          (11) The aisle mats or aisle runners;

24 (12) The emergency equipment which shall include as a minimum a first aid kit, flares  
25 or fuses, and a fire extinguisher;

26 (13) The seats, including a determination that they are securely fastened to the floor;

27 (14) The emergency door buzzer;

28 (15) All hand hold grips;

29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state  
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles  
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be  
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and  
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and  
35 the following:

36 (1) The driver seat belts;

37 (2) The heating and defrosting systems;

38 (3) The reflectors;

39 (4) The bus steps;

40 (5) The aisles;

41 (6) The frame.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this  
43 section are found, the owner or operator shall have them corrected in ten days and notify the  
44 superintendent of the Missouri state highway patrol or those persons authorized by the  
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus  
46 shall not be used until corrections are made and the superintendent of the Missouri state highway  
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such  
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of  
50 subsection 3 of this section shall be applicable.

51 **5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**  
52 **this section shall be a class C misdemeanor.**

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is  
2 guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea or finding of guilt** shall be  
3 punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign qualified persons  
5 who are not highway patrol officers to investigate and enforce motor vehicle safety inspection  
6 laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355,  
7 RSMo. A person assigned by the superintendent pursuant to the authority granted by this  
8 subsection shall be designated a motor vehicle inspector and shall have limited powers to issue

9 a uniform complaint and summons for a violation of the motor vehicle inspection laws and  
10 regulations. A motor vehicle inspector shall not have authority to exercise the power granted in  
11 this subsection until such inspector successfully completes training provided by, and to the  
12 satisfaction of, the superintendent.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as  
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with  
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless  
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code  
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether  
6 intrastate transportation or interstate transportation. Members of the Missouri state highway  
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect  
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting  
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of  
10 the department of public safety is hereby authorized to further regulate the safety of commercial  
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the  
12 public highways of this state by promulgating and publishing rules and regulations consistent  
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by  
14 the director, require:

15 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in  
16 a safe condition at all times;

17 (2) Accidents arising from or in connection with the operation of commercial motor  
18 vehicles and trailers to be reported to the department of public safety in such detail and in such  
19 manner as the director may require.

20

21 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this  
22 section shall not apply to any commercial motor vehicle operated in intrastate commerce and  
23 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the  
24 transportation of solid waste or forty-two thousand pounds or less when the license plate has  
25 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,  
26 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal  
27 Regulations.

28 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
29 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
30 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
31 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.  
32 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this

33 state may operate such vehicle intrastate at the age of eighteen years or older, except that any  
34 person transporting hazardous material must be at least twenty-one years of age.

35 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service  
36 if the vehicles are not equipped and operated according to the requirements of this section.  
37 Criteria used for placing vehicles and drivers out of service are the North American Uniform  
38 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
39 States Department of Transportation, as such criteria have been and may periodically be  
40 amended.

41 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
42 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any  
43 vehicle owned or operated by any public utility, rural electric cooperative or other public service  
44 organization, or to the driver of such vehicle, while providing restoration of essential utility  
45 services during emergencies and operating intrastate. For the purposes of this subsection, the  
46 term "essential utility services" means electric, gas, water, telephone and sewer services.

47 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall  
48 not apply to drivers transporting agricultural commodities or farm supplies for agricultural  
49 purposes in this state if such transportation:

50 (1) Is limited to an area within a one hundred air mile radius from the source of the  
51 commodities or the distribution point for the farm supplies; and

52 (2) Is conducted during the planting and harvesting season within this state, as defined  
53 by the department of public safety by regulation.

54 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to  
55 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations  
56 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains  
57 and retains for a period of six months accurate and true records showing:

58 (1) The total number of hours the driver is on duty each day; and

59 (2) The time at which the driver reports for, and is released from, duty each day.

60 7. Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts  
61 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor  
62 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight  
63 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception  
64 provided by this subsection shall not apply to vehicles transporting hazardous materials or to  
65 vehicles designed to transport sixteen or more passengers including the driver as defined by Title  
66 49 of the Code of Federal Regulations. Nothing in this subsection shall be construed to prohibit  
67 persons designated by the department of public safety from inspecting vehicles defined in this  
68 subsection.

