

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 818
96TH GENERAL ASSEMBLY

1767L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 70.441, 301.010, 301.032, 301.069, 301.143, 301.218, 301.225, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.341, 302.700, 304.015, 304.120, 305.300, and 307.178, RSMo, and to enact in lieu thereof thirty-two new sections relating to transportation, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 70.441, 301.010, 301.032, 301.069, 301.143, 301.218, 301.225,
2 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.341, 302.700, 304.015, 304.120,
3 305.300, and 307.178, RSMo, are repealed and thirty-two new sections enacted in lieu thereof,
4 to be known as sections 70.441, 226.131, 227.424, 227.425, 227.429, 227.430, 301.010,
5 301.032, 301.069, 301.143, 301.216, 301.218, 301.225, 301.280, 301.425, 301.483, 301.559,
6 301.560, 301.562, 301.567, 301.570, 301.572, 301.580, 302.341, 302.700, 302.768, 304.015,
7 304.054, 304.120, 305.300, 307.178, and 537.293, to read as follows:

70.441. 1. As used in this section, the following terms have the following meanings:
2 (1) "Agency", the bi-state development agency created by compact under section 70.370;
3 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive,
4 or other vehicle used or held for use by the agency as a means of transportation of passengers;
5 (3) "Facilities" includes all property and equipment, including, without limitation,
6 rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation
7 systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance
8 shops, yards, offices, parking lots and other real estate or personal property used or held for or
9 incidental to the operation, rehabilitation or improvement of any public mass transportation
10 system of the agency;

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 (4) "Person", any individual, firm, copartnership, corporation, association or company;
12 and

13 (5) "Sound production device" includes, but is not limited to, any radio receiver,
14 phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker
15 device and any sound amplifier.

16 2. In interpreting or applying this section, the following provisions shall apply:

17 (1) Any act otherwise prohibited by this section is lawful if specifically authorized by
18 agreement, permit, license or other writing duly signed by an authorized officer of the agency or
19 if performed by an officer, employee or designated agent of the agency acting within the scope
20 of his or her employment or agency;

21 (2) Rules shall apply with equal force to any person assisting, aiding or abetting another,
22 including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting
23 another in the avoidance of any of the requirements of the rules; and

24 (3) The singular shall mean and include the plural; the masculine gender shall mean the
25 feminine and the neuter genders; and vice versa.

26 3. (1) No person shall use or enter upon the light rail conveyances of the agency without
27 payment of the fare or other lawful charges established by the agency. Any person on any such
28 conveyance must have properly validated fare media in his possession. This ticket must be valid
29 to or from the station the passenger is using, and must have been used for entry for the trip then
30 being taken;

31 (2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare
32 media to gain entry to the facilities or conveyances of, or make use of the services of, the agency,
33 except as provided, authorized or sold by the agency and in accordance with any restriction on
34 the use thereof imposed by the agency;

35 (3) No person shall enter upon parking lots designated by the agency as requiring
36 payment to enter, either by electronic gate or parking meters, where the cost of such parking fee
37 is visibly displayed at each location, without payment of such fees or other lawful charges
38 established by the agency;

39 (4) Except for employees of the agency acting within the scope of their employment, no
40 person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass,
41 badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to
42 or use of the facilities, conveyances or services of the agency without the written permission of
43 an authorized representative of the agency;

44 (5) No person shall put or attempt to put any paper, article, instrument or item, other than
45 a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare
46 media issued by the agency and valid for the place, time and manner in which used, into any fare

47 box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection
48 instrument, receptacle, device, machine or location;

49 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have
50 been forged, counterfeited, imitated, altered or improperly transferred or that have been used in
51 a manner inconsistent with this section shall be confiscated;

52 (7) No person may perform any act which would interfere with the provision of transit
53 service or obstruct the flow of traffic on facilities or conveyances or which would in any way
54 interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances
55 of the agency;

56 (8) All persons on or in any facility or conveyance of the agency shall:

57 (a) Comply with all lawful orders and directives of any agency employee acting within
58 the scope of his employment;

59 (b) Obey any instructions on notices or signs duly posted on any agency facility or
60 conveyance; and

61 (c) Provide accurate, complete and true information or documents requested by agency
62 personnel acting within the scope of their employment and otherwise in accordance with law;

63 (9) No person shall falsely represent himself or herself as an agent, employee or
64 representative of the agency;

65 (10) No person on or in any facility or conveyance shall:

66 (a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or
67 unsanitary condition, including, but not limited to, spitting and urinating, except in facilities
68 provided;

69 (b) Drink any alcoholic beverage or possess any opened or unsealed container of
70 alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such
71 as bars and restaurants;

72 (c) Enter or remain in any facility or conveyance while his ability to function safely in
73 the environment of the agency transit system is impaired by the consumption of alcohol or by the
74 taking of any drug;

75 (d) Loiter or stay on any facility of the agency;

76 (e) Consume foods or liquids of any kind, except in those areas specifically authorized
77 by the agency;

78 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except
79 in those areas or locations specifically authorized by the agency; or

80 (g) Throw or cause to be propelled any stone, projectile or other article at, from, upon
81 or in a facility or conveyance;

82 (11) No weapon or other instrument intended for use as a weapon may be carried in or
83 on any facility or conveyance, except for law enforcement personnel. For the purposes hereof,
84 a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any
85 instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather
86 bands studded with metal, wood impregnated with metal filings or razor blades; except that this
87 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed
88 case, box or other container which completely conceals the item from view and identification as
89 a weapon;

90 (12) No explosives, flammable liquids, acids, fireworks or other highly combustible
91 materials or radioactive materials may be carried on or in any facility or conveyance, except as
92 authorized by the agency;

93 (13) No person, except as specifically authorized by the agency, shall enter or attempt
94 to enter into any area not open to the public, including, but not limited to, motorman's cabs,
95 conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms,
96 concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,
97 train yards, garages, depots or any area marked with a sign restricting access or indicating a
98 dangerous environment;

99 (14) No person may ride on the roof, the platform between rapid transit cars, or on any
100 other area outside any rapid transit car or bus or other conveyance operated by the agency;

101 (15) No person shall extend his hand, arm, leg, head or other part of his or her person
102 or extend any item, article or other substance outside of the window or door of a moving rapid
103 transit car, bus or other conveyance operated by the agency;

104 (16) No person shall enter or leave a rapid transit car, bus or other conveyance operated
105 by the agency except through the entrances and exits provided for that purpose;

106 (17) No animals may be taken on or into any conveyance or facility except the following:

107 (a) An animal enclosed in a container, accompanied by the passenger and carried in a
108 manner which does not annoy other passengers; and

109 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly
110 harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs
111 accompanying trainers carrying a certificate of identification issued by a dog school;

112 (18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights
113 or safety of others or without due caution and circumspection, or at a speed in such a manner as
114 to be likely to endanger persons or property on facilities of the agency. The speed limit on
115 parking lots and access roads shall be posted as fifteen miles per hour unless otherwise
116 designated.

117 4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any
118 violation of this section shall constitute a misdemeanor, and any person committing a violation
119 thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall
120 pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty
121 dollars per violation, in addition to court costs. Any default in the payment of a fine imposed
122 pursuant to this section without good cause shall result in imprisonment for not more than thirty
123 days;

124 (2) Unless a greater penalty is provided by the laws of the state, any person convicted
125 a second or subsequent time for the same offense under this section shall be guilty of a
126 misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred
127 dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such
128 fine and imprisonment;

129 (3) Any person failing to pay the proper fare, fee or other charge for use of the facilities
130 and conveyances of the agency shall be subject to payment of such charge as part of the judgment
131 against the violator. All proceeds from judgments for unpaid fares or charges shall be directed
132 to the appropriate agency official;

133 (4) All juvenile offenders violating the provisions of this section shall be subject to the
134 jurisdiction of the juvenile court as provided in chapter 211;

135 (5) As used in this section, the term "conviction" shall include all pleas of guilty and
136 findings of guilt.

137 **5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing**
138 **to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of**
139 **the bi-state development agency, as described in subdivision (3) of subsection 4 of this**
140 **section, shall, in addition to the unpaid fares or charges and any fines, penalties, or**
141 **sentences imposed by law, shall be required to reimburse the reasonable costs attributable**
142 **to the enforcement, investigation, and prosecution of such offense by the bi-state**
143 **development agency. The court shall direct the reimbursement proceeds to the appropriate**
144 **agency official.**

145 **6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency**
146 **property by the agency and parked or stored elsewhere at the risk and expense of the owner;**

147 (2) Motor vehicles which are left unattended or abandoned on the property of the agency
148 for a period of over seventy-two hours may be removed as provided for in section 304.155,
149 except that the removal may be authorized by personnel designated by the agency under section
150 70.378.

226.131. 1. Notwithstanding any other provision of law, the commission may
2 **delegate to a designated hearing examiner or appeals board the authority to conduct**

3 hearings and render final decisions and orders on behalf of the commission in all contested
4 case administrative hearings that are required by federal or state law.

5 **2.** The commission may adopt rules and regulations to implement and administer
6 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
7 is created under the authority delegated in this section shall become effective only if it
8 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
9 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
10 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
11 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
12 grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,
13 shall be invalid and void.

