

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 470**  
**96TH GENERAL ASSEMBLY**

4430L.08C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 142.932, 260.392, 301.147, 302.341, 302.700, 304.022, 304.120, 304.154, 304.180, 304.190, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 142.932, 260.392, 301.147, 302.341, 302.700, 304.022, 304.120, 2 304.154, 304.180, 304.190, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 3 390.116, and 390.280, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, 4 to be known as sections 142.932, 260.392, 301.147, 302.341, 302.700, 302.768, 304.022, 5 304.120, 304.154, 304.180, 304.190, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 6 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, 390.280, and 537.293, to read as 7 follows:

142.932. 1. No person shall operate or maintain a motor vehicle on any public highway 2 in this state with motor fuel contained in the fuel supply tank for the motor vehicle that contains 3 dye as provided pursuant to this chapter.

4 2. This section does not apply to:

5 (1) Persons operating motor vehicles that have received fuel into their fuel tanks outside 6 of this state in a jurisdiction that permits introduction of dyed motor fuel of that color and type 7 into the motor fuel tank of highway vehicles; [or]

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.

8 (2) Uses of dyed fuel on the highway which are lawful under the Internal Revenue Code  
9 and regulations thereunder and as set forth in this chapter unless otherwise prohibited by this  
10 chapter; or

11 **(3) Persons operating motor vehicles during a state of emergency declaration by the**  
12 **governor, when such motor vehicles are engaged in public safety matters or in restoration**  
13 **of utility services attributable to the state of emergency. This exception shall apply to**  
14 **public utility and rural electric cooperative motor vehicles and the motor vehicles of**  
15 **persons contracting with such entities for the purpose of restoring utility service**  
16 **attributable to the state of emergency.**

17 3. No person shall sell or hold for sale dyed diesel fuel or dyed kerosene for any use that  
18 the person knows or has reason to know is a taxable use of the diesel fuel.

19 4. No person shall use or hold for use any dyed diesel fuel for a taxable use when the  
20 person knew or had reason to know that the diesel fuel was so dyed.

21 5. No person shall willfully, with intent to evade tax, alter or attempt to alter the strength  
22 or composition of any dye or marker in any dyed diesel fuel or dyed kerosene.

23 6. Any person who knowingly violates or knowingly aids and abets another to violate  
24 the provisions of this section with the intent to evade the tax levied by this chapter shall be guilty  
25 of a class A misdemeanor.

26 7. Any person or business entity, each officer, employee, or agent of the entity who  
27 willfully participates in any act in violation of this section shall be jointly and severally liable  
28 with the entity for the tax and penalty which shall be the same as imposed pursuant to 26 U.S.C.,  
29 Section 6715 or its successor section.

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

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

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

10 (3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended,  
11 a quantity of radioactive material within a single package. Highway route controlled quantity  
12 shipments [of thirty miles or less within the state] are exempt from the provisions of this section;

13 (4) "Low-level radioactive waste", any radioactive waste not classified as high-level  
14 radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States

15 Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources  
16 meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste  
17 that are within a radius of no more than fifty miles from the point of origin, and all naturally  
18 occurring radioactive material given written approval for landfill disposal by the Missouri  
19 department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this  
20 section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one  
21 hundred twenty days is exempt from the provisions of this section;

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

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

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

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

33 (a) High-level radioactive wastes;

34 (b) Any waste determined by the Environmental Protection Agency with the concurrence  
35 of the Environmental Protection Agency administrator that does not need the degree of isolation  
36 required by this section; or

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

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

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

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

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

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

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

64 (2) Coordination of emergency response capability;

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

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

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

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

78 (7) Administrative costs attributable to the state agencies which are incurred through  
79 their involvement as it relates to the shipment of high-level radioactive waste, transuranic  
80 radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level  
81 radioactive waste through or within the state.

82 4. Nothing in this section shall preclude any other state agency from receiving  
83 reimbursement from the department of natural resources and the environmental radiation  
84 monitoring fund for services rendered that achieve the objectives and comply with the provisions  
85 of this section.

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

90           6. The department of natural resources, in coordination with the department of health and  
91 senior services and the department of public safety, may promulgate rules necessary to carry out  
92 the provisions of this section. Any rule or portion of a rule, as that term is defined in section  
93 536.010, that is created under the authority delegated in this section shall become effective only  
94 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
95 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
96 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
97 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
98 and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

99           7. All funds deposited in the environmental radiation monitoring fund through fees  
100 established in subsection 2 of this section shall be utilized, subject to appropriation by the  
101 general assembly, for the administration and enforcement of this section by the department of  
102 natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

103           8. All fees shall be paid to the department of natural resources [prior to] **following**  
104 shipment.

