

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1205
95TH GENERAL ASSEMBLY

3495L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 94.577, 115.305, 115.342, 115.346, 190.015, 190.035, 190.040, 301.143, 302.302, 303.025, 303.080, 304.820, 306.185, 321.130, 321.243, 321.711, 537.037, 610.010, 610.021, 610.100, and 650.350, RSMo, and to enact in lieu thereof thirty-one new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 94.577, 115.305, 115.342, 115.346, 190.015, 190.035, 190.040, 2 301.143, 302.302, 303.025, 303.080, 304.820, 306.185, 321.130, 321.243, 321.711, 537.037, 3 610.010, 610.021, 610.100, and 650.350, RSMo, are repealed and thirty-one new sections 4 enacted in lieu thereof, to be known as sections 94.577, 115.305, 115.342, 190.015, 190.035, 5 190.040, 221.505, 301.143, 302.302, 303.025, 303.080, 304.667, 304.820, 304.890, 304.892, 6 304.894, 304.900, 306.185, 321.018, 321.130, 321.243, 321.711, 389.1150, 537.037, 578.275, 7 610.010, 610.021, 610.055, 610.100, 650.035, and 650.350, to read as follows:

94.577. 1. The governing body of any municipality except those located in whole or in 2 part within any first class county having a charter form of government and not containing any 3 part of a city with a population of four hundred thousand or more and adjacent to a city not 4 within a county for that part of the municipality located within such first class county is hereby 5 authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half 6 of one percent sales tax on all retail sales made in such municipality which are subject to taxation 7 under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital 8 improvements, including the operation and maintenance of capital improvements, which may 9 be funded by issuing bonds which will be retired by the revenues received from the sales tax 10 authorized by this section or the retirement of debt under previously authorized bonded

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.

11 indebtedness. A municipality located in a charter county may impose a sales tax on all retail
 12 sales for capital improvements as provided in section 94.890. The tax authorized by this section
 13 shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing
 14 a sales tax under the provisions of this section shall be effective unless the governing body of the
 15 municipality submits to the voters of the municipality, at a municipal or state general, primary
 16 or special election, a proposal to authorize the governing body of the municipality to impose such
 17 tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such
 18 bonds and their retirement by such tax, or to authorize the retirement of debt under previously
 19 authorized bonded indebtedness.

20 2. The ballot of submission shall contain, but need not be limited to:

21 (1) If the proposal submitted involves only authorization to impose the tax authorized
 22 by this section, the following language:

23 Shall the municipality of (municipality's name) impose a sales tax of (insert
 24 amount) for the purpose of funding capital improvements which may include the retirement of
 25 debt under previously authorized bonded indebtedness?

26 YES NO

27

28 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 29 to the question, place an "X" in the box opposite "NO"; or

30 (2) If the proposal submitted involves authorization to issue bonds and repay such bonds
 31 with revenues from the tax authorized by this section, the following language:

32 Shall the municipality of (municipality's name) issue bonds in the amount
 33 of (insert amount) to fund capital improvements and impose a sales tax of (insert
 34 amount) to repay bonds?

35 YES NO

36

37 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 38 to the question, place an "X" in box opposite "NO". If a majority of the votes cast on the
 39 proposal by the qualified voters voting thereon are in favor of the proposal, including when the
 40 proposal authorizes the reduction of debt under previously authorized bonded indebtedness under
 41 subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall
 42 be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue
 43 bonds and impose a sales tax to retire such bonds must be approved by the constitutionally
 44 required percentage of the voters voting thereon to become effective. If a majority of the votes
 45 cast by the qualified voters voting are opposed to the proposal, then the governing body of the
 46 municipality shall have no power to issue any bonds or impose the sales tax authorized in this

47 section unless and until the governing body of the municipality shall again have submitted
48 another proposal to authorize the governing body of the municipality to issue any bonds or
49 impose the sales tax authorized by this section, and such proposal is approved by the requisite
50 majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant
51 to this section be submitted to the voters sooner than twelve months from the date of the last
52 proposal pursuant to this section, except that any municipality with a population of greater than
53 four hundred thousand and located within more than one county may submit a proposal pursuant
54 to this section to the voters sooner than twelve months from the date of the last proposal
55 submitted pursuant to this section if submitted to the voters on or before November 6, 2001.

56 3. All revenue received by a municipality from the tax authorized under the provisions
57 of this section shall be deposited in a special trust fund and shall be used solely for capital
58 improvements, including the operation and maintenance of capital improvements, for so long as
59 the tax shall remain in effect. Once the tax authorized by this section is abolished or is
60 terminated by any means, all funds remaining in the special trust fund required by this subsection
61 shall be used solely for the maintenance of the capital improvements made with revenues raised
62 by the tax authorized by this section. Any funds in the special trust fund required by this
63 subsection which are not needed for current expenditures may be invested by the governing body
64 in accordance with applicable laws relating to the investment of other municipal funds. The
65 provisions of this subsection shall apply only to taxes authorized by this section which have not
66 been imposed to retire bonds issued pursuant to this section.

67 4. All revenue received by a municipality which issues bonds under this section and
68 imposes the tax authorized by this section to retire such bonds shall be deposited in a special
69 trust fund and shall be used solely to retire such bonds, except to the extent that such funds are
70 required for the operation and maintenance of capital improvements. Once all of such bonds
71 have been retired, all funds remaining in the special trust fund required by this subsection shall
72 be used solely for the maintenance of the capital improvements made with the revenue received
73 as a result of the issuance of such bonds. Any funds in the special trust fund required by this
74 subsection which are not needed to meet current obligations under the bonds issued under this
75 section may be invested by the governing body in accordance with applicable laws relating to
76 the investment of other municipal funds. The provisions of this subsection shall apply only to
77 taxes authorized by this section which have been imposed to retire bonds issued under this
78 section.

79 5. After the effective date of any tax imposed under the provisions of this section, the
80 director of revenue shall perform all functions incident to the administration, collection,
81 enforcement, and operation of the tax in the same manner as provided in sections 94.500 to
82 94.550, and the director of revenue shall collect in addition to the sales tax for the state of

83 Missouri the additional tax authorized under the authority of this section. The tax imposed
84 pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall
85 be collected together and reported upon such forms and under such administrative rules and
86 regulations as may be prescribed by the director of revenue. Except as modified in this section,
87 all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this
88 section.

89 6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under
90 this section may be terminated until all of such bonds have been retired.

91 7. In any city not within a county, no tax shall be imposed pursuant to this section for
92 the purpose of funding in whole or in part the construction, operation or maintenance of a sports
93 stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility
94 or anything incidental or necessary to a complex suitable for any type of professional sport or
95 recreation, either upon, above or below the ground.

96 8. Any tax imposed under this section in any home rule city with more than four hundred
97 thousand inhabitants and located in more than one county solely for public transit purposes shall
98 not be considered economic activity taxes as such term is defined under sections 99.805 and
99 99.918, RSMo, and tax revenues derived from such tax shall not be subject to allocation under
100 the provisions of subsection 3 of section 99.845, RSMo, or subsection 4 of section 99.957,
101 RSMo.

102 9. The director of revenue may authorize the state treasurer to make refunds from the
103 amounts in the trust fund and credited to any municipality for erroneous payments and
104 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
105 such municipalities. If any municipality abolishes the tax, the municipality shall notify the
106 director of revenue of the action at least ninety days prior to the effective date of the repeal and
107 the director of revenue may order retention in the trust fund, for a period of one year, of two
108 percent of the amount collected after receipt of such notice to cover possible refunds or
109 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of
110 such accounts. After one year has elapsed after the effective date of abolition of the tax in such
111 municipality, the director of revenue shall remit the balance in the account to the municipality
112 and close the account of that municipality. The director of revenue shall notify each municipality
113 of each instance of any amount refunded or any check redeemed from receipts due the
114 municipality.

115 **10. Any home rule city with more than four hundred thousand inhabitants and**
116 **located in more than one county is hereby authorized to impose, in lieu of the tax**
117 **authorized under subsection 1 of this section, by ordinance or order, a one-eighth, one-**
118 **fourth, three-eighths, or one-half of one percent sales tax on all retail sales made in such**

119 municipality which are subject to taxation under the provisions of sections 144.010 to
 120 144.525 for the purpose of providing revenues for public safety activities, including
 121 operations and capital improvements, which may be funded by issuing bonds which will
 122 be retired by the revenues received from the sales tax authorized by this section or the
 123 retirement of debt under previously authorized bonded indebtedness. The tax authorized
 124 by this section shall be in addition to any and all other sales taxes allowed by law; but no
 125 ordinance imposing a sales tax under the provisions of this section shall be effective unless
 126 the governing body of the municipality submits to the voters of the municipality, at a
 127 municipal or state general, primary or special election, a proposal to authorize the
 128 governing body of the municipality to impose such tax and, if such tax is to be used to
 129 retire bonds authorized under this section, to authorize such bonds and their retirement
 130 by such tax, or to authorize the retirement of debt under previously authorized bonded
 131 indebtedness.