227.424. The portion of Interstate 40/64 in St. Louis County from the Boone's
2 Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at
3 mile marker 13.8 shall be designated as the "Missouri State Highway Patrol Sergeant
4 Joseph G. Schuengel Memorial Highway". The department of transportation shall erect
5 and maintain appropriate signs designating such highway, with the costs to be paid for by
6 private donations.

227.425. 1. The portion of Interstate 70 from the eastern city limits of
2 Independence west to the Kansas state line shall be designated the "Truman/Eisenhower
3 Presidential Highway", with signs erected at both ends of the designated highway. At a
4 later point in time, two signs designating such highway may be placed at the intersection
5 of Interstate 70 and Interstate 435, and two signs may be placed at the intersection of
6 Interstate 70 and Interstate 29/35. All appropriate signage shall be paid for, prior to
7 installation, by private donations.

8 **2.** The naming of the Truman/Eisenhower Presidential Highway under this section
9 shall be contingent upon the designation by the state of Kansas of the portion of Interstate
10 70 in Kansas from the Missouri state line west to Abilene, Kansas, as the
11 "Eisenhower/Truman Presidential Highway".

227.429. The portion of Highway 25 from US Route 412 to Route U/Route Z in
2 Dunklin and Stoddard counties shall be designated the "Representative Otto Bean Jr.
3 Memorial Highway". The department of transportation shall erect and maintain
4 appropriate signs designating such highway, with the cost to be paid for by private
5 donations.

227.430. The portion of Missouri Highway 30 from State Route NN north three
2 miles to one tenth of a mile southwest of old Missouri 30 in Jefferson County shall be
3 designated the "SFC Wm. Brian Woods, Jr. Memorial Highway". The department of

4 **transportation shall erect and maintain appropriate signs designating such highway, with**
5 **the cost to be paid for by private donations.**

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

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

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

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

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

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

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

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

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

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

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

28 (11) "Driveaway operation":

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

32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and

34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or

69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

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

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and

105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

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

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

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

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

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

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

127 [(34)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
128 tracks, except farm tractors;

129 [(35)] (34) "Motor vehicle primarily for business use", any vehicle other than a
130 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
131 for over twelve thousand pounds:

132 (a) Offered for hire or lease; or

133 (b) The owner of which also owns ten or more such motor vehicles;

134 [(36)] (35) "Motorcycle", a motor vehicle operated on two wheels;

135 [(37)] (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an
136 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
137 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
138 the device at a maximum speed of not more than thirty miles per hour on level ground;

139 [(38)] (37) "Motortricycle", a motor vehicle operated on three wheels, including a
140 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
141 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

142 [(39)] (38) "Municipality", any city, town or village, whether incorporated or not;

143 [(40)] (39) "Nonresident", a resident of a state or country other than the state of Missouri;

144 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
145 in compliance with United States emissions or safety standards;

146 [(42)] (41) "Operator", any person who operates or drives a motor vehicle;

147 [(43)] (42) "Owner", any person, firm, corporation or association, who holds the legal
148 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale
149 or lease thereof with the right of purchase upon performance of the conditions stated in the
150 agreement and with an immediate right of possession vested in the conditional vendee or lessee,
151 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee
152 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

153 [(44)] (43) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 [(45)] (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 [(46)] (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 [(47)] (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 [(48)] (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and
168 used exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more
170 nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV
171 trails;

172 [(49)] (48) "Rollback or car carrier", any vehicle specifically designed to transport
173 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
174 to a wrecker or towing service;

175 [(50)] (49) "Saddlemount combination", a combination of vehicles in which a truck or
176 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
177 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
178 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
179 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
180 is called a "double saddlemount combination". When three vehicles are towed in this manner,
181 the combination is called a "triple saddlemount combination";

182 [(51)] (50) "Salvage dealer and dismantler", a business that dismantles used motor
183 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
184 accessories;

185 [(52)] (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

197 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
198 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
199 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
200 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
201 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
202 market value" means the retail value of a motor vehicle as:

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

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

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

211 [(53)] (52) "School bus", any motor vehicle used solely to transport students to or from
212 school or to transport students to or from any place for educational purposes;

213 (53) "Scrap processor", a business that, through the use of fixed or mobile
214 equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for
215 processing or transportation to a shredder or scrap metal operator for recycling;

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

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

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

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

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

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

242 (60) "Trailer", any vehicle without motive power designed for carrying property or
243 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
244 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
245 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
246 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton

247 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
248 as defined in section 700.010;

249 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
250 property;

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

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

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

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

267 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
268 firm, corporation, association, city, county or state agency, or any member thereof, for the
269 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
270 and from their place of employment; however, a vanpool shall not be included in the definition
271 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
272 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
273 [302.010] **303.020**; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
274 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
275 monetary profit other than for use in a ride-sharing arrangement;

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

280 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
281 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a

282 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
283 a replacement vehicle to replace a disabled or wrecked vehicle;

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

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles
3 owned or purchased by a fleet owner registered pursuant to this section. The director of revenue
4 shall prescribe the forms for such fleet registration and the forms and procedures for the
5 registration updates prescribed in this section. Any owner of ten or more motor vehicles which
6 must be registered in accordance with this chapter may register as a fleet owner. All registered
7 fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar
8 year or biennial basis pursuant to this section in lieu of the registration periods provided in
9 sections 301.030, 301.035, and 301.147. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

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

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

31 4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant
32 to this section shall be issued a special license plate which shall have the words "Fleet Vehicle"
33 in place of the words "Show-Me State" in the manner prescribed by the advisory committee
34 established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle
35 fee beyond the regular registration fee, [owners of] **a fleet owner of at least fifty** fleet vehicles
36 may apply for fleet license plates bearing a company name or logo, **the size and design thereof**
37 **subject to approval by the director**. All fleet license plates shall be made with fully reflective
38 material with a common color scheme and design, shall be clearly visible at night, and shall be
39 aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear
40 license plates as provided in this section which shall not require issuance of a renewal tab. Upon
41 payment of appropriate registration fees, the director of revenue shall issue a registration
42 certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence
43 of payment shall be carried at all times in the vehicle for which it is issued. The director of
44 revenue shall promulgate rules and regulations establishing the procedure for application and
45 issuance of fleet vehicle license plates.

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

301.069. 1. A driveaway license plate may not be used on a vehicle used or operated on
2 a highway except for the purpose of transporting vehicles in transit. Driveaway license plates
3 may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly
4 parked, or burned vehicles. **Driveaway license plates shall only be used by owners, corporate**
5 **officers, or employees of the business to which the plate was issued**. For each driveaway
6 license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set
7 of plates or such insignia as the director may issue which shall be attached to the motor vehicle
8 as prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The
9 fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be
10 four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director
11 who shall also prescribe the type of equipment used to attach such vehicles in combinations.

12 **2. No driveaway license plates shall be issued by the director of revenue unless the**
13 **applicant therefor shall make application for such plate and shall therein include:**

14 (1) **The business name, business street address, and business telephone number of**
15 **the applicant;**

16 (2) **The business owner's full name, date of birth, driver license number or**
17 **nondriver license number, residence street address, and residence telephone number;**

18 (3) The signature and printed name of the business owner or authorized
19 representative of the business presenting such application; and

20 (4) A statement explaining what the driveway license plate or plates will be used
21 for. The applicant shall provide certification of proof of financial responsibility, as defined
22 in section 303.020, sufficient to cover each motor vehicle the applicant shall operate or
23 otherwise move on the streets or highways, through use of the driveway license plate,
24 during the period of registration. The applicant shall provide such certification by affixing
25 a copy of said certification to the application. The application shall include a photograph,
26 not to exceed eight inches by ten inches but no less than five inches by seven inches,
27 showing the business building and sign of the applicant's business. The applicant shall
28 maintain a working, landline telephone at the applicant's place of business throughout the
29 registration period. The applicant shall maintain certification of proof of financial
30 responsibility as described herein throughout the registration period.

31 3. If any of the information required by this section to be reported by the applicant
32 changes during the registration period, the applicant shall report said changes to the
33 department of revenue within ten days of the date of the change.

34 4. Any violation of this section shall result in the revocation of the applicant's
35 driveway license plate.

36 5. Any person who knowingly uses a revoked driveway license plate shall be
37 deemed guilty of a class A misdemeanor.

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, 2011, 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.

**301.216. Department investigators licensed as peace officers by the director of the
2 department of public safety under chapter 590 shall be deemed to be peace officers within
3 the state of Missouri while acting in an investigation to enforce the provisions of this
4 chapter and any provisions regarding fees, licenses, or taxes administered by the director.**

301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or
2 servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the
3 following business unless licensed to do so by the department of revenue under sections 301.217
4 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined
6 in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a
8 salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar
10 year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a [mobile] scrap processor, as
12 defined in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor
17 vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing
18 salvage vehicles for export outside of the United States. Operators of salvage pools or salvage
19 disposal sales shall keep a record, for three years, of sales of salvage vehicles with the
20 purchasers' name and address, and the year, make, and vehicle identification number for each

21 vehicle. These records shall be open for inspection as provided in section 301.225. Such records
22 shall be submitted to the department on a quarterly basis.