69 8. Violation of any provision of this section or any rule promulgated as authorized  
70 therein is [a class B misdemeanor] **an infraction.**

71 9. [No rule or portion of a rule promulgated under the authority of this chapter shall  
72 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
73 RSMo] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
74 is created under the authority delegated in this section shall become effective only if it  
75 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
76 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
77 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
78 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
79 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
80 adopted after August 28, 2009, shall be invalid and void.**

311.326. After a period of not less than one year, or upon reaching the age of twenty-one,  
2 whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating  
3 section 311.325 for the first time, and who since such conviction has not been convicted of any  
4 other alcohol-related offense, may apply to the court in which he or she was sentenced for an  
5 order to expunge all official records of his or her arrest, plea, trial and conviction. **No records  
6 shall be expunged if the person who has plead guilty to or has been found guilty of  
7 violating section 311.325 is licensed as a commercial motor vehicle driver or was operating  
8 a commercial motor vehicle as defined in section 302.700, RSMo, at the time of the  
9 violation.** If the court determines, upon review, that such person has not been convicted of any  
10 other alcohol-related offense at the time of the application for expungement, and the person has  
11 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the  
12 court shall enter an order of expungement. The effect of such an order shall be to restore such  
13 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event  
14 had never happened. No person as to whom such order has been entered shall be held thereafter  
15 under any provision of any law to be guilty of perjury or otherwise giving a false statement by  
16 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or  
17 expungement in response to any inquiry made of him or her for any purpose whatsoever. A  
18 person shall be entitled to only one expungement pursuant to this section. Nothing contained in  
19 this section shall prevent courts or other state officials from maintaining such records as are  
20 necessary to ensure that an individual receives only one expungement pursuant to this section.

387.040. **1.** No motor carrier subject to the provisions of this chapter shall engage or  
2 participate in the transportation of passengers or household goods, between points within this  
3 state, until its schedules of rates, fares and charges shall have been filed and published in  
4 accordance with the provisions of this chapter. Any motor carrier, which shall undertake to  
5 perform any service or furnish any product or commodity unless or until the rates, tolls, fares,

6 charges, classifications and rules and regulations relating thereto, applicable to such service,  
7 product or commodity, have been filed with the [division of motor carrier and railroad safety]  
8 **highways and transportation commission** and published in accordance with the provisions of  
9 this chapter, shall be subject to forfeiture to the state pursuant to the provisions of sections  
10 390.156 to 390.176, RSMo.

11 **2. Notwithstanding subsection 1 of this section, a motor carrier shall not be**  
12 **required to file its schedules of rates, fares, and charges for shipments of household goods**  
13 **that are transported wholly or exclusively within a commercial zone as defined in 390.020,**  
14 **RSMo, or within a commercial zone established by the highways and transportation**  
15 **commission pursuant to the provisions of subdivision (4) of section 390.041, RSMo.**

476.385. 1. The judges of the supreme court may appoint a committee consisting of at  
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a  
3 schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, RSMo, and  
4 chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion  
5 to the severity of the violation. The associate circuit judges of each county may meet en banc  
6 and adopt the schedule of fines and participation in the centralized bureau pursuant to this  
7 section. Notice of such adoption and participation shall be given in the manner provided by  
8 supreme court rule. Upon order of the supreme court, the associate circuit judges of each county  
9 may meet en banc and establish and maintain a schedule of fines to be paid for violations of  
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal  
11 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic  
12 court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted  
13 for violations of municipal ordinances may be modified from time to time as the associate circuit  
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection  
15 may exceed the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include  
17 offenses involving the following:

- 18 (1) Any violation resulting in personal injury or property damage to another person;
- 19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or  
20 drugs;
- 21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- 22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order  
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the  
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of  
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of

27 guilty and payment of a fine, all court costs which would have been collected by the court of the  
28 jurisdiction from which the violation originated.