132 **11. The ballot of submission shall contain, but need not be limited to:**

133 **(1) If the proposal submitted involves only authorization to impose the tax**
 134 **authorized by this section, the following language:**

135 **Shall the municipality of (municipality's name) impose a sales tax of
 136 (insert amount) for the purpose of providing revenues for public safety activities, including
 137 operations and capital improvements, which may include the retirement of debt under
 138 previously authorized bonded indebtedness?**

139 YES NO

140

141 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are
 142 opposed to the question, place an "X" in the box opposite "NO"; or**

143 **(2) If the proposal submitted involves authorization to issue bonds and repay such
 144 bonds with revenues from the tax authorized by this section, the following language:**

145 **Shall the municipality of (municipality's name) issue bonds in the amount of
 146 (insert amount) for the purpose of providing revenues for public safety activities,
 147 including operations and capital improvements, and impose a sales tax of (insert
 148 amount) to repay bonds?**

149 YES NO

150

151 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are
 152 opposed to the question, place an "X" in the box opposite "NO".**

153

154 **The ballot may include descriptions of specific uses to which the revenues from the tax will**
155 **be applied.**

156

157 **If a majority of the votes cast on the proposal by the qualified voters voting thereon are in**
158 **favor of the proposal, including when the proposal authorizes the reduction of debt under**
159 **previously authorized bonded indebtedness under subdivision (1) of this subsection, then**
160 **the ordinance or order and any amendments thereto shall be in effect, except that any**
161 **proposal submitted under subdivision (2) of this subsection to issue bonds and impose a**
162 **sales tax to retire such bonds must be approved by the constitutionally required percentage**
163 **of the voters voting thereon to become effective. If a majority of the votes cast by the**
164 **qualified voters voting are opposed to the proposal, then the governing body of the**
165 **municipality shall have no power to issue any bonds or impose the sales tax authorized in**
166 **this section unless and until the governing body of the municipality shall again have**
167 **submitted another proposal to authorize the governing body of the municipality to issue**
168 **any bonds or impose the sales tax authorized by subsection 10 of this section, and such**
169 **proposal is approved by the requisite majority of the qualified voters voting thereon.**

170 **12. All revenue received by a municipality from the tax authorized under the**
171 **provisions of subsection 10 of this section shall be deposited in a special trust fund and**
172 **shall be used solely for public safety activities for so long as the tax shall remain in effect.**
173 **Once the tax authorized by this section is abolished or is terminated by any means, all**
174 **funds remaining in the special trust fund required by this subsection shall be used solely**
175 **for the public safety activities authorized in subsection 10 of this section. Any funds in the**
176 **special trust fund required by this subsection which are not needed for current**
177 **expenditures may be invested by the governing body in accordance with applicable laws**
178 **relating to the investment of other municipal funds. The provisions of this subsection shall**
179 **apply only to taxes authorized by this subsection which have not been imposed to retire**
180 **bonds issued pursuant to this subsection.**

181 **13. All revenue received by a municipality which issues bonds under subsection 10**
182 **of this section and imposes the tax authorized by this section to retire such bonds shall be**
183 **deposited in a special trust fund and shall be used solely to retire such bonds, except to the**
184 **extent that such funds are required for the operation of the public safety department.**
185 **Once all of such bonds have been retired, all funds remaining in the special trust fund**
186 **required by this subsection shall be used solely for public safety activities. Any funds in**
187 **the special trust fund required by this subsection which are not needed to meet current**
188 **obligations under the bonds issued under this section may be invested by the governing**
189 **body in accordance with applicable laws relating to the investment of other municipal**

190 **funds. The provisions of this subsection shall apply only to taxes authorized by subsection**
191 **10 of this section which have been imposed to retire bonds issued under this section.**

192 **14. After the effective date of any tax imposed under the provisions of subsection**
193 **10 of this section, the director of revenue shall perform all functions incident to the**
194 **administration, collection, enforcement, and operation of the tax in the same manner as**
195 **provided in sections 94.500 to 94.550, and the director of revenue shall collect in addition**
196 **to the sales tax for the state of Missouri the additional tax authorized under the authority**
197 **of this section. The tax imposed pursuant to this section and the tax imposed under the**
198 **sales tax law of the state of Missouri shall be collected together and reported upon such**
199 **forms and under such administrative rules and regulations as may be prescribed by the**
200 **director of revenue. Except as modified in this section, all provisions of sections 32.085 and**
201 **32.087 shall apply to the tax imposed under this section.**

202 **15. No tax imposed pursuant to subsection 10 of this section for the purpose of**
203 **retiring bonds issued under this section may be terminated until all of such bonds have**
204 **been retired.**

115.305. **With the exception of section 115.342,** this subchapter shall not apply to
2 candidates for special district offices, township offices in township organization counties, or city,
3 town and village offices; provided that, cities of the fourth class, except those in a county of the
4 first class with a charter form of government and which adjoins a city not within a county, may
5 elect, only by ordinance, to hold primary elections in accordance with the provisions of sections
6 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510,
7 RSMo, and the ordinance shall state which of these provisions of law are being adopted.

115.342. 1. Any person who files as a candidate for election to a public office shall be
2 disqualified from participation in the election for which the candidate has filed if such person
3 is delinquent in the payment of any state income taxes, **city taxes, municipal user fees,** personal
4 property taxes, real property taxes on the place of residence, as stated on the declaration of
5 candidacy, or if the person is a past or present corporate officer of any fee office that owes any
6 taxes to the state **or the appropriate local taxing authority.**

7 2. Each potential candidate for election to a public office shall file an affidavit with the
8 department of revenue **and the appropriate local taxing authority** and include a copy of the
9 affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall
10 be in substantially the following form: "AFFIRMATION OF TAX PAYMENTS:

11 I hereby declare under penalties of perjury that I am not currently aware of any
12 delinquency in the filing or payment of any state income taxes, **city taxes, municipal user fees,**
13 personal property taxes, real property taxes on the place of residence, as stated on the declaration
14 of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes

15 to the state **or the appropriate local taxing authority**, other than those taxes which may be in
16 dispute.

17 Candidate's Signature

18 Printed Name of Candidate."

19 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
20 payment of any state income taxes, **city taxes, municipal user fees**, personal property taxes, real
21 property taxes on the place of residence, as stated on the declaration of candidacy, or if the
22 person is a past or present corporate officer of any fee office that owes any taxes to the state **or**
23 **the appropriate local taxing authority**, the department of revenue **and the appropriate local**
24 **taxing authority** shall investigate such potential candidate to verify the claim contained in the
25 complaint. If the department of revenue **or the appropriate local taxing authority** finds a
26 positive affirmation to be false, the department **or the appropriate local taxing authority** shall
27 contact the secretary of state, or the election official who accepted such candidate's declaration
28 of candidacy, and the potential candidate. The department **or the appropriate local taxing**
29 **authority** shall notify the candidate of the outstanding tax owed and give the candidate thirty
30 days to remit any such outstanding taxes owed which are not the subject of dispute between the
31 department **or the appropriate local taxing authority** and the candidate. If the candidate fails
32 to remit such amounts in full within thirty days, the candidate shall be disqualified from
33 participating in the current election and barred from refileing for an entire election cycle even if
34 the individual pays all of the outstanding taxes that were the subject of the complaint.

190.015. 1. Whenever the creation of an ambulance district is desired, a number of
2 voters residing in the proposed district equal to ten percent of the vote cast for governor in the
3 proposed district in the next preceding gubernatorial election may file with the county clerk in
4 which the territory or the greater part thereof is situated a petition requesting the creation thereof.
5 In case the proposed district is situated in two or more counties, the petition shall be filed in the
6 office of the county clerk of the county in which the greater part of the area is situated, and the
7 commissioners of the county commission of the county shall set the petition for public hearing.
8 The petition shall set forth:

- 9 (1) A description of the territory to be embraced in the proposed district;
- 10 (2) The names of the municipalities located within the area;
- 11 (3) The name of the proposed district;
- 12 (4) The population of the district which shall not be less than two thousand inhabitants;
- 13 (5) The assessed valuation of the area, which shall not be less than ten million dollars;

14 and

- 15 (6) A request that the question be submitted to the voters residing within the limits of
- 16 the proposed ambulance district whether they will establish an ambulance district pursuant to the

17 provisions of sections 190.001 to 190.090 to be known as "..... Ambulance District" for the
18 purpose of establishing and maintaining an ambulance service.

19 2. In any county with a charter form of government and with more than one million
20 inhabitants, fire protection districts created under chapter 321, RSMo, may choose to create an
21 ambulance district with boundaries congruent with each participating fire protection district's
22 existing boundaries provided no ambulance district already exists in whole or part of any district
23 being proposed and the dominant provider of ambulance services within the proposed district
24 as of September 1, 2005, ceases to offer or provide ambulance services, and the board of each
25 participating district, by a majority vote, approves the formation of such a district and
26 participating fire protection districts are contiguous. Upon approval by the fire protection district
27 boards, subsection 1 of this section shall be followed for formation of the ambulance district.
28 Services provided by a district under this subsection shall only include emergency ambulance
29 services as defined in section 321.225, RSMo.

30 **3. Any ambulance district established under this chapter on or after August 28,**
31 **2010, may levy and impose a sales tax in lieu of a property tax to fund the ambulance**
32 **district. The petition to create the ambulance district shall state whether the district will**
33 **be funded by a property or a sales tax.**

190.035. Each notice shall state briefly the purpose of the election, setting forth the
2 proposition to be voted upon and a description of the territory. The notice shall further state that
3 any district upon its establishment shall have the powers, objects and purposes provided by
4 sections 190.005 to 190.085, and shall have the power to levy a property tax not to exceed thirty
5 cents on the one hundred dollars valuation, **or to levy a sales tax in lieu of a property tax, and**
6 **shall state the rate of the sales tax.**

190.040. The question shall be submitted in substantially the following form:
2 Shall there be organized in the counties of, state of Missouri, an ambulance district
3 for the establishment and operation of an ambulance service to be located within the boundaries
4 of said proposed district and having the power to impose a property tax not to exceed the annual
5 rate of thirty cents on the hundred dollars assessed valuation without voter approval, **or a sales**
6 **tax not to exceed percent without voter approval,** and such additional tax as may be
7 approved hereafter by vote thereon, to be known as "..... Ambulance District" as prayed for by
8 petition filed with the county clerk of County, Missouri, on the day of, 20....?