23 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who
24 sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident
25 of the United States at a salvage pool or a salvage disposal sale shall:

26 (1) Stamp on the face of the title so as not to obscure any name, date, or mileage
27 statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

28 (2) Stamp in each unused reassignment space on the back of the title the words "FOR
29 EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the
30 salvage pool, or the name of the governmental entity, as applicable. The words "FOR EXPORT
31 ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches
32 wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

33 4. The director of revenue shall issue a separate license for each kind of business
34 described in subsection 1 of this section, to be entitled and designated as either "used parts
35 dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "[mobile] scrap processor"
36 license.

301.225. Every person licensed or required to be licensed shall maintain for three years
2 on vehicles not more than seven years old a record of:

3 (1) Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly
4 or engine of or for a vehicle received or acquired by him, its description and identifying number,
5 if any, the date of its receipt or acquisition, and the name and address of the person from whom
6 received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its
8 wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.
9 Every such record shall be retained by the person licensed or required to be licensed at his
10 principal place of business and shall be open to inspection by any representative of the
11 department, member or authorized or designated employee of the Missouri highway patrol, or
12 any police officer during reasonable business hours. Members of the patrol, **any representative**
13 **of the department**, or any police officer may inspect the premises of every person licensed or
14 required to be licensed at any time that business is being conducted or work is being performed,
15 whether or not open to the public to enforce the provisions of sections 301.217 to 301.229.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall

6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.
7 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection
8 8 of section 144.070 shall also include the amount of state and local sales tax collected for each
9 motor vehicle sold if sales tax was due. The odometer reading is not required when reporting
10 the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross
11 vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred
12 on a manufacturer's statement of origin between one franchised motor vehicle dealer and another,
13 or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits, without
14 exception, shall be recorded in the appropriate space on the dealer's monthly sales report by
15 recording the complete permit number issued on the motor vehicle or trailer sale listed. The
16 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the
17 dealership, and actually received by the department of revenue on or before the fifteenth day of
18 the month succeeding the month for which the sales are being reported. If no sales occur in any
19 given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer
20 who fails to file a monthly report or who fails to file a timely report shall be subject to
21 disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to
22 exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain
23 copies of the monthly sales report as part of the records to be maintained at the dealership
24 location and shall hold them available for inspection by appropriate law enforcement officials
25 and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles
26 a month shall file the monthly sales report with the department in an electronic format. Any
27 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice
28 of transfer required by section 301.196. For any dealer not filing electronically, the notice of
29 transfer required by section 301.196 shall be submitted with the monthly sales report as
30 prescribed by the director.

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

40 3. Every dealer and every person operating a public garage in which a motor vehicle
41 remains unclaimed for a period of fifteen days shall, within five days after the expiration of that

42 period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on
43 a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and
44 address are known to the dealer or his employee or person operating a public garage or his
45 employee is not considered unclaimed. Any dealer or person operating a public garage who fails
46 to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its
47 garaging, parking or storing.

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

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

57 **6. Any person who knowingly makes a false statement or omission of a material fact**
58 **in a monthly sales report to the department of revenue, as described in subsection 1 of this**
59 **section, shall be deemed guilty of a class A misdemeanor.**

301.425. If any peace officer or the director of revenue or his or her designated
2 **representative has probable cause to believe that a certificate of ownership, a license plate,**
3 **a license plate tab, a Missouri drivers license, or a Missouri nondriver identification card**
4 **was obtained fraudulently, any person in possession of said item shall surrender same to**
5 **the peace officer or the director of revenue or his or her designated representative upon**
6 **request. Any person failing to do so shall be deemed guilty of a class A misdemeanor.**

301.483. 1. Owners or joint owners of motor vehicles who are members of the
2 **International Conference of Police Chaplains (ICPC) who have completed the ICPC**
3 **requirements for basic certification as a police chaplain, upon application accompanied by**
4 **a signed statement as prescribed in this section, complying with the state motor vehicle**
5 **laws relating to registration and licensing of motor vehicles, and upon payment of a fee as**
6 **prescribed in this section, shall be issued a set of personalized license plates for any motor**
7 **vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle**
8 **or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**
9 **Such license plates shall be designed in consultation with the ICPC. Upon such set of**
10 **license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words**
11 **"POLICE CHAPLAIN". Such license plates shall be made with fully reflective material,**

12 shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by
13 section 301.130.

14 2. Applications for license plates issued under this section shall be made to the
15 director of revenue and shall be accompanied by a signed statement certifying that the
16 applicant is a person described in subsection 1 of this section. Any person who is lawfully
17 in possession of such plates who resigns, is removed, or otherwise terminates or is
18 terminated from association with the ICPC shall return such special plates to the director
19 within fifteen days.

20 3. An additional annual fee equal to that charged for personalized license plates in
21 section 301.144 shall be paid to the director of revenue for the issuance of the license plates
22 provided for in this section.

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
2 vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction,
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
4 license from the department as required in sections 301.550 to 301.573. Any person who
5 maintains or operates any business wherein a license is required pursuant to the provisions of
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class
8 D felony.

9 2. All dealer licenses shall expire on December thirty-first of [each year] **the designated**
10 **license period**. The department shall notify each person licensed under sections 301.550 to
11 301.573 of the date of license expiration and the amount of the fee required for renewal. The
12 notice shall be mailed at least ninety days before the date of license expiration to the licensee's
13 last known business address. **The director shall have the authority to issue licenses valid for**
14 **a period of up to two years and to stagger the license periods for administrative efficiency**
15 **and equalization of workload, at the sole discretion of the director.**

16 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
17 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
18 application to the department for issuance of a license. The application shall be on forms
19 prescribed by the department and shall be issued under the terms and provisions of sections
20 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a
21 license, to provide such information as the department may deem necessary to determine that the
22 applicant is bona fide and of good moral character, except that every application for a license
23 shall contain, in addition to such information as the department may require, a statement to the
24 following facts:

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which
54 resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws
55 which resulted in a felony conviction or finding of guilt.

301.560. 1. In addition to the application forms prescribed by the department, each
2 applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 Such application shall include an annual certification that the applicant has a bona fide

6 established place of business for the first three years and only for every other year thereafter. The
7 certification shall be performed by a uniformed member of the Missouri state highway patrol or
8 authorized or designated employee stationed in the troop area in which the applicant's place of
9 business is located; except that in counties of the first classification, certification may be
10 performed by an officer of a metropolitan police department when the applicant's established
11 place of business of distributing or selling motor vehicles or trailers is in the metropolitan area
12 where the certifying metropolitan police officer is employed. When the application is being
13 made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a
14 uniformed member of the Missouri state water patrol stationed in the district area in which the
15 applicant's place of business is located or by a uniformed member of the Missouri state highway
16 patrol stationed in the troop area in which the applicant's place of business is located or, if the
17 applicant's place of business is located within the jurisdiction of a metropolitan police
18 department in a first class county, by an officer of such metropolitan police department. A bona
19 fide established place of business for any new motor vehicle franchise dealer, used motor vehicle
20 dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or
21 wholesale or public auction shall be a permanent enclosed building or structure, either owned
22 in fee or leased and actually occupied as a place of business by the applicant for the selling,
23 bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
24 trailers and wherein the public may contact the owner or operator at any reasonable time, and
25 wherein shall be kept and maintained the books, records, files and other matters required and
26 necessary to conduct the business. The applicant's place of business shall contain a working
27 telephone which shall be maintained during the entire registration year. In order to qualify as a
28 bona fide established place of business for all applicants licensed pursuant to this section there
29 shall be an exterior sign displayed carrying the name of the business set forth in letters at least
30 six inches in height and clearly visible to the public and there shall be an area or lot which shall
31 not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be
32 displayed. The sign shall contain the name of the dealership by which it is known to the public
33 through advertising or otherwise, which need not be identical to the name appearing on the
34 dealership's license so long as such name is registered as a fictitious name with the secretary of
35 state, has been approved by its line-make manufacturer in writing in the case of a new motor
36 vehicle franchise dealer and a copy of such fictitious name registration has been provided to the
37 department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt
38 from maintaining a bona fide place of business, including the related law enforcement
39 certification requirements, and from meeting the minimum yearly sales;

40 (2) The initial application for licensure shall include a photograph, not to exceed eight
41 inches by ten inches but no less than five inches by seven inches, showing the business building,

42 lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently
43 licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the
44 existing dealership building, lot and sign but shall be required to submit a new photograph upon
45 the installation of the new dealership sign as required by sections 301.550 to 301.573.
46 Applicants shall not be required to submit a photograph annually unless the business has moved
47 from its previously licensed location, or unless the name of the business or address has changed,
48 or unless the class of business has changed;

49 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
50 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish
51 with the application a corporate surety bond or an irrevocable letter of credit as defined in section
52 [400.5-103] **400.5-102**, issued by any state or federal financial institution in the penal sum of
53 twenty-five thousand dollars on a form approved by the department. The bond or irrevocable
54 letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes
55 applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport
56 dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be
57 an indemnity for any loss sustained by reason of the acts of the person bonded when such acts
58 constitute grounds for the suspension or revocation of the dealer's license. The bond shall be
59 executed in the name of the state of Missouri for the benefit of all aggrieved parties or the
60 irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the
61 aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event,
62 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or
63 irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from
64 a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
65 party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor
66 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish
67 with the application a copy of a current dealer garage policy bearing the policy number and name
68 of the insurer and the insured;