105           9. **(1)** Notice of any shipment of high-level radioactive waste, transuranic radioactive  
106 waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the  
107 state shall be provided by the shipper to the governor's designee for advanced notification, as  
108 described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state.  
109 Notice of any shipment of low-level radioactive waste through or within the state shall be  
110 provided by the shipper to the Missouri department of natural resources before such shipment  
111 enters the state.

112           **(2) All vehicles and carriers transporting highway route controlled quantities of**  
113 **radioactive material are regulated by the United States Department of Transportation and**  
114 **required to pass the North American Standard Level VI Inspection for Transuranic Waste**  
115 **and Highway Route Controlled Quantities of Radioactive Material at the point of origin.**  
116 **If a highway route controlled quantity shipment of a material has been the subject of a**  
117 **point of origin level VI inspection and has passed the inspection, the shipment shall not**  
118 **otherwise be subject to an additional inspection unless such inspection is determined to be**  
119 **necessary at the discretion of state safety resources.**

120           10. Any shipper who fails to pay a fee assessed under this section, or fails to provide  
121 notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the

122 amount assessed and not paid. The action shall be brought by the attorney general at the request  
123 of the department of natural resources. If the action involves a facility domiciled in the state, the  
124 action shall be brought in the circuit court of the county in which the facility is located. If the  
125 action does not involve a facility domiciled in the state, the action shall be brought in the circuit  
126 court of Cole County.

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

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

136 13. Under section 23.253 of the Missouri sunset act:

137 (1) The provisions of the new program authorized under this section shall automatically  
138 sunset six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

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

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

301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary,  
2 beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than  
3 commercial motor vehicles licensed in excess of [twelve] **fifty-four** thousand pounds gross  
4 weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an  
5 even-numbered model year vehicle shall be renewed each even-numbered calendar year and any  
6 such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each  
7 odd-numbered calendar year, subject to the following requirements:

8 (1) The fee collected at the time of biennial registration shall include the annual  
9 registration fee plus a pro rata amount for the additional twelve months of the biennial  
10 registration;

11 (2) Presentation of all documentation otherwise required by law for vehicle registration  
12 including, but not limited to, a personal property tax receipt or certified statement for the  
13 preceding year that no such taxes were due as set forth in section 301.025, proof of a motor

14 vehicle safety inspection and any applicable emission inspection conducted within sixty days  
15 prior to the date of application and proof of insurance as required by section 303.026.

16 2. The director of revenue may prescribe rules and regulations for the effective  
17 administration of this section. The director is authorized to adopt those rules that are reasonable  
18 and necessary to accomplish the limited duties specifically delegated within this section. Any  
19 rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant  
20 to the authority delegated in this section shall become effective only if it has been promulgated  
21 pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and  
22 if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
23 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
24 the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be  
25 invalid and void.

26 3. The director of revenue shall have the authority to stagger the registration period of  
27 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand  
28 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial  
29 registration, such registration must be maintained for the full twenty-four month period.

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)]  
112 **(27)** of 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 fifty states of the United States and the District of**  
117 **Columbia;**

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

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

124           [(21)] **(27) "Hazardous materials", any material that has been designated as hazardous**  
125 **under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any**  
126 **quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including**  
127 **but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,**  
128 **motor fuel or special fuel, shall not be considered hazardous materials when transported by a**  
129 **farm vehicle provided all other provisions of this definition are followed;**

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

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

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

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

143           **(a) An exemption letter permitting operation of a commercial motor vehicle under**  
144 **49 CFR Part 381, Subpart C or 49 CFR Part 391.64;**

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

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

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

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

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

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

164 [(29)] (37) "Secretary", the Secretary of Transportation of the United States;

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

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

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

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

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

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

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

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

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

196 [(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, the applicant's self-certification and certification status to the**  
31 **Missouri driver record within ten calendar days and such information will become part**  
32 **of the CDLIS driver record.**

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

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

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

48 **9. The director may promulgate rules and regulations necessary to administer and**  
49 **enforce this section. Any rule or portion of a rule, as that term is defined in section**  
50 **536.010, that is created under the authority delegated in this section shall become effective**  
51 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**  
52 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
53 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
54 **the effective date, or to disapprove and annul a rule are subsequently held**  
55 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
56 **after August 28, 2012, shall be invalid and void.**

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal  
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a  
4 flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the  
5 right-of-way and shall immediately drive to a position parallel to, and as far as possible to the  
6 right of, the traveled portion of the highway and thereupon stop and remain in such position until

7 such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

8         2. Upon approaching a stationary emergency vehicle displaying lighted red or red and  
9 blue lights, **or a stationary vehicle owned by the state Highways and Transportation**  
10 **Commission and operated by an authorized employee of the department of transportation**  
11 **displaying lighted amber or amber and white lights**, the driver of every motor vehicle shall:

12             (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety  
13 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary  
14 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the  
15 same direction as the approaching vehicle; or

16             (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe  
17 speed for road conditions, if changing lanes would be unsafe or impossible.