221.505. 1. As soon as reasonably possible, but in no case more than five hours
2 **after a person who has been convicted of a dangerous felony or who is being held on**
3 **suspicion of having committed a dangerous felony has escaped from a municipal detention**
4 **facility, county jail, regional jail, or private jail, the chief law enforcement official**
5 **responsible for such jail or detention facility or the chief administrator in the case of a**

6 private jail shall cause notification of the escape to be made to the Missouri uniform law
7 enforcement system (MULES).

8 **2. The notification required by this section shall include the name of the escaped**
9 **individual, any facts relevant to identifying the escaped individual, including but not**
10 **limited to, a physical description, a photograph or video of such individual, a description**
11 **of any mode of transportation such individual is believed to be using, and a description of**
12 **any person believed to be assisting such person in the escape, if any. The notification shall**
13 **also include the crimes for which the person was incarcerated in the jail or detention**
14 **facility and contact information for the jail or detention facility which can be used by any**
15 **person to report any information concerning the whereabouts of the escaped person.**

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

4 2. Political subdivisions of the state may by ordinance or resolution designate parking
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or card
6 issued pursuant to section 301.071 or 301.142. Owners of private property used for public
7 parking shall also designate parking spaces for the exclusive use of vehicles which display a
8 distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever
9 a political subdivision or owner of private property so designates a parking space, the space shall
10 be indicated by a sign upon which shall be inscribed the international symbol of accessibility and
11 shall also include any appropriate wording to indicate that the space is reserved for the exclusive
12 use of vehicles which display a distinguishing license plate or card. The sign described in this
13 subsection shall also state, or an additional sign shall be posted below or adjacent to the sign
14 stating, the following: "\$50 to \$300 fine.". **Beginning August 28, 2010, when any political**
15 **subdivision or owner of private property restripes a parking lot or constructs a new**
16 **parking lot, one in every four accessible spaces, but not less than one, shall be served by**
17 **an access aisle a minimum of ninety-six inches wide and shall be designated "lift van**
18 **accessible only" with signs that meet the requirements of the federal Americans with**
19 **Disabilities Act, as amended, and any rules or regulations established pursuant thereto.**

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

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

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

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

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

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

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

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

4	(1) Any moving violation of a state law or	
5	county or municipal or federal traffic ordinance or	
6	regulation not listed in this section, other than a	
7	violation of vehicle equipment provisions or a	
8	court-ordered supervision as provided in	
9	section 302.303	2 points
10	(except any violation of municipal stop sign	
11	ordinance where no accident is involved	1 point)
12	(2) Speeding	
13	In violation of a state law	3 points
14	In violation of a county or municipal ordinance	2 points
15	(3) Leaving the scene of an accident in	
16	violation of section 577.060, RSMo	12 points
17	In violation of any county or municipal	
18	ordinance	6 points
19	(4) Careless and imprudent driving	
20	in violation of subsection 4 of section 304.016,RSMo	4 points
21	In violation of section 304.820	2 points
22	(except any violation of section 304.820 where no accident is	
23	involved	1 point)
24	In violation of a county or municipal	
25	ordinance	2 points
26	(5) Operating without a valid license in	
27	violation of subdivision (1) or (2) of subsection 1	
28	of section 302.020:	
29	(a) For the first conviction	2 points
30	(b) For the second conviction	4 points
31	(c) For the third conviction	6 points
32	(6) Operating with a suspended or	
33	revoked license prior to restoration of operating	
34	privileges	12 points
35	(7) Obtaining a license by	
36	misrepresentation	12 points

- 37 (8) For the first conviction of driving
- 38 while in an intoxicated condition or under the
- 39 influence of controlled substances or drugs 8 points
- 40 (9) For the second or subsequent conviction
- 41 of any of the following offenses however
- 42 combined: driving while in an intoxicated
- 43 condition, driving under the influence of
- 44 controlled substances or drugs or driving with
- 45 a blood alcohol content of eight-hundredths of one
- 46 percent or more by weight 12 points
- 47 (10) For the first conviction for driving
- 48 with blood alcohol content eight-hundredths of
- 49 one percent or more by weight
- 50 In violation of state law 8 points
- 51 In violation of a county or municipal ordinance
- 52 or federal law or regulation 8 points
- 53 (11) Any felony involving the use of a
- 54 motor vehicle 12 points
- 55 (12) Knowingly permitting unlicensed
- 56 operator to operate a motor vehicle 4 points
- 57 (13) For a conviction for failure to maintain
- 58 financial responsibility pursuant to county or
- 59 municipal ordinance or pursuant to section 303.025,
- 60 RSMo 4 points
- 61 (14) Endangerment of a highway worker in violation of section 304.585, RSMo 4 points
- 62 (15) Aggravated endangerment of a highway
- 63 worker in violation of section 304.585, RSMo 12 points
- 64 (16) For a conviction of violating a municipal
- 65 ordinance that prohibits tow truck operators from
- 66 stopping at or proceeding to the scene of an accident
- 67 unless they have been requested to stop or proceed
- 68 to such scene by a party involved in such accident
- 69 or by an officer of a public safety agency 4 points
- 70 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 71 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section

72 302.020, when the director issues such operator a license or permit pursuant to the provisions
73 of sections 302.010 to 302.340.

74 3. An additional two points shall be assessed when personal injury or property damage
75 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
76 found to be warranted and certified by the reporting court.

77 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
78 section constitutes both a violation of a state law and a violation of a county or municipal
79 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
80 offense arising out of the same occurrence could be construed to be a violation of subdivisions
81 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
82 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
83 offenses arising out of the same occurrence.

84 5. The director of revenue shall put into effect a system for staying the assessment of
85 points against an operator. The system shall provide that the satisfactory completion of a
86 driver-improvement program or, in the case of violations committed while operating a
87 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
88 commission, by an operator, when so ordered and verified by any court having jurisdiction over
89 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
90 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
91 committed by an individual who has been issued a commercial driver's license or is required to
92 obtain a commercial driver's license in this state or any other state, shall be accepted by the
93 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
94 of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a
95 centralized violation bureau established under section 476.385, RSMo, may elect to have the
96 bureau order and verify completion of a driver-improvement program or motorcycle-rider
97 training course as prescribed by order of the court. For the purposes of this subsection, the
98 driver-improvement program shall meet or exceed the standards of the National Safety Council's
99 eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the
100 operation of a motorcycle, the program shall meet the standards established by the state highways
101 and transportation commission pursuant to sections 302.133 to 302.137. The completion of a
102 driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu
103 of points more than one time in any thirty-six-month period and shall be completed within sixty
104 days of the date of conviction in order to be accepted in lieu of the assessment of points. Every
105 court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days
106 after completion of the driver-improvement program or motorcycle-rider training course by an
107 operator, forward a record of the completion to the director, all other provisions of the law to the

108 contrary notwithstanding. The director shall establish procedures for record keeping and the
109 administration of this subsection.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. **No nonresident
5 shall operate or permit another person to operate in this state a motor vehicle registered
6 to such nonresident unless the nonresident maintains the financial responsibility which
7 conforms to the requirements of the laws of the nonresident's state of residence.**
8 Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that
9 the owner has not maintained financial responsibility unless such person has financial
10 responsibility which covers the person's operation of the other's vehicle; however, no owner **or
11 nonresident** shall be in violation of this subsection if he or she fails to maintain financial
12 responsibility on a motor vehicle which is inoperable or being stored and not in operation. The
13 director may prescribe rules and regulations for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. **A nonresident motor vehicle owner shall maintain the
17 owner's financial responsibility which conforms to the requirements of the laws of the
18 nonresident's state of residence.**

19 3. Any person who violates this section is guilty of a class C misdemeanor. However,
20 no person shall be found guilty of violating this section if the operator demonstrates to the court
21 that he or she met the financial responsibility requirements of this section at the time the peace
22 officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the
23 citation. In addition to any other authorized punishment, the court shall notify the director of
24 revenue of any person convicted pursuant to this section and shall do one of the following:

25 (1) Enter an order suspending the driving privilege as of the date of the court order. If
26 the court orders the suspension of the driving privilege, the court shall require the defendant to
27 surrender to it any driver's license then held by such person. The length of the suspension shall
28 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
29 revenue the order of suspension of driving privilege and any license surrendered within ten days;

30 (2) Forward the record of the conviction for an assessment of four points; or

31 (3) In lieu of an assessment of points, render an order of supervision as provided in
32 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than
33 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the
34 provisions of this section shall forward a record of conviction to the Missouri state highway

35 patrol, or at the written direction of the Missouri state highway patrol, to the department of
36 revenue, in a manner approved by the director of the department of public safety. The director
37 shall establish procedures for the record keeping and administration of this section.

38 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
39 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
40 and professional registration from approving or authorizing those exclusions and limitations
41 which are contained in automobile liability insurance policies and the uninsured motorist
42 provisions of automobile liability insurance policies.