69 (4) Payment of all necessary license fees as established by the department. In
70 establishing the amount of the annual license fees, the department shall, as near as possible,
71 produce sufficient total income to offset operational expenses of the department relating to the
72 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
73 sections 301.550 to [301.573] **301.580**, other than those fees collected for the issuance of dealer
74 plates or certificates of number collected pursuant to subsection 6 of this section, shall be
75 collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle
76 Commission Fund", which is hereby created. The motor vehicle commission fund shall be
77 administered by the Missouri department of revenue. The provisions of section 33.080 to the

78 contrary notwithstanding, money in such fund shall not be transferred and placed to the credit
 79 of the general revenue fund until the amount in the motor vehicle commission fund at the end
 80 of the biennium exceeds two times the amount of the appropriation from such fund for the
 81 preceding fiscal year or, if the department requires permit renewal less frequently than yearly,
 82 then three times the appropriation from such fund for the preceding fiscal year. The amount, if
 83 any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the
 84 appropriation from such fund for the preceding fiscal year.

85 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer,
 86 wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,
 87 trailer dealer, or a public motor vehicle auction submits an application for a license for a new
 88 business and the applicant has complied with all the provisions of this section, the department
 89 shall make a decision to grant or deny the license to the applicant within eight working hours
 90 after receipt of the dealer's application, notwithstanding any rule of the department.

91 3. Upon the initial issuance of a license by the department, the department shall assign
 92 a distinctive dealer license number or certificate of number to the applicant and the department
 93 shall issue one number plate or certificate bearing the distinctive dealer license number or
 94 certificate of number and two additional number plates or certificates of number within eight
 95 working hours after presentment of the application. Upon renewal, the department shall issue
 96 the distinctive dealer license number or certificate of number as quickly as possible. The
 97 issuance of such distinctive dealer license number or certificate of number shall be in lieu of
 98 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
 99 manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer,
 100 wholesale motor vehicle auction or new or used motor vehicle dealer.

101 4. Notwithstanding any other provision of the law to the contrary, the department shall
 102 assign the following distinctive dealer license numbers to:

- 103 New motor vehicle franchise
- 104 dealers D-0 through D-999
- 105 New powersport dealers and
- 106 motorcycle franchise
- 107 dealers D-1000 through D-1999
- 108 Used motor vehicle, used
- 109 powersport, and used
- 110 motorcycle dealers D-2000 through D-9999 Wholesale motor vehicle
- 111 dealers W-0 through W-1999
- 112 Wholesale motor vehicle
- 113 auctions WA-0 through WA-999

114 New and used trailer
 115 dealers T-0 through T-9999
 116 Motor vehicle, trailer, and boat
 117 manufacturers DM-0 through DM-999
 118 Public motor vehicle
 119 auctions A-0 through A-1999
 120 Boat dealers M-0 through M-9999
 121 New and used recreational motor vehicle
 122 dealers RV-0 through RV-999
 123

124 For purposes of this subsection, qualified transactions shall include the purchase of salvage titled
 125 vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage
 126 dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified
 127 transactions annually. In order for salvage dealers to obtain number plates or certificates under
 128 this section, dealers shall submit to the department of revenue on August first of each year a
 129 statement certifying, under penalty of perjury, the dealer's number of purchases during the
 130 reporting period of July first of the immediately preceding year to June thirtieth of the present
 131 year. The provisions of this subsection shall become effective on the date the director of the
 132 department of revenue begins to reissue new license plates under section 301.130, or on
 133 December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new
 134 license plates under the authority granted under section 301.130 prior to December 1, 2008, the
 135 director of the department of revenue shall notify the revisor of statutes of such fact.

136 5. Upon the sale of a currently licensed new motor vehicle franchise dealership the
 137 department shall, upon request, authorize the new approved dealer applicant to retain the selling
 138 dealer's license number and shall cause the new dealer's records to indicate such transfer.

139 6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport
 140 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one
 141 number plate bearing the distinctive dealer license number and may issue two additional number
 142 plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the
 143 number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each
 144 additional number plate. Such license plates shall be made with fully reflective material with
 145 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
 146 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
 147 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.
 148 Additional number plates and as many additional certificates of number may be obtained upon
 149 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor

150 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven
151 additional number plates or certificates of number annually. New and used motor vehicle
152 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are
153 limited to one additional plate or certificate of number per ten-unit qualified transactions
154 annually. New and used recreational motor vehicle dealers are limited to two additional plates
155 or certificate of number per ten-unit qualified transactions annually for their first fifty
156 transactions and one additional plate or certificate of number per ten-unit qualified transactions
157 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her
158 initial application the applicant's proposed annual number of sales in order for the director to
159 issue the appropriate number of additional plates or certificates of number. A motor vehicle
160 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor
161 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
162 distinctive dealer license plate or certificate of number or additional license plate or additional
163 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
164 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
165 for the original and duplicate number plates or certificates of number for such dealers' licenses,
166 multiplied by the number of months remaining in the licensing period for which the dealer or
167 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
168 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
169 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain
170 number plates or certificates under this section, dealers shall submit to the department of revenue
171 on August first of each year a statement certifying, under penalty of perjury, the dealer's number
172 of sales during the reporting period of July first of the immediately preceding year to June
173 thirtieth of the present year.

174 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
175 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
176 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held
177 for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle,
178 for use and display purposes during, but not limited to, parades, private events, charitable events,
179 or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer
180 hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle
181 dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under
182 a loaded condition. Trailer dealers may display their dealer license plates in like manner, except
183 such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

184 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
185 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a

186 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
187 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor
188 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
189 hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers
190 and boat manufacturers may display their certificate of number on a vessel or vessel trailer when
191 transporting a vessel or vessels to an exhibit or show.

192 **9. If any law enforcement officer or agent of the department has probable cause to**
193 **believe that any license plate or certificate of number issued under subsection 3 or 6 of this**
194 **section is being misused in violation of subsection 7 or 8 of this section, the license plate or**
195 **certificate of number may be seized and surrendered to the department.**

196 **10.** (1) Every application for the issuance of a used motor vehicle dealer's license shall
197 be accompanied by proof that the applicant, within the last twelve months, has completed an
198 educational seminar course approved by the department as prescribed by subdivision (2) of this
199 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
200 license for a separate dealership shall be exempt from the requirements of this subsection. The
201 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
202 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
203 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
204 who were licensed prior to August 28, 2006.

205 (2) The educational seminar shall include, but is not limited to, the dealer requirements
206 of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer
207 sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.

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

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

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

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

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

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

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

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters **143**, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters **143**, **144**, 306, 307, 407, 578, and 643;

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

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

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

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

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

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

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, **except for the matters set forth in**

50 **subsection 5 of this section**, be conducted in accordance with the provisions of chapter 621.
51 Upon a finding by the administrative hearing commission that the grounds, provided in
52 subsection 2 of this section, for disciplinary action are met, the department may, singly or in
53 combination, refuse to issue the person a license, **issue a license for a period of less than two**
54 **years**, issue a private reprimand, place the person on probation on such terms and conditions as
55 the department deems appropriate for a period of one day to five years, suspend the person's
56 license from one day to six days, or revoke the person's license for such period as the department
57 deems appropriate. The applicant or licensee shall have the right to appeal the decision of the
58 administrative hearing commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
61 to that licensee. **If any licensee who has been suspended or revoked shall neglect or refuse**
62 **to surrender his or her license or distinctive number license plates issued under sections**
63 **301.550 to 301.580, the director shall direct any agent or employee of the department or**
64 **any law enforcement officer, to secure possession thereof and return such items to the**
65 **director. For purposes of this subsection, a "law enforcement officer" means any member**
66 **of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under**
67 **chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his**
68 **or her license or distinctive number license plates upon demand by the director, any agent**
69 **or employee of the department, or any law enforcement officer shall be a class A**
70 **misdemeanor.**

71 5. Notwithstanding the foregoing provisions of this section, the following events or
72 acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to
73 present a clear and present danger to the public welfare and shall be considered cause for
74 suspension or revocation of such license under the procedure set forth in subsection 6 of
75 this section, at the discretion of the director:

76 (1) The expiration or revocation of any corporate surety bond or irrevocable letter
77 of credit, as required by section 301.560, without submission of a replacement bond or
78 letter of credit which provides coverage for the entire period of licensure;

79 (2) The failure to maintain a bona fide established place of business as required by
80 section 301.560;

81 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of section
82 301.562; or

83 (4) Three or more occurrences of violations, which have been established following
84 proceedings before the administrative hearing commission under subsection 3 of this
85 section, or which have been established following proceedings before the director under

86 subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643
87 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306,
88 307, 578, and 643, not previously set forth herein.