29         4. If a person elects not to contest the alleged violation, the person shall send payment  
30 in the amount of the fine and any court costs established for the violation to the centralized  
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail  
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,  
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of  
34 imposing any collateral consequence of a criminal conviction provided by law. **By paying the**  
35 **fine and costs, the person also consents to attendance at any driver-improvement program**  
36 **or motorcycle-rider training course ordered by the court and consents to verification of**  
37 **such attendance as directed by the bureau.** Notwithstanding any provision of law to the  
38 contrary, the prosecutor shall not be required to sign any information, ticket or indictment if  
39 disposition is made pursuant to this subsection. In the event that any payment is made pursuant  
40 to this section by credit card or similar method, the centralized bureau may charge an additional  
41 fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit  
42 card payment by the credit card company.

43         5. If a person elects to plead not guilty, such person shall send the plea of not guilty to  
44 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor  
45 having original jurisdiction over the offense. Any trial shall be conducted at the location  
46 designated by the court. The clerk of the court in which the case is to be heard shall notify in  
47 writing such person of the date certain for the disposition of such charges. The prosecutor shall  
48 not be required to sign any information, ticket or indictment until the commencement of any  
49 proceeding by the prosecutor with respect to the notice of violation.

50         6. In courts adopting a schedule of fines pursuant to this section, any person receiving  
51 a notice of violation pursuant to this section shall also receive written notification of the  
52 following:

53             (1) The fine and court costs established pursuant to this section for the violation or  
54 information regarding how the person may obtain the amount of the fine and court costs for the  
55 violation;

56             (2) That the person must respond to the notice of violation by paying the prescribed fine  
57 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties  
58 prescribed by law may attach for failure to appear and dispose of the violation. The supreme  
59 court may modify the suggested forms for uniform complaint and summons for use in courts  
60 adopting the procedures provided by this section, in order to accommodate such required written  
61 notifications.

62         7. Any moneys received in payment of fines and court costs pursuant to this section shall  
63 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit

64 of those persons or entities entitled to receive such funds pursuant to this subsection. All  
65 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested  
66 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260  
67 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any  
68 interest earned on such fund shall be payable to the director of the department of revenue for  
69 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer  
70 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful  
71 appropriations, only to the judicial branch of state government for goods and services related to  
72 the administration of the judicial system.

73 8. Any person who receives a notice of violation subject to this section who fails to  
74 dispose of such violation as provided by this section shall be guilty of failure to appear provided  
75 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner  
76 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate  
77 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not  
78 guilty and request a trial within the time allotted by this section, for purposes of application of  
79 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of  
80 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon  
81 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified  
82 by the court.

83 9. In addition to the remedies provided by subsection 8 of this section, the centralized  
84 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,  
85 for the collection of court costs payable to courts, in order to collect fines and court costs for  
86 violations subject to this section.

**488.006. For any infraction, unless otherwise provided by law, all court costs, fees,  
2 surcharges, and other miscellaneous charges shall be assessed in the same manner and  
3 amount as a misdemeanor.**

556.021. 1. An offense defined by this code or by any other statute of this state  
2 constitutes an "infraction" if it is so designated or if [no other sentence than a fine, or fine and  
3 forfeiture or other civil penalty is authorized upon conviction] **a violation of the statute can  
4 result only in a fine, forfeiture, or other civil penalty, or any combination thereof.**

5 2. [An infraction does not constitute a crime and conviction of an infraction shall not  
6 give rise to any disability or legal disadvantage based on conviction of a crime.] **A  
7 determination of whether an infraction has occurred shall be made by the filing of a civil  
8 action. The action shall be filed by a person who is authorized to bring a criminal action  
9 or an action to enforce an ordinance if the conduct constituted a crime or ordinance**

10 violation. The action shall be brought in the name of the state of Missouri or appropriate  
11 political subdivision. An infraction violation shall be proven by a preponderance of the  
12 evidence but shall not be tried to a jury. If an infraction violation is proven, judgment  
13 shall be entered for the plaintiff.