43 5. If a court enters an order of suspension, the offender may appeal such order directly
44 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

303.080. 1. In case the operator or the owner of a motor vehicle involved in an accident
2 within this state has no license or registration, or is a nonresident, he shall not be allowed a
3 license or registration until he has complied with the requirements of this chapter to the same
4 extent that would be necessary if, at the time of the accident, he had held a license and
5 registration.

6 2. When a nonresident's operating privilege is suspended pursuant to [section 303.030
7 or section 303.140] **this chapter**, the director shall transmit a certified copy of the record of such
8 action to the official in charge of the issuance of licenses and registration certificates in the state
9 in which such nonresident resides[, if the law of such other state provides for action in relation
10 thereto similar to that provided for in subsection 3 of this section].

11 3. Upon receipt of such certification that the operating privilege of a resident of this state
12 has been suspended or revoked in any such other state pursuant to a law providing for its
13 suspension or revocation for failure to deposit security for the payment of judgments arising out
14 of a motor vehicle accident, under circumstances which would require the director to suspend
15 a nonresident's operating privilege had the accident occurred in this state, the director shall
16 suspend the license of such resident if he was the operator, and all of his registrations if he was
17 the owner of a motor vehicle involved in such accident. Such suspension shall continue until
18 such resident furnishes evidence of his compliance with the law of such other state relating to
19 the deposit of such security.

**304.667. 1. A person commits the crime of motorcycle stunt driving if such person
2 operates or is a passenger on a motorcycle on the roadways of this state and while
3 operating or being a passenger on such motorcycle performs a dangerous stunt.**

4 **2. As used in this section a "dangerous stunt" means any dangerous activity by the
5 operator or passenger of a motorcycle which is being operated on the roadways of this
6 state, including but not limited to the following:**

7 **(1) Standing on the seat, frame, or handlebars of a motorcycle;**

- 8 **(2) Performing handstands on the seat, frame, or handlebars of a motorcycle;**
9 **(3) Operating a motorcycle on one tire; or**
10 **(4) Removing both hands from the handlebars while operating the motorcycle.**
11 **3. Motorcycle stunt driving for a first offense is a class C misdemeanor unless the**
12 **motorcycle did not have a license plate, in which case it is a class A misdemeanor. For a**
13 **second offense motorcycle stunt driving is a class A misdemeanor unless the motorcycle did**
14 **not have a license plate, in which case it is a class D felony. For a third or subsequent**
15 **offense motorcycle stunt driving is a class D felony.**

304.820. 1. Except as otherwise provided in this section, no person [twenty-one years
2 of age or younger] operating a moving motor vehicle upon the highways of this state shall, by
3 means of a hand-held electronic wireless communications device, send, read, or write a text
4 message or electronic message.

5 2. The provisions of subsection 1 of this section shall not apply to a person operating:

- 6 (1) An authorized emergency vehicle; or
7 (2) A moving motor vehicle while using a hand-held electronic wireless communications
8 device to:
9 (a) Report illegal activity;
10 (b) Summon medical or other emergency help;
11 (c) Prevent injury to a person or property; or
12 (d) Relay information between a transit or for-hire operator and that operator's
13 dispatcher, in which the device is permanently affixed to the vehicle.

14 3. Nothing in this section shall be construed or interpreted as prohibiting a person from
15 making or taking part in a telephone call, by means of a hand-held electronic wireless
16 communications device, while operating a motor vehicle upon the highways of this state.

17 4. As used in this section, "electronic message" means a self-contained piece of digital
18 communication that is designed or intended to be transmitted between hand-held electronic
19 wireless communication devices. "Electronic message" includes, but is not limited to, electronic
20 mail, a text message, an instant message, or a command or request to access an internet site.

21 5. As used in this section, "hand-held electronic wireless communications device"
22 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device
23 used to communicate verbally or by text or electronic messaging, but shall not apply to any
24 device that is permanently embedded into the architecture and design of the motor vehicle.

25 6. As used in this section, "making or taking part in a telephone call" means listening to
26 or engaging in verbal communication through a hand-held electronic wireless communication
27 device.

28 7. As used in this section, "send, read, or write a text message or electronic message"
29 means using a hand-held electronic wireless telecommunications device to manually
30 communicate with any person by using an electronic message. Sending, reading, or writing a
31 text message or electronic message does not include reading, selecting, or entering a phone
32 number or name into a hand-held electronic wireless communications device for the purpose of
33 making a telephone call.

34 8. A violation of this section shall be deemed an infraction and shall be deemed a
35 moving violation for purposes of point assessment under section 302.302, RSMo.

36 9. The state preempts the field of regulating the use of hand-held electronic wireless
37 communications devices in motor vehicles, and the provisions of this section shall supercede any
38 local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other
39 political subdivision to regulate the use of hand-held electronic wireless communication devices
40 by the operator of a motor vehicle.

41 10. The provisions of this section shall not apply to:

42 (1) The operator of a vehicle that is lawfully parked or stopped;

43 (2) Any of the following while in the performance of their official duties: a law
44 enforcement officer; a member of a fire department; or the operator of a public or private
45 ambulance;

46 (3) The use of factory-installed or aftermarket global positioning systems (GPS) or
47 wireless communications devices used to transmit or receive data as part of a digital dispatch
48 system;

49 (4) The use of voice-operated technology;

50 (5) The use of two-way radio transmitters or receivers by a licensee of the Federal
51 Communications Commission in the Amateur Radio Service.

**304.890. As used in sections 304.890 to 304.894, the term "active emergency zone"
2 is defined as any area upon or around any highway as defined in section 302.010 which is
3 visibly marked by emergency personnel performing work for the purpose of emergency
4 response as an area where an active emergency or incident removal, is temporarily
5 occurring. The term "active emergency zone" also includes the lanes of highway leading
6 up to the area upon which an activity described in this subsection is being performed,
7 beginning at the point where appropriate signs or traffic control devices are posted or
8 placed. As used in sections 304.890 to 304.894, the term "active emergency" means any
9 incident occurring on a public highway or the right-of-way of a public highway that
10 requires emergency services from police or highway patrol officers, firefighters, first
11 responders, emergency medical workers, tow truck operators, or other emergency
12 personnel. The terms "emergency personnel" or "emergency responder" as used in**

13 sections 304.890 to 304.894 shall mean any police officer, firefighter, highway patrol
14 officer, first responder, emergency medical worker, tow truck operator or other emergency
15 personnel responding to an emergency on a public highway or the right-of-way of a public
16 highway.

304.892. 1. Upon the first conviction or plea of guilty by any person for a moving
2 violation as defined in section 302.010 or any offense listed in section 302.302, the court
3 shall assess a fine of thirty-five dollars in addition to any other fine authorized to be
4 imposed by law, if the offense occurred within an active emergency zone. Upon a second
5 or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five
6 dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation
8 under either section 304.009 or 304.010, or a passing violation under subsection 4 of this
9 section, the court shall assess a fine of two hundred fifty dollars in addition to any other
10 fine authorized by law if the offense occurred within an active emergency zone and at the
11 time the speeding or passing violation occurred there were any emergency personnel or
12 emergency responders in such zone. Upon a second or subsequent such conviction or plea
13 of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine
14 authorized by law. However, no person assessed an additional fine under this subsection
15 shall also be assessed an additional fine under subsection 1 of this section, and no person
16 shall be assessed an additional fine under this subsection if the area is not visibly marked
17 by emergency personnel under subsection 3 of this section.

3. The penalty authorized by subsection 2 of this section shall only be assessed by
19 the court if the emergency personnel or emergency responder has visibly marked the active
20 emergency zone.

4. The driver of a motor vehicle may not overtake or pass another motor vehicle
22 within an active emergency zone as provided in this subsection. Violation of this subsection
23 is a class C misdemeanor.

5. The additional fines imposed by this section shall not be construed to enhance
25 the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person shall be deemed to commit the offense of endangerment of
2 emergency personnel or emergency responder upon conviction for any of the following
3 when the offense occurs within an active emergency zone, as defined in section 304.860:

- 4 (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- 5 (2) Passing in violation of subsection 4 of section 304.862;

- 6 **(3) Failure to stop for an active emergency zone flagman or emergency personnel,**
7 **or failure to obey traffic control devices erected or personnel posted in the active**
8 **emergency zone for purposes of controlling the flow of motor vehicles through the zone;**
- 9 **(4) Driving through or around an active emergency zone by any lane not clearly**
10 **designated to motorists for the flow of traffic through or around the active emergency**
11 **zone;**
- 12 **(5) Physically assaulting, or attempting to assault, or threatening to assault an**
13 **emergency responder in an active emergency zone, with a motor vehicle or other**
14 **instrument;**
- 15 **(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other**
16 **devices erected to control the flow of traffic to protect emergency responders and motorists**
17 **in the active emergency zone for a reason other than avoidance of an obstacle, an**
18 **emergency, or to protect the health and safety of an occupant of the motor vehicle or of**
19 **another person; or**
- 20 **(7) Committing any of the following offenses for which points may be assessed**
21 **under section 302.302:**
- 22 **(a) Leaving the scene of an accident in violation of section 577.060;**
23 **(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**
24 **(c) Operating without a valid license in violation of subdivision (1) or (2) of**
25 **subsection 1 of section 302.020;**
- 26 **(d) Operating with a suspended or revoked license;**
27 **(e) Driving while in an intoxicated condition or under the influence of controlled**
28 **substances or drugs or driving with an excessive blood alcohol content;**
- 29 **(f) Any felony involving the use of a motor vehicle.**
- 30 **2. Upon conviction or a plea of guilty for committing the offense of endangerment**
31 **of an emergency responder under subsection 1 of this section if no injury or death to an**
32 **emergency responder resulted from the offense, in addition to any other penalty authorized**
33 **by law, the person shall be subject to a fine of not more than one thousand dollars and**
34 **shall have four points assessed to his or her driver's license under section 302.302.**
- 35 **3. A person shall be deemed to commit the offense of aggravated endangerment of**
36 **an emergency responder upon conviction or a plea of guilty for any offense under**
37 **subsection 1 of this section when such offense occurs in an active emergency zone as**
38 **defined in section 304.890 and results in the injury or death of an emergency responder.**
39 **Upon conviction or a plea of guilty for committing the offense of aggravated endangerment**
40 **of an emergency responder, in addition to any other penalty authorized by law, the person**
41 **shall be subject to a fine of not more than five thousand dollars if the offense resulted in**