18         3. The motorman of every streetcar shall immediately stop such car clear of any  
19 intersection and keep it in such position until the emergency vehicle has passed, except as  
20 otherwise directed by a police or traffic officer.

21         4. An "emergency vehicle" is a vehicle of any of the following types:

22             (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri  
23 capitol police, a conservation agent, or a state park ranger, those vehicles operated by  
24 enforcement personnel of the state Highways and Transportation Commission, police or fire  
25 department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to  
26 carry firearms and to make arrests for violations of the laws of the United States, traffic officer  
27 or coroner or by a privately owned emergency vehicle company;

28             (2) A vehicle operated as an ambulance or operated commercially for the purpose of  
29 transporting emergency medical supplies or organs;

30             (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

31             (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or  
32 public service corporation while performing emergency service;

33             (5) Any vehicle transporting equipment designed to extricate human beings from the  
34 wreckage of a motor vehicle;

35             (6) Any vehicle designated to perform emergency functions for a civil defense or  
36 emergency management agency established pursuant to the provisions of chapter 44;

37             (7) Any vehicle operated by an authorized employee of the department of corrections  
38 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage  
39 incident, escape or other critical situation where there is the threat of serious physical injury or  
40 death, responding to mutual aid call from another criminal justice agency, or in accompanying  
41 an ambulance which is transporting an offender to a medical facility;

42 (8) Any vehicle designated to perform hazardous substance emergency functions  
43 established pursuant to the provisions of sections 260.500 to 260.550;

44 (9) **Any vehicle owned by the state Highways and Transportation Commission and**  
45 **operated by an authorized employee of the department of transportation that is marked**  
46 **as a department of transportation emergency response or motorist assistance vehicle.**

47 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
48 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
49 responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
50 when responding to, but not upon returning from, a fire.

51 (2) The driver of an emergency vehicle may:

52 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

53 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
54 necessary for safe operation;

55 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or  
56 property;

57 (d) Disregard regulations governing direction of movement or turning in specified  
58 directions.

59 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this  
60 subsection shall apply only when the driver of any such vehicle while in motion sounds audible  
61 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle  
62 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal  
63 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

64 6. No person shall purchase an emergency light as described in this section without  
65 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
66 emergency vehicle purposes.

67 7. Violation of this section shall be deemed a class A misdemeanor.

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 route, 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 a municipality to limit the use of all routes 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 routes within the**  
42 **municipality. For purposes of this section, the term "route" shall mean any state road,**  
43 **county road, or public street, avenue, boulevard, or parkway.**

2 304.154. 1. Beginning [January 1, 2005] **August 28, 2012**, a towing company operating  
a tow truck [pursuant to the authority granted in section 304.155 or 304.157 shall] **as defined**

3 **in section 301.010 shall be licensed by the division of professional registration as provided**  
4 **in subsection 2 of this section and:**

5 (1) Have and occupy a verifiable business address **and display such address in a**  
6 **location visible from the street;**

7 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the  
8 storage of motor vehicles, **with a total area for storing vehicles, either inside or outside, of**  
9 **at least two thousand square feet, and fencing a minimum of six feet high;**

10 (3) **Maintain regular business hours for the business office of 8:00 a.m. to 5:00 p.m.,**  
11 **Monday through Friday, for customers or their authorized agent to view and retrieve**  
12 **vehicles, with no additional fees charged to view or retrieve a vehicle during these regular**  
13 **business hours;**

14 (4) Be available twenty-four hours a day, seven days a week. Availability shall mean  
15 that an employee of the towing company or an answering service answered by a person is able  
16 to respond to a tow request;

17 (5) **Have and maintain a phone number which is published in the local phone book**  
18 **and accessible through directory assistance;**