89 **6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or**
90 **revoked, following an evidentiary hearing before the director or his or her designated**
91 **hearing officer, if affidavits or sworn testimony by an authorized agent of the department**
92 **alleges the occurrence of any of the events or acts described in subsection 5 of this section.**

93 **(2) For any license which the department believes may be subject to suspension or**
94 **revocation under this subsection, the director shall immediately issue a notice of hearing**
95 **to the licensee of record. The director's notice of hearing:**

96 **(a) Shall be served upon the licensee personally or by first class mail to the dealer's**
97 **last known address, as registered with the director;**

98 **(b) Shall be based on affidavits or sworn testimony presented to the director, and**
99 **shall notify the licensee that such information presented therein constitutes cause to**
100 **suspend or revoke the licensee's license;**

101 **(c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;**

102 **(d) Shall specify the events or acts which may provide cause for suspension or**
103 **revocation of the license, and shall include with the notice a copy of all affidavits, sworn**
104 **testimony or other information presented to the director which support discipline of the**
105 **license; and**

106 **(e) Shall inform the licensee that he or she has the right to attend the hearing and**
107 **present any evidence in his or her defense, including evidence to show that the event or act**
108 **which may result in suspension or revocation has been corrected to the director's**
109 **satisfaction, and that he or she may be represented by counsel at the hearing.**

110 **(3) At any hearing before the director conducted under this subsection, the director**
111 **or his or her designated hearing officer shall consider all evidence relevant to the issue of**
112 **whether the license should be suspended or revoked due to the occurrence of any of the**
113 **acts set forth in subsection 5 herein. Within twenty business days after such hearing, the**
114 **director or his or her designated hearing officer shall issue a written order, with findings**
115 **of fact and conclusions of law, which either grants or denies the issuance of an order of**
116 **suspension or revocation. The suspension or revocation shall be effective ten days after the**
117 **date of the order. The written order of the director or his or her hearing officer shall be**
118 **the final decision of the director and shall be subject to judicial review under the provisions**
119 **of chapter 536.**

120 **(4) Notwithstanding the provisions of this chapter or chapter 610 or 621, to the**
121 **contrary, the proceedings under this section shall be closed and no order shall be made**
122 **public until it is final, for purposes of appeal.**

301.567. 1. For purposes of this section, a violation of any of the following advertising
2 standards shall be deemed an attempt by the advertising dealer to obtain a fee or other
3 compensation by fraud, deception or misrepresentation in violation of section 301.562:

4 (1) A motor vehicle shall not be advertised as new, either by express terms or
5 implication, unless it is a new motor vehicle as defined in section 301.550;

6 (2) When advertising any motor vehicle which is not a new motor vehicle, such
7 advertisement must expressly identify that the motor vehicle is a used motor vehicle by express
8 use of the term "used", or by such other term as is commonly understood to mean that the vehicle
9 is used;

10 (3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price
11 or financing options shall be stated clearly and conspicuously. An asterisk or other reference
12 symbol may be used to point to a disclaimer or other information, but not be used as a means of
13 contradicting or changing the meaning of an advertised statement;

14 (4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and
15 conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price
16 shall be deemed effective so long as such vehicles remain in the advertising dealership's
17 inventory;

18 (5) The terms "list price", "sticker price", or "suggested retail price" shall be used only
19 in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used,
20 shall be accompanied by a clear and conspicuous disclosure that such terms represent the
21 manufacturer's suggested retail price of the advertised vehicle;

22 (6) Terms such as "at cost", "\$..... above cost", "invoice price", and "\$ below/over
23 invoice" shall not be used in advertisements because of the difficulty in determining a dealer's
24 actual net cost at the time of the sale;

25 (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall
26 be fully identified as to year, make, and model. In addition, in advertisements placed by
27 individual dealers and not line-make marketing groups, the advertised price or credit terms shall
28 include all charges which the buyer must pay to the dealer, except buyer-selected options and
29 state and local taxes. If a processing fee or freight or destination charges are not included in the
30 advertised price, the amount of any such processing fee and freight or destination charge must
31 be clearly and conspicuously disclosed within the advertisement;

32 (8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed
33 to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates
34 are clearly and conspicuously disclosed;

35 (9) "Free"[,] or "at no cost" shall not be used if any purchase is required to qualify for
36 the free item, merchandise, or service;

37 (10) Bait advertising, in which an advertiser may have no intention to sell at the prices
38 or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the
39 following examples:

40 (a) Not having available for sale the advertised motor vehicles at the advertised prices.
41 If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such
42 vehicles, and they shall be available at the advertised price. If the advertised vehicle is available
43 only in limited numbers or only by order, such limitations shall be stated in the advertisement;

44 (b) Advertising a motor vehicle at a specified price, including such terms as "as low as
45 \$.....", but having available for sale only vehicles equipped with dealer-added cost options
46 which increase the selling price above the advertised price;

47 (11) Any reference to monthly payments, down payments, or other reference to financing
48 or leasing information shall be accompanied by a clear and conspicuous disclosure of the
49 following:

50 (a) Whether the payment or other information relates to a financing or a lease
51 transaction;

52 (b) If the payment or other information relates to a financing transaction, the minimum
53 down payment, annual percentage interest rate, and number of payments necessary to obtain the
54 advertised payment amount must be disclosed, in addition to any special qualifications required
55 for obtaining the advertised terms including, but not limited to, first-time buyer discounts,
56 college graduate discounts, and a statement concerning whether the advertised terms are subject
57 to credit approval;

58 (c) If the payment or other information relates to a lease transaction, the total amount due
59 from the purchaser at signing with such costs broken down and identified by category, lease term
60 expressed in number of months, whether the lease is closed-end or open-end, and total cost to
61 the lessee over the lease term in dollars;

62 (12) Any advertisement which states or implies that the advertising dealer has a special
63 arrangement or relationship with the distributor or manufacturer, as compared to similarly
64 situated dealers, shall not be used;

65 (13) Any advertisement which, in the circumstances under which it is made or applied,
66 is false, deceptive, or misleading shall not be used;

67 (14) No abbreviations for industry words or phrases shall be used in any advertisement
68 unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

69 2. The requirements of this section shall apply regardless of whether a dealer advertises
70 by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by
71 means of a broadcast or print media, a dealer may provide the disclaimers and disclosures
72 required under subdivision (3) of subsection 1 of this section by reference to an Internet web
73 page or toll-free telephone number containing the information required to be disclosed.

74 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by
75 use of a dealership name which complies with subsection 6 of section 301.560.

301.570. 1. It shall be unlawful for any person, partnership, corporation, company or
2 association, unless the seller is a financial institution, or is selling repossessed motor vehicles
3 or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector
4 of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in
5 a calendar year, except when such motor vehicles are registered in the name of the seller, unless
6 such person, partnership, corporation, company or association is:

7 (1) Licensed as a motor vehicle dealer by the department under the provisions of sections
8 301.550 to 301.573;

9 (2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section
10 301.559;

11 (3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand
12 five hundred pounds, but only with respect to such commercial motor vehicles;

13 (4) An auctioneer, acting at the request of the owner at an auction, when such auction
14 is not a public motor vehicle auction.

15 2. Any person, partnership, corporation, company or association that has reason to
16 believe that the provisions of this section are being violated shall file a complaint with the
17 prosecuting attorney in the county in which the violation occurred. The prosecuting attorney
18 shall investigate the complaint and take appropriate action.

19 3. For the purposes of sections 301.550 to 301.573, the sale, barter, exchange, lease or
20 rental with option to purchase of six or more motor vehicles in a calendar year by any person,
21 partnership, corporation, company or association, whether or not the motor vehicles are owned
22 by them, shall be prima facie evidence of intent to make a profit or gain of money and such
23 person, partnership, corporation, company or association shall be deemed to be acting as a motor
24 vehicle dealer without a license.

25 4. Any person, partnership, corporation, company or association who violates subsection
26 1 of this section is guilty of a class A misdemeanor. **A second or subsequent conviction shall**
27 **be deemed a class D felony.**

28 5. The provisions of this section shall not apply to liquidation of an estate.

301.572. 1. As used in this chapter "criminal investigators of the department of
2 revenue" shall mean special agents, special agents-in-charge, or administrators assigned
3 to the department of revenue.

4 **2.** Criminal investigators of the department of revenue who have received a
5 concealed carry endorsement under the requirements of section 571.101 shall have the
6 authority to carry a firearm at all times. They shall be considered as a person whose bona
7 fide duty is to execute process, civil or criminal, as defined in subdivision (5) of subsection
8 2 of section 571.030.

301.580. 1. The department of revenue may issue special event motor vehicle
2 auction licenses under the provisions of this section. For purposes of this section, a "special
3 event motor vehicle auction" is a motor vehicle auction which:

4 (1) Ninety percent of the vehicles being auctioned are at least ten years old or older;

5 (2) The licensee shall auction no more than three percent of the total number of
6 vehicles presented for auction which are owned and titled in the name of the licensee or its
7 owners; and

8 (3) The duration if no more than three consecutive calendar days and is held no
9 more than two times in a calendar year by a licensee.

10 **2.** A special event motor vehicle auction shall be considered a public motor vehicle
11 auction for purposes of sections 301.559 and 301.564.