42 **injury to an emergency responder and ten thousand dollars if the offense resulted in death**
43 **to an emergency responder. In addition, such person shall have twelve points assessed to**
44 **their driver's license under section 302.302 and shall be subject to the provisions of section**
45 **302.304 regarding the revocation of the person's license and driving privileges.**

46 **4. Except for the offense established under subdivision (6) of subsection 1 of this**
47 **section, no person shall be deemed to commit the offense of endangerment of an emergency**
48 **responder except when the act or omission constituting the offense occurred when one or**
49 **more emergency responders were responding to an active emergency as defined in section**
50 **304.890.**

51 **5. No person shall be cited or convicted for endangerment of an emergency**
52 **responder or aggravated endangerment of an emergency responder, for any act or**
53 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**
54 **omission resulted in whole or in part from mechanical failure of the person's vehicle or**
55 **from the negligence of another person or emergency responder.**

304.900. 1. No county, city, town, village, municipality, state agency, or other
2 **political subdivision shall employ the use of automated speed enforcement systems to**
3 **enforce speeding violations, except such systems may be used in a school zone, construction**
4 **zone, or work zone.**

5 **2. As used in this section, the term "automated speed enforcement system" means**
6 **a device with one or more motor vehicle sensors, including, but not limited to,**
7 **photographic devices, radar devices, laser devices, or other electrical or mechanical**
8 **devices, designed to record the speed of a motor vehicle and to obtain a clear photograph**
9 **or other recorded image of the motor vehicle, the motor vehicle's operator, and the motor**
10 **vehicle's license plate, which automatically produces one or more photographs, one or**
11 **more microphotographs, a videotape, or other recorded image of a motor vehicle at the**
12 **time it is used or operated in violation of the posted speed limit.**

13 **3. Warning signs shall be installed within five hundred feet of the automated speed**
14 **enforcement system indicating that an automated speed enforcement system is in**
15 **operation.**

306.185. 1. There is hereby created in the state treasury the "Missouri State Water Patrol
2 **Fund", which shall consist of money collected under section 306.030. The state treasurer shall**
3 **be custodian of the fund and shall approve disbursements from the fund in accordance with**
4 **sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely**
5 **for the expenses of the Missouri state water patrol, including but not limited to personal expense,**
6 **training expense, and equipment expense.**

7 2. Notwithstanding the provisions of section 33.080, RSMo, any moneys remaining in
8 the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

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

11 4. Within available appropriations in this section, the commissioner of the water patrol
12 shall establish with the advice of the director of personnel an equitable pay plan for the members
13 of the water patrol and radio personnel taking into consideration ranks and length of service.

14 [5. If in the immediate previous fiscal year, the state's net general revenue did not
15 increase by two percent or more, the state treasurer shall deposit moneys, except for gifts,
16 donations, or bequests, received under this section beginning January first of the current fiscal
17 year into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys
18 in accordance with the provisions of this section.]

**321.018. Persons contracting to provide professional accounting and legal services
2 for a fire protection district shall not receive compensation after termination of such
3 contract by the governing body of such fire protection district, except for services actually
4 rendered.**

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least one year before the election or appointment and be over the age of twenty-five years;
3 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of
4 such fire protection district. In the event the person is no longer a resident of the district, the
5 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.
6 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection
7 district by paying a ten dollar filing fee and filing a statement under oath that such person
8 possesses the required qualifications.

9 2. In any fire protection district located in more than one county one of which is a first
10 class county without a charter form of government having a population of more than one hundred
11 ninety-eight thousand and not adjoining any other first class county or located wholly within a
12 first class county as described herein, a resident shall have been a resident of the district for more
13 than one year to be qualified to serve as a director.

14 3. In any fire protection district located in a county of the third or fourth classification,
15 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
16 be a voter of the district for more than one year before the election or appointment, except that
17 for the first board of directors in such district, a person need only be a voter of the district for one
18 year before the election or appointment.

19 4. A person desiring to become a candidate for the first board of directors of the
20 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and

21 shall file with the election authority a statement under oath that such person possesses all of the
22 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such
23 candidate shall have the candidate's name placed on the ballot as a candidate for director.

24 **5. Any director who has been found guilty of or plead guilty to any felony shall**
25 **immediately forfeit the office.**

321.243. 1. Notwithstanding any other provision of law to the contrary, an additional
2 tax of not to exceed three cents per one hundred dollars of assessed valuation may be levied and
3 collected by any city, town, village, county, or fire protection district, or a central fire and
4 emergency services board established in subsection 4 of this section. All the funds derived from
5 such tax, **including any existing surplus funds**, shall be used [solely] for the purpose of
6 establishing and providing a joint central fire and emergency dispatching service[, and, in any
7 county with a charter form of government and with more than one million inhabitants,] **and** for
8 expenditures for equipment and services, except for salaries, wages, and benefits, by cities,
9 towns, villages, counties, or fire protection districts which contract with such joint central fire
10 and emergency dispatching service.

11 2. The additional tax prescribed by this section shall be levied only when the governing
12 body of the city, town, village, county, fire protection district, or central fire and emergency
13 services board determines that a central fire and emergency dispatching center will meet the
14 minimum requirements set by section 321.245, and, except where a central fire and emergency
15 services board is established in accordance with subsection 4 of this section, when the governing
16 body has entered into a contract with the center for fire and emergency dispatching services. The
17 funds from the tax shall be kept separate and apart from all other funds of the city, town, village,
18 county, fire protection district, or central fire and emergency services board and shall be paid out
19 only on order of the governing body. Except as provided in subsection 4 of this section, all funds
20 received by such center, and all operations of such center shall be governed and controlled by
21 a board of directors consisting of one member from each such agency using the joint central fire
22 and emergency dispatching service. Except as otherwise provided in subsection 4 of this section,
23 in any county, city, town, or village, where a tax-supported fire protection district is provided
24 emergency dispatching services by any form of joint communication organization or emergency
25 dispatching center, receiving directly or indirectly any funds so levied and collected as provided
26 in this section including any funds or tariffs paid by telephone subscribers for 911 emergency
27 service, such joint communication organization, however organized, shall be governed by a
28 board of directors, and the board of directors shall consist in part of one member appointed by
29 each county, city, town, village or tax-supported fire protection district, so served. The members
30 shall be an elected official of a fire protection district, ambulance district or city council
31 appointed by each such agency to serve for a one-year term or until a successor is duly appointed.

32 3. In addition to the tax prescribed by subsections 1 and 2 of this section, an additional
33 tax of not to exceed two cents per one hundred dollars of assessed valuation which has been
34 approved by the voters may be levied and collected by any city, town, village, county, or fire
35 protection district, or a central fire and emergency services board established in subsection 4 of
36 this section of a county of the first classification with a charter form of government which has
37 a population between two hundred thousand and five hundred thousand inhabitants, but all of
38 the funds derived from such tax shall be used solely for the purpose of establishing and providing
39 a joint central fire and emergency dispatching service.

40 4. A central fire and emergency services board shall be established in any county of the
41 first classification with a charter form of government which has a population between two
42 hundred thousand and five hundred thousand inhabitants in the manner prescribed in this
43 subsection. The board shall have all powers and duties prescribed in this section and section
44 321.245 to establish and provide a joint central fire and emergency dispatching service. The
45 initial board shall be established at the April, 1996, election. The election authority shall be
46 ordered to conduct such election, which shall be conducted as a nonpartisan election. The board
47 shall consist of one member elected from each county council district. All board members shall
48 serve for four-year terms, except that of the initial members elected, the members elected from
49 odd-numbered county council districts shall serve for terms of two years and the members
50 elected from even-numbered county council districts shall serve for terms of four years. Each
51 member shall be a resident of the county council district from which the member is elected. No
52 person who is a paid employee of any fire protection district, ambulance district, joint central fire
53 and emergency dispatch board, or a paid employee of a fire or ambulance department of a
54 municipality shall be elected to the joint central fire and emergency dispatch board. At such
55 election, the election authority of the county shall submit to the qualified voters of the county a
56 proposal for the board to levy and collect the taxes prescribed in this section, and such tax shall
57 be conditioned on the replacement of the tax levied in such county by the county under this
58 section with the new tax levied by the board. A portion of the funds derived from the tax levied
59 pursuant to this subsection shall be used to reimburse the county for the cost of the election held
60 in April, 1996, and any subsequent elections that are necessary for the operation of the board and
61 the board's duties. In addition, if such a tax is approved, any funds remaining in the separate
62 fund kept by the county, as required by subsection 2 of this section, and any property and
63 equipment purchased with moneys in such separate fund held by the county shall be transferred
64 to the fund maintained by the board for the same purpose. The board shall abide by section
65 50.660, RSMo, in the letting of contracts. The board shall be audited by the state auditor
66 pursuant to section 29.230, RSMo. Except as otherwise provided in this subsection, the board

67 shall meet as established in the bylaws. Any other meeting may be called by four of the seven
68 members voting in favor of having an additional meeting.