14 3. Notwithstanding any other provision of law to the contrary, it shall be the duty  
15 of the operator or driver of any vehicle or the rider of any animal traveling on the roads  
16 of this state to stop on signal of any law enforcement officer and to obey any other  
17 reasonable signal or direction of such law enforcement officer given in the course of  
18 enforcing any infraction. Any person who willfully fails or refuses to obey any signal or  
19 direction of a law enforcement officer given in the course of enforcing any infraction, or  
20 who willfully resists or opposes a law enforcement officer in the proper discharge of his or  
21 her duties in the course of enforcing any infraction, shall be guilty of a class A  
22 misdemeanor and on plea or finding of guilt thereof shall be punished as provided by law  
23 for such offenses.

24 4. The supreme court of Missouri may promulgate rules for the enforcement of this  
25 section.

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

7 2. As used in this section, "emergency personnel" means any paid or volunteer  
8 firefighter, emergency room or trauma center personnel, or emergency medical technician as  
9 defined in subdivisions (15), (16), [and] (17), **and (18)** of section 190.100, RSMo.

10 3. **As used in this section the term "corrections officer" includes any jailer or**  
11 **corrections officer of the state or any political subdivision of the state.**

12 4. **When used in this section, the terms "highway worker", "construction zone",**  
13 **or "work zone" shall have the same meaning as such terms are defined in section 304.580,**  
14 **RSMo.**

15 5. Assault of a law enforcement officer, **corrections officer**, emergency personnel,  
16 **highway worker in a construction zone or work zone**, or probation and parole officer in the  
17 first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer,  
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**  
3 **zone**, or probation and 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 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly  
6 weapon or dangerous instrument;

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

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

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

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

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

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

28 2. As used in this section, "emergency personnel" means any paid or volunteer  
29 firefighter, emergency room or trauma center personnel, or emergency medical technician as  
30 defined in subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

31 3. As used in this section the term "corrections officer" includes any jailer or  
32 **corrections officer of the state or any political subdivision of the state.**

33           **4. When used in this section, the terms "highway worker", "construction zone",**  
34 **or "work zone" shall have the same meaning as such terms are defined in section 304.580,**  
35 **RSMo.**

36           **5. Assault of a law enforcement officer, corrections officer, emergency personnel,**  
37 **highway worker in a construction zone or work zone, or probation and parole officer in the**  
38 **second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7)**  
39 **of subsection 1 of this section in which case it is a class C felony. For any violation of**  
40 **subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve**  
41 **mandatory jail time as part of his or her sentence.**

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

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

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

10           (3) Such person knowingly causes or attempts to cause physical contact with a law  
11 **enforcement officer, corrections officer, emergency personnel, highway worker in a**  
12 **construction zone or work zone, or probation and parole officer without the consent of the law**  
13 **enforcement officer [or] , corrections officer, emergency personnel, highway worker in a**  
14 **construction zone or work zone, or probation 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), and (18) of section 190.100, RSMo.**

18           3. **As used in this section the term "corrections officer" includes any jailor or**  
19 **corrections officer of the state or any political subdivision of the state.**

20           **4. When used in this section, the terms "highway worker", "construction zone",**  
21 **or "work zone" shall have the same meaning as such terms are defined in section 304.580,**  
22 **RSMo.**

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

Section B. Because immediate action is necessary for the immediate preservation of the  
2 public health, welfare, peace, and safety, the repeal and reenactment of sections 304.170 and  
3 304.260 of section A of this act are hereby declared to be an emergency act within the meaning  
4 of the constitution, and the repeal and reenactment of sections 304.170 and 304.260 of section  
5 A of this act shall be in full force and effect upon its passage and approval.

Section C. The repeal and reenactment of section 307.350 of section A of this act shall  
2 become effective on January 1, 2010.

Section D. The enactment of sections 302.182 and 302.184 of section A this act shall  
2 become effective on July 1, 2010.

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