12 **3.** Special event motor vehicle auction licensees shall be exempt from the
13 requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of
14 section 301.560.

15 **4.** An application for a special event motor vehicle auction license must be received
16 by the department at least ninety days prior to the beginning of the special event auction.

17 **5.** Applicants for a special motor vehicle auction are limited to no more than two
18 special event auctions in any calendar year. A separate application is required for each
19 special event motor vehicle auction.

20 **6.** At least ninety percent of the vehicles being auctioned at a special event motor
21 vehicle auction shall be ten years old or older. The licensee shall, within ten days of the
22 conclusion of a special event motor vehicle auction, submit a report in the form approved
23 by the director to the department that includes the make, model, year, and vehicle
24 identification number of each vehicle included in the auction. Every vehicle included in
25 the special event auction shall be listed, including those vehicles that were auctioned and
26 sold and those vehicles that were auctioned but did not sell. Violation of this subsection
27 is a class A misdemeanor.

28 **7. The applicant for the special event motor vehicle auction shall be responsible for**
29 **ensuring that a sales tax license or special event sales tax license is obtained for the event**
30 **if one is required.**

31 **8. The fee for a special event motor vehicle auction license shall be one thousand**
32 **dollars. For every vehicle auctioned in violation of subsection 6 of this section, an**
33 **administrative fee of five hundred dollars shall be paid to the department. Such fees shall**
34 **be deposited in like manner as other license fees of this section.**

35 **9. In addition to the causes set forth in section 301.562, the department may**
36 **promulgate rules that establish additional causes to refuse to issue or to revoke a special**
37 **event license.**

38 **10. A special motor vehicle auction shall last no more than three consecutive days.**

39 **11. The applicant for a special event motor vehicle auction shall be registered to**
40 **conduct business in this state.**

41 **12. Every applicant for a special event motor vehicle auction license shall furnish**
42 **with the application a corporate surety bond or an irrevocable letter of credit as defined**
43 **in section 400.5-102 issued by any state or federal financial institution in the penal sum of**
44 **one hundred thousand dollars on a form approved by the department. The bond or**
45 **irrevocable letter of credit shall be conditioned upon the applicant complying with the**
46 **provisions of the statutes applicable to a special event auction license holder and the bond**
47 **shall be an indemnity for any loss sustained by reason of the acts of the person bonded**
48 **when such acts constitute grounds for the revocation or denial of a special event auction**
49 **license. The bond shall be executed in the name of the state of Missouri for the benefit of**
50 **all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as**
51 **the beneficiary. The aggregate liability of the surety or financial institution to the**
52 **aggrieved parties shall not exceed the amount of the bond or irrevocable letter of**
53 **credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt**
54 **by the department of a final judgment from a Missouri court of competent jurisdiction**
55 **against the principal and in favor of an aggrieved party.**

56 **13. No dealer, driveaway, auction, or wholesale plates, or temporary permit**
57 **booklets, shall be issued in conjunction with a special event motor vehicle auction license.**

58 **14. Any person or entity who sells a vehicle at a special event motor vehicle auction**
59 **shall provide, to the buyer, current contact information including, but not limited to, name,**
60 **address, and telephone number.**

61 **15. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
62 **created under the authority delegated in this section shall become effective only if it**
63 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**

64 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
65 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
66 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
67 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**
68 **shall be invalid and void.**

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which the resident
3 is accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall return the license and remove the suspension from the individual's driving
22 record **if the individual was not operating a commercial motor vehicle or a commercial**
23 **driver's license holder at the time of the offense.** The filing of financial responsibility with
24 the bureau of safety responsibility, department of revenue, shall not be required as a condition
25 of reinstatement of a driver's license suspended solely under the provisions of this section.

26 2. If any city, town or village receives more than thirty-five percent of its annual general
27 operating revenue from fines and court costs for traffic violations occurring on state highways,
28 all revenues from such violations in excess of thirty-five percent of the annual general operating
29 revenue of the city, town or village shall be sent to the director of the department of revenue and
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are

32 distributed. For the purpose of this section the words "state highways" shall mean any state or
33 federal highway, including any such highway continuing through the boundaries of a city, town
34 or village with a designated street name other than the state highway number. The director of
35 the department of revenue shall set forth by rule a procedure whereby excess revenues as set
36 forth above shall be sent to the department of revenue. If any city, town, or village disputes a
37 determination that it has received excess revenues required to be sent to the department of
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
40 that term is defined in section 536.010, that is created under the authority delegated in this
41 section shall become effective only if it complies with and is subject to all of the provisions of
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
46 be invalid and void.

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

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

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

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

9 (3) **"CDLIS driver record", the electronic record of the individual commercial
10 driver's status and history stored by the state of record as part of the Commercial Driver's
11 License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**

12 (4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the
13 CDLIS driver record which meets the requirements for access to CDLIS information and
14 is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of
15 the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

16 (5) "Commercial driver's instruction permit", a permit issued pursuant to section
17 302.720;

18 [(4)] (6) "Commercial driver's license", a license issued by this state to an individual
19 which authorizes the individual to operate a commercial motor vehicle;

20 [(5)] (7) **"Commercial driver's license downgrade", occurs when:**

21 (a) A driver changes the self-certification to interstate, but operates exclusively in
22 transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part
23 390.3(f), 391.2, 391.68, or 398.3;

24 (b) A driver changes the self-certification to intrastate only, if the driver qualifies
25 under the state's physical qualification requirements for intrastate only;

26 (c) A driver changes the self-certification to intrastate, but operating exclusively in
27 transportation or operations excepted from all or part of the state driver qualification
28 requirements; or

29 (d) The state removes the commercial driver's license privilege from the driver's
30 license;

31 (8) "Commercial driver's license information system (CDLIS)", the information system
32 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
33 Law 99-570) to serve as a clearinghouse for locating information related to the licensing and
34 identification of commercial motor vehicle drivers;

35 [(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport
36 passengers or property:

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

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

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

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

46 [(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of
47 the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
48 I through V of 21 CFR part 1308, as they may be revised from time to time;

49 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and
50 nolo contendere, or a determination that a person has violated or failed to comply with the law in
51 a court of original jurisdiction or an authorized administrative proceeding, an unvacated
52 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment
53 of a fine or court cost, or violation of a condition of release without bail, regardless of whether
54 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

55 [(9)] (12) "Director", the director of revenue or his authorized representative;

56 [(10)] (13) "Disqualification", any of the following three actions:

- 57 (a) The suspension, revocation, or cancellation of a commercial driver's license;
- 58 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
59 state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local
60 law relating to motor vehicle traffic control or violations committed through the operation of
61 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;
- 62 (c) A determination by the Federal Motor Carrier Safety Administration that a person
63 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;
- 64 [(11)] **(14)** "Drive", to drive, operate or be in physical control of a commercial motor
65 vehicle;
- 66 [(12)] **(15)** "Driver", any person who drives, operates, or is in physical control of a motor
67 vehicle, or who is required to hold a commercial driver's license;
- 68 **(16) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or
69 renew a commercial driver's license in this state;**
- 70 [(13)] **(17)** "Driving under the influence of alcohol", the commission of any one or more
71 of the following acts:
- 72 (a) Driving a commercial motor vehicle with the alcohol concentration of four
73 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
74 concentration as may be later determined by the secretary by regulation;
- 75 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
76 of any federal or state law, or in violation of a county or municipal ordinance;
- 77 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol
78 content in violation of any federal or state law, or in violation of a county or municipal
79 ordinance;
- 80 (d) Refusing to submit to a chemical test in violation of section 577.041, section
81 302.750, any federal or state law, or a county or municipal ordinance; or
- 82 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
83 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
84 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
85 of age or older shall have been committed by the person with an alcohol concentration of at least
86 eight-hundredths of one percent or more, or in the case of an individual who is less than
87 twenty-one years of age, shall have been committed by the person with an alcohol concentration
88 of at least two-hundredths of one percent or more, and if committed in a commercial motor
89 vehicle, a concentration of four-hundredths of one percent or more;
- 90 [(14)] **(18)** "Driving under the influence of a controlled substance", the commission of
91 any one or more of the following acts in a commercial or noncommercial motor vehicle:

92 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
93 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
94 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
95 may be revised from time to time;

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

98 (c) Refusing to submit to a chemical test in violation of section 577.041, section
99 302.750, any federal or state law, or a county or municipal ordinance;

100 [(15)] **(19)** "Employer", any person, including the United States, a state, or a political
101 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
102 operate such a vehicle;

103 **(20) "Endorsement", an authorization on an individual's commercial driver's**
104 **license permitting the individual to operate certain types of commercial motor vehicles;**

105 [(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and operated by a
106 farmer used exclusively for the transportation of agricultural products, farm machinery, farm
107 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one
108 which requires placarding for hazardous materials as defined in this section, or used in the
109 operation of a common or contract motor carrier, except that a farm vehicle shall not be a
110 commercial motor vehicle when the total combined gross weight rating does not exceed
111 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (21) of
112 this subsection;

113 [(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle accident;

114 [(18)] **(23)** "Felony", any offense under state or federal law that is punishable by death
115 or imprisonment for a term exceeding one year;