69 **5. Any fire protection district in any county with a charter form of government that**
70 **has levied any tax under this section and has levied and imposed communications tax for**
71 **central fire and emergency dispatching services may submit a proposal to the voters of the**
72 **fire protection district to use the revenue derived from the tax imposed under this section**
73 **for general revenue purposes. No revenues derived from any such tax imposed under this**
74 **section shall be used for any purpose other than the stated purpose unless and until such**
75 **proposal to use the revenue for general revenue purposes has been submitted to and**
76 **approved by the voters of the fire protection district in the same manner as other proposals**
77 **are submitted to and approved by the voters of the fire protection district.**

321.711. 1. A recall petition shall be filed with the election authority not more than one
2 hundred eighty days after the filing of the notice of intention.

3 2. The number of qualified signatures required in order to recall an officer shall be equal
4 in number to at least [twenty-five] **twenty** percent of the number of voters who voted in the most
5 recent gubernatorial election in that district.

6 3. Within twenty days from the filing of the recall petition the election authority shall
7 determine whether or not the petition was signed by the required number of qualified signatures.
8 The election authority shall file with the petition a certificate showing the results of the
9 examination. The authority shall give the proponents a copy of the certificate upon their request.

10 4. If the election authority certifies the petition to be insufficient, it may be supplemented
11 within ten days of the date of certificate by filing additional petition sections containing all of
12 the information required by section 321.709 and this section. Within ten days after the
13 supplemental copies are filed, the election authority shall file with it a certificate stating whether
14 or not the petition as supplemented is sufficient.

15 5. If the certificate shows that the petition as supplemented is insufficient, no action shall
16 be taken on it; however, the petition shall remain on file.

389.1150. 1. All vehicles operated by a contract carrier, as defined in subsection
2 **2 of this section, either purchased, leased, or otherwise newly placed in service after**
3 **February 28, 2011, shall be equipped with one or more operable oscillating amber light or**
4 **white strobe light which shall be mounted to either the roof of the vehicle in the rear one**
5 **third portion, or on or integrated into the rear bumper of the vehicle, and shall be utilized**
6 **to provide warning to other motorists whenever the vehicle has stopped on or directly**
7 **adjacent to a roadway for the loading or unloading of passengers or equipment.**

8 2. For purposes of this section, "contract carrier" means a passenger contract
9 carrier that for compensation transports railroad employees.

10 **3. The provisions of this section shall be considered minimum standards and shall**
11 **not be construed to supercede or abrogate any law, rule, or regulation that imposes stricter**
12 **standards or regulations upon the operation of contract carriers that transport railroad**
13 **employees.**

 537.037. 1. Any physician or surgeon, registered professional nurse or licensed practical
2 nurse licensed to practice in this state under the provisions of chapter 334 or 335, RSMo, or
3 licensed to practice under the equivalent laws of any other state and any person licensed as a
4 mobile emergency medical technician under the provisions of chapter 190, RSMo, may:

5 (1) In good faith render emergency care or assistance, without compensation, at the scene
6 of an emergency or accident, and shall not be liable for any civil damages for acts or omissions
7 other than damages occasioned by gross negligence or by willful or wanton acts or omissions by
8 such person in rendering such emergency care;

9 (2) In good faith render emergency care or assistance, without compensation, to any
10 minor involved in an accident, or in competitive sports, or other emergency at the scene of an
11 accident, without first obtaining the consent of the parent or guardian of the minor, and shall not
12 be liable for any civil damages other than damages occasioned by gross negligence or by willful
13 or wanton acts or omissions by such person in rendering the emergency care.

14 2. Any other person who has been trained to provide first aid in a standard recognized
15 training program may, without compensation, render emergency care or assistance to the level
16 for which he or she has been trained, at the scene of an emergency or accident, and shall not be
17 liable for civil damages for acts or omissions other than damages occasioned by gross negligence
18 or by willful or wanton acts or omissions by such person in rendering such emergency care.

19 3. Any mental health professional, as defined in section 632.005, RSMo, or qualified
20 counselor, as defined in section 631.005, RSMo, or any practicing medical, osteopathic, or
21 chiropractic physician, or certified nurse practitioner, or physicians' assistant may in good faith
22 render suicide prevention interventions at the scene of a threatened suicide and shall not be liable
23 for any civil damages for acts or omissions other than damages occasioned by gross negligence
24 or by willful or wanton acts or omissions by such person in rendering such suicide prevention
25 interventions.

26 4. Any other person may, without compensation, render suicide prevention interventions
27 at the scene of a threatened suicide and shall not be liable for civil damages for acts or omissions
28 other than damages occasioned by gross negligence or by willful or wanton acts or omissions by
29 such person in rendering such suicide prevention interventions.

30 **5. (1) Any search and rescue operation medical assistant or tactical operation**
31 **medical assistant may, without additional pay, render care or treatment during a search**
32 **and rescue or tactical operation to the level for which he or she has been trained and shall**

33 not be liable for civil damages for acts or omissions other than damages occasioned by
34 gross negligence or by willful or wanton acts or omissions by such person rendering care
35 or treatment during a search and rescue or tactical operation.

36 (2) For purposes of this subsection, the following terms shall mean:

37 (a) "Search and rescue operation", an action by a governmental agency to search
38 for, rescue, or recover victims of a natural or manmade disaster, accident, or emergency
39 on land or water;

40 (b) "Search and rescue operation medical assistant", an individual licensed to
41 practice one or more of the occupations listed in paragraph (d) of this subdivision, acting
42 within the scope of the license, and assisting a governmental agency in a search and rescue
43 operation;

44 (c) "Tactical operation", a coordinated planned action by a special operations,
45 weapons, or response team of a law enforcement agency that is one of the following:

46 a. Taken to deal with imminent violence, a riot, an act of terrorism, or a similar
47 civic emergency;

48 b. The entry into a building, area, watercraft, aircraft, land vehicle, or body of
49 water to seize evidence, or to arrest an individual for a felony under the authority of
50 warrant issued by a court; or

51 c. Training for the team;

52 (d) "Tactical operation medical assistant", an individual licensed to practice one
53 or more of the following, acting within the scope of the license, and assisting law
54 enforcement officers while they are engaged in a tactical operation:

55 a. Medicine, osteopathic medicine, and surgery, or as a registered professional
56 nurse;

57 b. As an emergency medical technician, emergency medical technician specialist,
58 or paramedic.

578.275. 1. This section shall be known and may be cited as "Susie's Law".

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

3 (1) "Child", any person less than eighteen years of age;

4 (2) "Machinery or heavy equipment not manufactured for passengers", any
5 machinery or heavy equipment which is not equipped, as standard equipment on such
6 machinery or heavy equipment, with a seat for passengers, including but not limited to any
7 machinery or heavy equipment which performs a specific construction or demolition
8 function, lawn mowers, skid steers, and bulldozers. However, machinery or heavy
9 equipment not manufactured for passengers shall not include farm machinery, as defined
10 in section 32.085.

11 **3. No child shall be a passenger on any machinery or heavy equipment not**
12 **manufactured for passengers.**

13 **4. Any operator of any machinery or heavy equipment not manufactured for**
14 **passengers who violates the provisions of this section shall be subject to a fine of one**
15 **hundred dollars for the first violation of this section, and five hundred dollars for any**
16 **second or subsequent violation of this section.**

 610.010. As used in this chapter, unless the context otherwise indicates, the following
2 terms mean:

3 (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote
4 closed to the public;

5 (2) "Copying", if requested by a member of the public, copies provided as detailed in
6 section 610.026, if duplication equipment is available;

7 (3) **"Police shooting", any incident in which an individual is shot by a law**
8 **enforcement officer regardless of whether the law enforcement officer was on duty or off**
9 **duty at the time of the shooting;**

10 (4) "Public business", all matters which relate in any way to the performance of the
11 public governmental body's functions or the conduct of its business;

12 [~~(4)~~] (5) "Public governmental body", any legislative, administrative or governmental
13 entity created by the constitution or statutes of this state, by order or ordinance of any political
14 subdivision or district, judicial entities when operating in an administrative capacity, or by
15 executive order, including:

16 (a) Any body, agency, board, bureau, council, commission, committee, board of regents
17 or board of curators or any other governing body of any institution of higher education, including
18 a community college, which is supported in whole or in part from state funds, including but not
19 limited to the administrative entity known as "The Curators of the University of Missouri" as
20 established by section 172.020, RSMo;

21 (b) Any advisory committee or commission appointed by the governor by executive
22 order;

23 (c) Any department or division of the state, of any political subdivision of the state, of
24 any county or of any municipal government, school district or special purpose district including
25 but not limited to sewer districts, water districts, and other subdistricts of any political
26 subdivision;

27 (d) Any other legislative or administrative governmental deliberative body under the
28 direction of three or more elected or appointed members having rulemaking or quasi-judicial
29 power;