19 [(4)] (6) Maintain a valid insurance policy issued by an insurer authorized to do business  
20 in this state, or a bond or other acceptable surety providing coverage for the death of, or injury  
21 to, persons and damage to property for each accident or occurrence in the amount [of at least five  
22 hundred thousand dollars per incident] **prescribed by the United States Department of**  
23 **Transportation;**

24 (7) **Maintain liability insurance as follows: garage coverage liability of one million**  
25 **dollars per occurrence with an aggregate of two million dollars or greater, garage keeper**  
26 **policy with a fifty thousand dollar minimum, and hook and cargo insurance with a one**  
27 **hundred fifty thousand dollar minimum;**

28 [(5)] (8) Provide workers' compensation insurance for all employees of the towing  
29 company if required by chapter 287; [and]

30 [(6)] (9) Maintain current motor vehicle registrations on all tow trucks currently operated  
31 within the towing company fleet;

32 (10) **Provide a twenty-five thousand dollar surety bond by a company licensed to**  
33 **do business in the state, or provide an irrevocable letter of credit from a financial**  
34 **institution licensed to do business in the state; and**

35 (11) **Require tow drivers to be certified by the Towing and Recovery Association**  
36 **of America (TRAA), or any state or federally funded program, as follows:**

37 (a) **Beginning August 28, 2013, light-duty operators shall have at least TRAA Level**  
38 **1 Certification or equivalent;**

39           **(b) Beginning March 1, 2014, medium-duty operators shall have at least TRAA**  
40 **Level 2 Certification or equivalent; and**

41           **(c) Beginning August 28, 2014, there shall be at least one TRAA Level 3 certified**  
42 **operator per company engaged in heavy-duty towing.**

43           **2. Notwithstanding any other law, in order to operate a towing or wrecker service**  
44 **within this state, operators shall be licensed by the division of professional registration.**  
45 **Applicants for licensure shall provide proof of compliance with requirements of subsection**  
46 **1 of this section to the division and upon presentation of satisfactory proof shall be granted**  
47 **documentation issued by the division indicating that the towing or wrecker service has met**  
48 **state licensing requirements. Local governmental entities shall not contract with any**  
49 **towing or wrecker service not licensed with the division under this section. The provisions**  
50 **of this section may be enforced by local law enforcement and the highway patrol.**

51           **3. The director of the division of professional registration may promulgate all**  
52 **necessary rules and regulations for the administration of this section. Any rule or portion**  
53 **of a rule, as that term is defined in section 536.010, that is created under the authority**  
54 **delegated in this section shall become effective only if it complies with and is subject to all**  
55 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
56 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
57 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
58 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
59 **any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

60           **4. Counties may adopt ordinances with respect to towing company standards in addition**  
61 **to the minimum standards contained in this section. [A towing company located in a county of**  
62 **the second, third, and fourth classification is exempt from the provisions of this section.]**

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any  
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no  
3 combination of vehicles operated by transporters of general freight over regular routes as defined  
4 in section 390.020 shall be moved or operated on any highway of this state having a greater  
5 weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not  
6 to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated  
7 on any state highway of this state having a greater weight than thirty-four thousand pounds on  
8 any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one  
9 behind another, the distance between the extremes of which is more than forty inches and not  
10 more than ninety-six inches apart.

11           2. An "axle load" is defined as the total load transmitted to the road by all wheels whose  
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending  
 13 across the full width of the vehicle.

14           3. Subject to the limit upon the weight imposed upon a highway of this state through any  
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two  
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the  
 17 maximum load in pounds as set forth in the following table:

18

19 Distance in feet

20 between the extremes

21 of any group of two or

22 more consecutive axles,

23 measured to the nearest

24 foot, except where

25 indicated otherwise

Maximum load in pounds

26 feet	2 axles	3 axles	4 axles	5 axles	6 axles
27 4	34,000				
28 5	34,000				
29 6	34,000				
30 7	34,000				
31 8	34,000	34,000			
32 More than 8	38,000	42,000			
33 9	39,000	42,500			
34 10	40,000	43,500			
35 11	40,000	44,000			
36 12	40,000	45,000	50,000		
37 13	40,000	45,500	50,500		
38 14	40,000	46,500	51,500		
39 15	40,000	47,000	52,000		
40 16	40,000	48,000	52,500	58,000	
41 17	40,000	48,500	53,500	58,500	
42 18	40,000	49,500	54,000	59,000	
43 19	40,000	50,000	54,500	60,000	
44 20	40,000	51,000	55,500	60,500	66,000
45 21	40,000	51,500	56,000	61,000	66,500
46 22	40,000	52,500	56,500	61,500	67,000