116 **(24) "Foreign", outside the United States and the District of Columbia;**

117 [(19)] **(25)** "Gross combination weight rating" or "GCWR", the value specified by the
118 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
119 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
120 power unit and the total weight of the towed unit and any load thereon;

121 [(20)] **(26)** "Gross vehicle weight rating" or "GVWR", the value specified by the
122 manufacturer as the loaded weight of a single vehicle;

123 [(21)] **(27)** "Hazardous materials", any material that has been designated as hazardous
124 under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any
125 quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including
126 but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,

127 motor fuel or special fuel, shall not be considered hazardous materials when transported by a
128 farm vehicle provided all other provisions of this definition are followed;

129 [(22)] **(28)** "Imminent hazard", the existence of a condition that presents a substantial
130 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
131 health, property, or the environment may occur before the reasonably foreseeable completion
132 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
133 endangerment;

134 [(23)] **(29)** "Issuance", the initial licensure, license transfers, license renewals, and
135 license upgrades;

136 **(30)** "Medical examiner", a person who is licensed, certified, or registered, in
137 accordance with applicable state laws and regulations, to perform physical examinations.
138 The term includes, but is not limited to, doctors of medicine, doctors of osteopathy,
139 physician assistants, advanced practice nurses, and doctors of chiropractic;

140 **(31)** "Medical variance", when a driver has received one of the following that
141 allows the driver to be issued a medical certificate:

142 (a) An exemption letter permitting operation of a commercial motor vehicle under
143 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

144 (b) A skill performance evaluation certificate permitting operation of a commercial
145 motor vehicle under 49 CFR Part 391.49;

146 [(24)] **(32)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon
147 tracks;

148 [(25)] **(33)** "Noncommercial motor vehicle", a motor vehicle or combination of motor
149 vehicles not defined by the term "commercial motor vehicle" in this section;

150 [(26)] **(34)** "Out of service", a temporary prohibition against the operation of a
151 commercial motor vehicle by a particular driver, or the operation of a particular commercial
152 motor vehicle, or the operation of a particular motor carrier;

153 [(27)] **(35)** "Out-of-service order", a declaration by [the Federal Highway
154 Administration, or any] an authorized enforcement officer of a federal, state, [Commonwealth
155 of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial
156 motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5,**
157 **392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-**
158 **Service Criteria;**

159 [(28)] **(36)** "School bus", a commercial motor vehicle used to transport preprimary,
160 primary, or secondary school students from home to school, from school to home, or to and from
161 school-sponsored events. School bus does not include a bus used as a common carrier as defined
162 by the Secretary;

163 [(29)] (37) "Secretary", the Secretary of Transportation of the United States;
164 [(30)] (38) "Serious traffic violation", driving a commercial motor vehicle in such a
165 manner that the driver receives a conviction for the following offenses or driving a
166 noncommercial motor vehicle when the driver receives a conviction for the following offenses
167 and the conviction results in the suspension or revocation of the driver's license or
168 noncommercial motor vehicle driving privilege:

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

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

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

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

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

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

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

193 [(31)] (39) "State", a state[, territory or possession] of the United States[, the District of
194 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

195 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or commercial driver's
2 instruction permit shall comply with the Federal Motor Carrier Safety Administration**

3 application requirements of 49 CFR Part 383.71 by certifying to one of the following
4 applicable statements relating to federal and state driver qualification rules:

5 (1) **Nonexcepted interstate:** Certifies the applicant is a driver operating or
6 expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets
7 requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate
8 as defined in 49 CFR Part 391.45;

9 (2) **Excepted interstate:** Certifies the applicant is a driver operating or expecting
10 to operate entirely in interstate commerce that is not subject to Part 391 and is subject to
11 Missouri driver qualifications and not required to obtain a medical examiner's certificate;

12 (3) **Nonexcepted intrastate:** Certifies the applicant is a driver operating only in
13 intrastate commerce and is subject to Missouri driver qualifications;

14 (4) **Excepted intrastate:** Certifies the applicant operates or expects to operate only
15 in intrastate commerce, and engaging only in operations excepted from all parts of the
16 Missouri driver qualification requirements.

17 2. Any applicant who cannot meet certification requirements under one of the
18 categories defined in subsection 1 of this section shall be denied issuance of a commercial
19 driver's license or commercial driver's instruction permit.

20 3. An applicant certifying to operation in nonexcepted interstate or nonexcepted
21 intrastate commerce shall provide the state with an original or copy of a current medical
22 examiners certificate or a medical examiners certificate accompanied by a medical variance
23 or waiver. The state shall retain the original or copy of the documentation of physical
24 qualification for a minimum of three years beyond the date the certificate was issued.

25 4. Applicants certifying to operation in nonexcepted interstate commerce or
26 nonexcepted intrastate commerce shall provide an updated medical certificate or variance
27 documents to maintain a certified status during the term of the commercial driver's license
28 or commercial driver's instruction permit in order to retain commercial privileges.

29 5. The director shall post the medical examiners certificate of information, medical
30 variance if applicable, and certification status to the Missouri driver record within ten
31 calendar days and such information will become part of the CDLIS driver record.

32 6. Applicants certifying to operation in nonexcepted interstate commerce or
33 nonexcepted intrastate commerce who fail to provide or maintain a current medical
34 examiners certificate, or if the state has received notice of a medical variance or waiver
35 expiring or being rescinded, the state shall, within ten calendar days, update the driver's
36 medical certification status to "not certified". The state shall notify the driver of the
37 change in certification status and require the driver to annually comply with requirements
38 for a commercial driver's license downgrade within sixty days of notice.

39 **7. The department of revenue may, by rule, establish the cost and criteria for**
40 **submission of updated medical certification status information as required under this**
41 **section.**

42 **8. Any person who falsifies any information in an application for or update of**
43 **medical certification status information for a commercial driver's license shall not be**
44 **licensed to operate a commercial motor vehicle, or the person's commercial driver's license**
45 **shall be canceled for a period of one year after the director discovers such falsification.**

46 **9. The director may promulgate rules and regulations necessary to administer and**
47 **enforce this section. Any rule or portion of a rule, as that term is defined in section**
48 **536.010, that is created under the authority delegated in this section shall become effective**
49 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
50 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
51 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
52 **the effective date, or to disapprove and annul a rule are subsequently held**
53 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
54 **after August 28, 2011, shall be invalid and void.**

304.015. 1. All vehicles not in motion shall be placed with their right side as near the
2 right-hand side of the highway as practicable, except on streets of municipalities where vehicles
3 are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

4 2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon
5 the right half of the roadway, except as follows:

6 (1) When overtaking and passing another vehicle proceeding in the same direction
7 pursuant to the rules governing such movement;

8 (2) When placing a vehicle in position for and when such vehicle is lawfully making a
9 left turn in compliance with the provisions of sections 304.014 to 304.025 or traffic regulations
10 thereunder or of municipalities;

11 (3) When the right half of a roadway is closed to traffic while under construction or
12 repair;

13 (4) Upon a roadway designated by local ordinance as a one-way street and marked or
14 signed for one-way traffic.

15 3. It is unlawful to drive any vehicle upon any highway or road which has been divided
16 into two or more roadways by means of a physical barrier or by means of a dividing section or
17 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier
18 or dividing section, or to make any left turn or semicircular or U-turn on any such divided
19 highway, except at an intersection or interchange or at any signed location designated by the state
20 highways and transportation commission or the department of transportation. The provisions

21 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles
22 owned by the commission or the department.

23 4. The authorities in charge of any highway or the state highway patrol may erect signs
24 temporarily designating lanes to be used by traffic moving in a particular direction, regardless
25 of the center line of the highway, and all members of the Missouri highway patrol and other
26 peace officers may direct traffic in conformance with such signs. When authorized signs have
27 been erected designating off-center traffic lanes, no person shall disobey the instructions given
28 by such signs.

29 5. Whenever any roadway has been divided into three or more clearly marked lanes for
30 traffic, the following rules in addition to all others consistent herewith shall apply:

31 (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and
32 shall not be moved from such lane until the driver has first ascertained that such movement can
33 be made with safety;

34 (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the
35 center lane, except when overtaking and passing another vehicle where the roadway ahead is
36 clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for
37 a left turn or where such center lane is at the time allocated exclusively to traffic moving in the
38 direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

39 (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.025;

42 (4) Official signs may be erected by the highways and transportation commission or the
43 highway patrol may place temporary signs directing slow-moving traffic to use a designated lane
44 or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall
45 obey the directions of every such sign;

46 (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the
47 right, and except when a roadway has been divided into traffic lanes, each driver shall give to
48 the other at least one-half of the main traveled portion of the roadway whenever possible.

49 6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding
50 in the same direction shall be driven in the right-hand lane except when overtaking and passing
51 another vehicle or when preparing to make a proper left turn or when otherwise directed by
52 traffic markings, signs or signals.