30 (e) Any committee appointed by or at the direction of any of the entities and which is
31 authorized to report to any of the above-named entities, any advisory committee appointed by
32 or at the direction of any of the named entities for the specific purpose of recommending, directly
33 to the public governmental body's governing board or its chief administrative officer, policy or
34 policy revisions or expenditures of public funds including, but not limited to, entities created to
35 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
36 body, policy advisory committee or policy advisory group appointed by a president, chancellor
37 or chief executive officer of any college or university system or individual institution at the
38 direction of the governing body of such institution which is supported in whole or in part with
39 state funds for the specific purpose of recommending directly to the public governmental body's
40 governing board or the president, chancellor or chief executive officer policy, policy revisions
41 or expenditures of public funds provided, however, the staff of the college or university
42 president, chancellor or chief executive officer shall not constitute such a policy advisory
43 committee. The custodian of the records of any public governmental body shall maintain a list
44 of the policy advisory committees described in this subdivision;

45 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
46 means any person, corporation or partnership organized or authorized to do business in this state
47 pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association
48 which either:

49 a. Has as its primary purpose to enter into contracts with public governmental bodies,
50 or to engage primarily in activities carried out pursuant to an agreement or agreements with
51 public governmental bodies; or

52 b. Performs a public function as evidenced by a statutorily based capacity to confer or
53 otherwise advance, through approval, recommendation or other means, the allocation or issuance
54 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
55 contracting of leaseback agreements on structures whose annualized payments commit public
56 tax revenues; or any association that directly accepts the appropriation of money from a public
57 governmental body, but only to the extent that a meeting, record, or vote relates to such
58 appropriation; and

59 (g) Any bi-state development agency established pursuant to section 70.370, RSMo;

60 [(5)] (6) "Public meeting", any meeting of a public governmental body subject to
61 sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy
62 formulated, whether such meeting is conducted in person or by means of communication
63 equipment, including, but not limited to, conference call, video conference, Internet chat, or
64 Internet message board. The term "public meeting" shall not include an informal gathering of
65 members of a public governmental body for ministerial or social purposes when there is no intent

66 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority
67 of the members of a public governmental body, by electronic communication or any other means,
68 conducted in lieu of holding a public meeting with the members of the public governmental body
69 gathered at one location in order to conduct public business;

70 ~~[(6)]~~ (7) "Public record", any record, whether written or electronically stored, retained
71 by or of any public governmental body including any report, survey, memorandum, or other
72 document or study prepared for the public governmental body by a consultant or other
73 professional service paid for in whole or in part by public funds, including records created or
74 maintained by private contractors under an agreement with a public governmental body or on
75 behalf of a public governmental body; provided, however, that personally identifiable student
76 records maintained by public educational institutions shall be open for inspection by the parents,
77 guardian or other custodian of students under the age of eighteen years and by the parents,
78 guardian or other custodian and the student if the student is over the age of eighteen years. The
79 term "public record" shall not include any internal memorandum or letter received or prepared
80 by or on behalf of a member of a public governmental body consisting of advice, opinions and
81 recommendations in connection with the deliberative decision-making process of said body,
82 unless such records are retained by the public governmental body or presented at a public
83 meeting. Any document or study prepared for a public governmental body by a consultant or
84 other professional service as described in this subdivision shall be retained by the public
85 governmental body in the same manner as any other public record;

86 ~~[(7)]~~ (8) "Public vote", any vote, whether conducted in person, by telephone, or by any
87 other electronic means, cast at any public meeting of any public governmental body.

610.021. Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating
7 to legal actions, causes of action or litigation involving a public governmental body or any agent
8 or entity representing its interests or acting on its behalf or with its authority, including any
9 insurance company acting on behalf of a public government body as its insured, shall be made
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
13 action clearly outweighs the public policy considerations of section 610.011, however, the
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;

15 provided, however, in matters involving the exercise of the power of eminent domain, the vote
16 shall be announced or become public immediately following the action on the motion to
17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public upon execution of the lease,
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body shall be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such, and the names of private sources donating or
57 contributing money to the salary of a chancellor or president at all public colleges and
58 universities in the state of Missouri and the amount of money contributed by the source;

59 (14) Records which are protected from disclosure by law;

60 (15) Meetings and public records relating to scientific and technological innovations in
61 which the owner has a proprietary interest;

62 (16) Records relating to municipal hotlines established for the reporting of abuse and
63 wrongdoing;

64 (17) Confidential or privileged communications between a public governmental body
65 and its auditor, including all auditor work product; however, all final audit reports issued by the
66 auditor are to be considered open records pursuant to this chapter;

67 (18) Operational guidelines and policies developed, adopted, or maintained by any public
68 agency responsible for law enforcement, public safety, first response, or public health for use in
69 responding to or preventing any critical incident which is or appears to be terrorist in nature and
70 which has the potential to endanger individual or public safety or health. Nothing in this
71 exception shall be deemed to close information regarding expenditures, purchases, or contracts
72 made by an agency in implementing these guidelines or policies. When seeking to close
73 information pursuant to this exception, the agency shall affirmatively state in writing that
74 disclosure would impair its ability to protect the safety or health of persons, and shall in the same
75 writing state that the public interest in nondisclosure outweighs the public interest in disclosure
76 of the records. This exception shall sunset on December 31, 2012;

77 (19) Existing or proposed security systems and structural plans of real property owned
78 or leased by a public governmental body, and information that is voluntarily submitted by a
79 nonpublic entity owning or operating an infrastructure to any public governmental body for use
80 by that body to devise plans for protection of that infrastructure, the public disclosure of which
81 would threaten public safety:

82 (a) Records related to the procurement of or expenditures relating to security systems
83 purchased with public funds shall be open;

84 (b) When seeking to close information pursuant to this exception, the public
85 governmental body shall affirmatively state in writing that disclosure would impair the public

86 governmental body's ability to protect the security or safety of persons or real property, and shall
87 in the same writing state that the public interest in nondisclosure outweighs the public interest
88 in disclosure of the records;

89 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
90 receiving agency within ninety days of submission to determine if retention of the document is
91 necessary in furtherance of a state security interest. If retention is not necessary, the documents
92 shall be returned to the nonpublic governmental body or destroyed;

93 (d) This exception shall sunset on December 31, 2012;

94 (20) Records that identify the configuration of components or the operation of a
95 computer, computer system, computer network, or telecommunications network, and would
96 allow unauthorized access to or unlawful disruption of a computer, computer system, computer
97 network, or telecommunications network of a public governmental body. This exception shall
98 not be used to limit or deny access to otherwise public records in a file, document, data file or
99 database containing public records. Records related to the procurement of or expenditures
100 relating to such computer, computer system, computer network, or telecommunications network,
101 including the amount of moneys paid by, or on behalf of, a public governmental body for such
102 computer, computer system, computer network, or telecommunications network shall be open;

103 (21) Credit card numbers, personal identification numbers, digital certificates, physical
104 and virtual keys, access codes or authorization codes that are used to protect the security of
105 electronic transactions between a public governmental body and a person or entity doing business
106 with a public governmental body. Nothing in this section shall be deemed to close the record
107 of a person or entity using a credit card held in the name of a public governmental body or any
108 record of a transaction made by a person using a credit card or other method of payment for
109 which reimbursement is made by a public governmental body; [and]

110 (22) Records submitted by an individual, corporation, or other business entity to a public
111 institution of higher education in connection with a proposal to license intellectual property or
112 perform sponsored research and which contains sales projections or other business plan
113 information the disclosure of which may endanger the competitiveness of a business;

114 **(23) Records and documents of and pertaining to internal investigations by law**
115 **enforcement agencies into matters of fitness and conduct of law enforcement officers**
116 **employed by such investigating law enforcement agencies used solely in connection with**
117 **matters relating to the employment of such law enforcement officers, and records and**
118 **documents pertaining to any determinations or actions relating to an officer's employment**
119 **status taken in connection with or following such investigations. Notwithstanding whether**
120 **the subject matter of or allegations involved in the internal investigation involve criminal**
121 **conduct on the part of a law enforcement officer, such records shall be considered records**

122 **authorized to be closed under this section, including subsections (3) and (13) of this section,**
123 **and not incident reports, investigative reports or other documents covered under section**
124 **610.100, unless such records and documents are used or shared by the agency in a criminal**
125 **investigation by the law enforcement agency involving the officer; and**

126 **(24) Any records and documents pertaining to police shootings as defined in section**
127 **610.010 if they contain the name of any officer who did the shooting, unless the officer who**
128 **did the shooting has been charged with a crime as a result of the shooting, in which case**
129 **such records or documents shall not be closed.**

610.055. No law enforcement agency shall disclose the name of any officer who was
2 **the shooter or one of the shooters involved in a police shooting as defined in section 610.010**
3 **unless such officer has been charged with a crime as a result of the shooting.**

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases
2 shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his or her
4 submission to the custody of the officer, under authority of a warrant or otherwise for a criminal
5 violation which results in the issuance of a summons or the person being booked;

6 (2) "Arrest report", a record of a law enforcement agency of an arrest and of any
7 detention or confinement incident thereto together with the charge therefor;

8 (3) "Inactive", an investigation in which no further action will be taken by a law
9 enforcement agency or officer for any of the following reasons:

10 (a) A decision by the law enforcement agency not to pursue the case;

11 (b) Expiration of the time to file criminal charges pursuant to the applicable statute of
12 limitations, or ten years after the commission of the offense; whichever date earliest occurs;

13 (c) Finality of the convictions of all persons convicted on the basis of the information
14 contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such
15 persons;

16 (4) "Incident report", a record of a law enforcement agency consisting of the date, time,
17 specific location, name of the victim and immediate facts and circumstances surrounding the
18 initial report of a crime or incident, including any logs of reported crimes, accidents and
19 complaints maintained by that agency;

20 (5) "Investigative report", a record, other than an arrest or incident report, prepared by
21 personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in
22 response to an incident report or in response to evidence developed by law enforcement officers
23 in the course of their duties;

24 **(6) Investigative reports and incident reports, or other law enforcement records**
25 **covered under this section, shall not include any records or documents pertaining to**

26 **internal investigations by law enforcement agencies into matters of fitness and conduct of**
27 **law enforcement officers employed by such investigating law enforcement agencies and**
28 **used solely in connection with such officers' employment, as described in subsection (22)**
29 **of section 610.021.**

30 2. Each law enforcement agency of this state, of any county, and of any municipality
31 shall maintain records of all incidents reported to the agency, investigations and arrests made by
32 such law enforcement agency. All incident reports and arrest reports shall be open records
33 **unless those incident reports or arrest reports involve a police shooting as defined in**
34 **section 610.010 in which case such reports shall be closed if they contain the name of any**
35 **law enforcement officer who was a shooter or one of the shooters in the police shooting,**
36 **except that the incident reports or arrest reports shall be open if the name of the shooting**
37 **officer is redacted or the shooting officer has been charged with a crime as a result of the**
38 **shooting.** Notwithstanding any other provision of law other than the provisions of subsections
39 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement
40 agencies are closed records until the investigation becomes inactive. If any person is arrested
41 and not charged with an offense against the law within thirty days of the person's arrest, the arrest
42 report shall thereafter be a closed record except that the disposition portion of the record may be
43 accessed and except as provided in section 610.120.

44 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a
45 record or document of a law enforcement officer or agency, other than an arrest report, which
46 would otherwise be open, contains information that is reasonably likely to pose a clear and
47 present danger to the safety of any victim, witness, undercover officer, or other person; or
48 jeopardize a criminal investigation, including records which would disclose the identity of a
49 source wishing to remain confidential or a suspect not in custody; or which would disclose
50 techniques, procedures or guidelines for law enforcement investigations or prosecutions, that
51 portion of the record shall be closed and shall be redacted from any record made available
52 pursuant to this chapter.

53 4. Any person, including a family member of such person within the first degree of
54 consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a
55 person involved in any incident or whose property is involved in an incident, may obtain any
56 records closed pursuant to this section or section 610.150 for purposes of investigation of any
57 civil claim or defense, as provided by this subsection. Any individual, his or her family member
58 within the first degree of consanguinity if such individual is deceased or incompetent, his or her
59 attorney or insurer, involved in an incident or whose property is involved in an incident, upon
60 written request, may obtain a complete unaltered and unedited incident report concerning the
61 incident, and may obtain access to other records closed by a law enforcement agency pursuant

62 to this section. Within thirty days of such request, the agency shall provide the requested
63 material or file a motion pursuant to this subsection with the circuit court having jurisdiction
64 over the law enforcement agency stating that the safety of the victim, witness or other individual
65 cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If,
66 based on such motion, the court finds for the law enforcement agency, the court shall either order
67 the record closed or order such portion of the record that should be closed to be redacted from
68 any record made available pursuant to this subsection.

69 5. Any person may bring an action pursuant to this section in the circuit court having
70 jurisdiction to authorize disclosure of the information contained in an investigative report of any
71 law enforcement agency, which would otherwise be closed pursuant to this section. The court
72 may order that all or part of the information contained in an investigative report be released to
73 the person bringing the action. In making the determination as to whether information contained
74 in an investigative report shall be disclosed, the court shall consider whether the benefit to the
75 person bringing the action or to the public outweighs any harm to the public, to the law
76 enforcement agency or any of its officers, or to any person identified in the investigative report
77 in regard to the need for law enforcement agencies to effectively investigate and prosecute
78 criminal activity. The investigative report in question may be examined by the court in camera.
79 The court may find that the party seeking disclosure of the investigative report shall bear the
80 reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the
81 decision of the law enforcement agency not to open the investigative report was substantially
82 unjustified under all relevant circumstances, and in that event, the court may assess such
83 reasonable and necessary costs and attorneys' fees to the law enforcement agency.

84 6. Any person may apply pursuant to this subsection to the circuit court having
85 jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest
86 reports being unlawfully closed pursuant to this section. If the court finds by a preponderance
87 of the evidence that the law enforcement officer or agency has knowingly violated this section,
88 the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars.
89 If the court finds that there is a knowing violation of this section, the court may order payment
90 by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the
91 court finds by a preponderance of the evidence that the law enforcement officer or agency has
92 purposely violated this section, the officer or agency shall be subject to a civil penalty in an
93 amount up to five thousand dollars and the court shall order payment by such officer or agency
94 of all costs and attorney fees, as provided in section 610.027. The court shall determine the
95 amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the
96 offense, and whether the law enforcement officer or agency has violated this section previously.

97 7. The victim of an offense as provided in chapter 566, RSMo, may request that his or
98 her identity be kept confidential until a charge relating to such incident is filed.

**650.035. 1. Any employee of the state or any political subdivision thereof shall be
2 given a leave of absence with pay if such employee is a duly authorized representative of
3 an employee organization defined as a "representative" in subsection 2 of this section and
4 affiliated with the Fraternal Order of Police or the International Association of Firefighters
5 to attend any state or national convention of the organization, provided however, that no
6 more than five percent of the employee organization's membership shall be permitted such
7 a leave of absence with pay, except that no less than two and no more than ten authorized
8 representatives shall be entitled to such leave, unless negotiated otherwise by the employer
9 and the representatives of the employee association, and for employee organizations with
10 more than one thousand members, a maximum of twenty-five authorized representatives
11 shall be entitled to such leave. The leave of absence shall be for a period inclusive of the
12 duration of the convention with a reasonable time allowed for travel to and from the
13 convention, provided that such leave shall be for no more than three days. A certificate of
14 attendance at the convention shall, upon request, be submitted by the representative
15 attending.**

16 **2. As used in this section the term "representative" is not limited to individuals but
17 shall include labor organizations, and individual representatives need not themselves be
18 employed by, and the labor organization serving as a representative need not be limited in
19 membership to the employees of the employer whose employees are represented. This term
20 shall include any organization, agency or person authorized or designated by a public
21 employer, public employee, group of public employees, or public employee association to
22 act on its behalf and represent it or them.**

**650.350. 1. There is hereby created within the department of public safety the "Missouri
2 Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of
3 five sitting sheriffs and one active member of the Missouri Deputy Sheriffs' Association.
4 Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names
5 of sitting sheriffs to the governor. The governor shall appoint five members from the list of
6 twenty names, having no more than three from any one political party, to serve a term of two
7 years on MoSMART. Every two years the Missouri Deputy Sheriffs' Association will
8 submit five names of active members of the Missouri Deputy Sheriffs' Association to the
9 governor. The governor shall appoint one member from the list of five names to serve a
10 term of two years on MoSMART. The members shall elect a chair from among their
11 membership. Members shall receive no compensation for the performance of their duties**

12 pursuant to this section, but each member shall be reimbursed from the MoSMART fund for
13 actual and necessary expenses incurred in carrying out duties pursuant to this section.

14 2. MoSMART shall meet no less than twice each calendar year with additional meetings
15 called by the chair upon the request of at least two members. A majority of the appointed
16 members shall constitute a quorum.

17 3. A special fund is hereby created in the state treasury to be known as the "MoSMART
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited
20 to the credit of the fund. The director of the department of public safety shall distribute at least
21 fifty percent but not more than one hundred percent of the fund annually in the form of grants
22 approved by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary supplementation fund
24 created under section 57.278, RSMo, all moneys appropriated to or received by MoSMART shall
25 be deposited and credited to the MoSMART fund. The department of public safety shall only
26 be reimbursed for actual and necessary expenses for the administration of MoSMART, which
27 shall be no less than one percent and which shall not exceed two percent of all moneys
28 appropriated to the fund, except that the department shall not receive any amount of the money
29 deposited into the deputy sheriff salary supplementation fund for administrative purposes. The
30 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART
31 fund shall not lapse to general revenue at the end of the biennium.

32 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
33 is created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
35 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
37 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
38 grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be
39 invalid and void.

40 6. Any county law enforcement entity or established task force with a memorandum of
41 understanding and protocol may apply for grants from the MoSMART fund on an application
42 to be developed by the department of public safety with the approval of MoSMART. All
43 applications shall be evaluated by MoSMART and approved or denied based upon the level of
44 funding designated for methamphetamine enforcement before 1997 and upon current need and
45 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand
46 dollars per year. The department of public safety shall monitor all MoSMART grants.

47 7. MoSMART's anti-methamphetamine funding priorities are as follows:

48 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have
49 their task forces apply for funding;

50 (2) Sheriffs whose county has been designated HIDTA counties, yet have received no
51 HIDTA or narcotics assistance program funding; and

52 (3) Sheriffs without HIDTA designations or task forces, whose application justifies the
53 need for MoSMART funds to eliminate methamphetamine labs.

54 8. MoSMART shall administer the deputy sheriff salary supplementation fund as
55 provided under section 57.278, RSMo.

2 [115.346. Notwithstanding any other provisions of law to the contrary,
3 no person shall be certified as a candidate for a municipal office, nor shall such
4 person's name appear on the ballot as a candidate for such office, who shall be in
5 arrears for any unpaid city taxes or municipal user fees on the last day to file a
6 declaration of candidacy for the office.]

Section B. Because of the need to ensure adequate funding for public safety activities
2 of certain municipalities, section 94.577 is deemed necessary for the immediate preservation of
3 the public health, welfare, peace and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section 94.577 shall be in full force and effect upon its
5 passage and approval.

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