53 7. **Violation of subsections 1 to 6 of this section shall be deemed a class C**
54 **misdemeanor unless such violation causes an immediate threat of an accident, in which**
55 **case such violation shall be deemed a class B misdemeanor, or unless an accident results**
56 **from such violation, in which case such violation shall be deemed a class A misdemeanor.**

57 **8.** All trucks registered for a gross weight of more than forty-eight thousand pounds shall
58 not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways
59 within urbanized areas of the state having three or more lanes of traffic proceeding in the same
60 direction. This restriction shall not apply when:

61 (1) It is [necessary for the operator of the truck to follow traffic control devices that
62 direct use of a lane other than the right lane] **reasonably necessary for the operation of the**
63 **truck to respond to any emergency condition;** or

64 (2) The right [half of a roadway is closed to traffic while under construction or repair.]
65 **or center lane of a roadway is closed to traffic while under construction, maintenance, or**
66 **repair.**

67
68 **Any highway signs identifying the lane not to be used by trucks under this subsection shall**
69 **be covered or hidden during the times of construction or repair within the designated work**
70 **area and in the two miles preceding the work area.**

71 **9.** As used in subsection [7] **8** of this section, "truck" means any vehicle, machine,
72 tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical
73 power and designed for or used in the transportation of property upon the highways. The term
74 "truck" also includes a commercial motor vehicle as defined in section 301.010.

75 [9.] **10.** Violation of **subsection 8** of this section shall be deemed [a class C
76 misdemeanor] **an infraction** unless such violation causes an immediate threat of an accident,
77 in which case such violation shall be deemed a class [B] C misdemeanor, or unless an accident
78 results from such violation, in which case such violation shall be deemed a class A misdemeanor.

304.054. 1. Except as otherwise provided in this section, no person operating a
2 **school bus upon the highways or other public roadways of this state who is transporting**
3 **children currently shall, by means of a handheld electronic wireless communications**
4 **device, send, read, or write a text message or electronic message or make or take part in**
5 **a telephone call, by means of a handheld electronic wireless communications device.**

6 **2.** The provisions of subsection 1 of this section shall not apply to a person
7 **operating a school bus while using a handheld electronic wireless communications device**
8 **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 school bus operator and that operator's**
13 **dispatcher, in which the device is permanently affixed to the vehicle.**

14 **3. As used in this section, "electronic message" means a self-contained piece of**
15 **digital communication that is designed or intended to be transmitted between handheld**
16 **electronic wireless communications devices. "Electronic message" includes, but is not**
17 **limited to, electronic mail, a text message, an instant message, or a command or request to**
18 **access an internet site.**

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

24 **5. As used in this section, "making or taking part in a telephone call" means**
25 **listening to or engaging in verbal communication through a handheld electronic wireless**
26 **communications device.**

27 **6. As used in this section, "send, read, or write a text message or electronic**
28 **message" means using a handheld electronic wireless telecommunications device to**
29 **manually communicate with any person by using an electronic message.**

30 **7. A violation of this section shall be deemed an infraction and shall be deemed a**
31 **moving violation for purposes of point assessment under section 302.302.**

32 **8. Any city or county shall have the authority to adopt ordinances or regulations**
33 **which are equivalent to, but not more restrictive than, the provisions of this section.**

34 **9. The provisions of this section shall not apply to the operator of a school bus that**
35 **is lawfully parked or stopped.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of
3 such municipality and who has not been within the limits thereof for a continuous period of more
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown
5 by competent evidence that there was posted at the place where the boundary of such
6 municipality joins or crosses any highway a sign displaying in black letters not less than four
7 inches high and one inch wide on a white background the speed fixed by such municipality so
8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering
9 such municipality.

10 2. Municipalities, by ordinance, may:

11 (1) Make additional rules of the road or traffic regulations to meet their needs and traffic
12 conditions;

13 (2) Establish one-way streets and provide for the regulation of vehicles thereon;

14 (3) Require vehicles to stop before crossing certain designated streets and boulevards;

15 (4) Limit the use of certain designated streets and boulevards to passenger vehicles,
16 **except that each municipality shall allow at least one street, with lawful traffic movement**
17 **and access from both directions, to be available for use by commercial vehicles to access**
18 **any roads in the state highway system. Under no circumstances shall the provisions of this**
19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**
20 **municipality;**

21 (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid
22 rubber tires;

23 (6) Regulate the parking of vehicles on streets by the installation of parking meters for
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26 (7) Require the use of signaling devices on all motor vehicles; and

27 (8) Prohibit sound producing warning devices, except horns directed forward.

28 3. No ordinance shall be valid which contains provisions contrary to or in conflict with
29 this chapter, except as herein provided.

30 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal
34 authority within three working days from the time of receipt of written request for such
35 information. Any registered owner-lessor who fails or refuses to provide such information
36 within the period required by this subsection shall be liable for the imposition of any fine
37 established by municipal ordinance for the violation. Provided, however, if a leased motor
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal
40 parking of such vehicle.

41 **5. No ordinance shall deny the use of commercial vehicles on all streets within the**
42 **municipality.**

305.300. 1. The governing body of any county may create an airport authority to build
2 or acquire and operate one or more airports within the boundaries of the county or an adjoining
3 county. The authority shall be created by resolution of the governing body not sooner than ten
4 days after public notice is posted at the courthouse announcing the intention of forming such a
5 body.

6 **2. The governing body of any home rule city with more than one hundred fifty-one**
7 **thousand five hundred but fewer than one hundred fifty-one thousand six hundred**

8 **inhabitants may create an airport authority within the boundaries of the city in the same**
9 **manner as provided in sections 305.300 to 305.333.**

307.178. 1. As used in this section, the term "passenger car" means every motor vehicle
2 designed for carrying ten persons or less and used for the transportation of persons; except that,
3 the term "passenger car" shall not include motorcycles, motorized bicycles, **or** motor tricycles[,
4 and trucks with a licensed gross weight of twelve thousand pounds or more].

5 2. Each driver, except persons employed by the United States Postal Service while
6 performing duties for that federal agency which require the operator to service postal boxes from
7 their vehicles, or which require frequent entry into and exit from their vehicles, and [front seat]
8 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway
9 in this state, and persons [less than eighteen years of age] operating or riding in a truck, as
10 defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly
11 adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety
12 Act requirements. [No person shall be stopped, inspected, or detained solely to determine
13 compliance with this subsection.] The provisions of this section and section 307.179 shall not
14 be applicable to [persons] **any person** who [have] **possesses documentation from a physician**
15 **that such person has** a medical reason for failing to have a seat belt fastened about their body[,
16 nor shall] . **No person shall be found guilty of violating this section or section 307.179 if**
17 **such person demonstrates to the court that he or she has a medical reason for failing to**
18 **have a seat belt fastened about their body.** The provisions of this section **shall not** be
19 applicable to persons while operating or riding a motor vehicle being used in agricultural
20 work-related activities. Noncompliance with this subsection shall not constitute probable cause
21 for violation of any other provision of law. The provisions of this subsection shall not apply to
22 the transporting of children under sixteen years of age, as provided in section 307.179.

23 3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall
24 secure the child in a properly adjusted and fastened restraint under section 307.179.

25 4. In any action to recover damages arising out of the ownership, common maintenance
26 or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not
27 be considered evidence of comparative negligence. Failure to wear a safety belt in violation of
28 this section may be admitted to mitigate damages, but only under the following circumstances:

29 (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation
30 of this section must first introduce expert evidence proving that a failure to wear a safety belt
31 contributed to the injuries claimed by plaintiff;

32 (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's
33 failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed

34 injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one
35 percent of the damages awarded after any reductions for comparative negligence.

36 5. Except as otherwise provided for in section 307.179, each person who violates the
37 provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed
38 ten dollars may be imposed. All other provisions of law and court rules to the contrary
39 notwithstanding, no court costs shall be imposed on any person due to a violation of this section.
40 In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for
41 a violation of this section.

42 6. The state highways and transportation commission shall initiate and develop a
43 program of public information to develop understanding of, and ensure compliance with, the
44 provisions of this section. The commission shall evaluate the effectiveness of this section and
45 shall include a report of its findings in the annual evaluation report on its highway safety plan
46 that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

47 7. If there are more persons than there are seat belts in the enclosed area of a motor
48 vehicle, then the passengers who are unable to wear seat belts **because all existing seat belts are**
49 **in use** shall sit [in the area] **on the seats** behind the front seat of the motor vehicle unless the
50 motor vehicle is designed only for a front-seated area. The passenger or passengers occupying
51 a seat location referred to in this subsection is not in violation of this section. This subsection
52 shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed
53 under section 302.178.

**537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a
2 public street or highway in a manner which is legal under state and local law shall not
3 constitute a public or private nuisance, and shall not be the basis of a civil action for public
4 or private nuisance.**

5 **2. No individual or business entity shall be subject to any civil action in law or
6 equity for a public or private nuisance on the basis of such individual or business entity
7 legally using vehicles on a public street or highway. Any actions by a court in this state to
8 enjoin the use of a public street or highway in violation of this section and any damages
9 awarded or imposed by a court, or assessed by a jury, against an individual or business
10 entity for public or private nuisance in violation of this section shall be null and void.**

11 **3. Notwithstanding any other provision of law, nothing in this section shall be
12 construed to limit civil liability for compensatory damages arising from physical injury to
13 another human being.**

Section B. The repeal and reenactment of sections 302.341, 302.700, and 302.768 of
2 section A of this act shall become effective May 11, 2013.