47	23	40,000	53,000	57,500	62,500	68,000
48	24	40,000	54,000	58,000	63,000	68,500
49	25	40,000	54,500	58,500	63,500	69,000
50	26	40,000	55,500	59,500	64,000	69,500
51	27	40,000	56,000	60,000	65,000	70,000
52	28	40,000	57,000	60,500	65,500	71,000
53	29	40,000	57,500	61,500	66,000	71,500
54	30	40,000	58,500	62,000	66,500	72,000
55	31	40,000	59,000	62,500	67,500	72,500
56	32	40,000	60,000	63,500	68,000	73,000
57	33	40,000	60,000	64,000	68,500	74,000
58	34	40,000	60,000	64,500	69,000	74,500
59	35	40,000	60,000	65,500	70,000	75,000
60	36		60,000	66,000	70,500	75,500
61	37		60,000	66,500	71,000	76,000
62	38		60,000	67,500	72,000	77,000
63	39		60,000	68,000	72,500	77,500
64	40		60,000	68,500	73,000	78,000
65	41		60,000	69,500	73,500	78,500
66	42		60,000	70,000	74,000	79,000
67	43		60,000	70,500	75,000	80,000
68	44		60,000	71,500	75,500	80,000
69	45		60,000	72,000	76,000	80,000
70	46		60,000	72,500	76,500	80,000
71	47		60,000	73,500	77,500	80,000
72	48		60,000	74,000	78,000	80,000
73	49		60,000	74,500	78,500	80,000
74	50		60,000	75,500	79,000	80,000
75	51		60,000	76,000	80,000	80,000
76	52		60,000	76,500	80,000	80,000
77	53		60,000	77,500	80,000	80,000
78	54		60,000	78,000	80,000	80,000
79	55		60,000	78,500	80,000	80,000
80	56		60,000	79,500	80,000	80,000
81	57		60,000	80,000	80,000	80,000
82						

83 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load  
84 of thirty-four thousand pounds each if the overall distance between the first and last axles of such  
85 consecutive sets of tandem axles is thirty-six feet or more.

86 4. Whenever the state Highways and Transportation Commission finds that any state  
87 highway bridge in the state is in such a condition that use of such bridge by vehicles of the  
88 weights specified in subsection 3 of this section will endanger the bridge, or the users of the  
89 bridge, the commission may establish maximum weight limits and speed limits for vehicles using  
90 such bridge. The governing body of any city or county may grant authority by act or ordinance  
91 to the state Highways and Transportation Commission to enact the limitations established in this  
92 section on those roadways within the purview of such city or county. Notice of the weight limits  
93 and speed limits established by the commission shall be given by posting signs at a conspicuous  
94 place at each end of any such bridge.

95 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle  
96 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23  
97 of the United States Code.

98 6. Notwithstanding the weight limitations contained in this section, any vehicle or  
99 combination of vehicles operating on highways other than the interstate highway system may  
100 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two  
101 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except  
102 as provided in [subsection 9] **subsections 9 and 10** of this section.

103 7. Notwithstanding any provision of this section to the contrary, the department of  
104 transportation shall issue a single-use special permit, or upon request of the owner of the truck  
105 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or  
106 well-drillers' equipment. The department of transportation shall set fees for the issuance of  
107 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete  
108 pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways  
109 at any time on any day.

110 8. Notwithstanding the provision of this section to the contrary, the maximum gross  
111 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an  
112 idle reduction technology may be increased by a quantity necessary to compensate for the  
113 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as  
114 amended. In no case shall the additional weight increase allowed by this subsection be greater  
115 than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle  
116 operator shall provide proof that the idle reduction technology is fully functional at all times and  
117 that the gross weight increase is not used for any purpose other than for the use of idle reduction  
118 technology.

119 9. Notwithstanding subsection 3 of this section or any other provision of law to the  
120 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may  
121 be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating  
122 on U.S. Highway 36 from St. Joseph to U.S. Highway [65] **63**, [and] on U.S. Highway 65 from  
123 the Iowa state line to U.S. Highway 36, **and on U.S. Highway 63 from the Iowa state line to**  
124 **U.S. Highway 36.**

125 **10. Notwithstanding any provision of this section or any other law to the contrary,**  
126 **the total gross weight of any vehicle or combination of vehicles hauling milk from a farm**  
127 **to a processing facility may be as much as, but shall not exceed, eighty-five thousand five**  
128 **hundred pounds while operating on highways other than the interstate highway system.**

304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the  
2 corporate limits of cities containing seventy-five thousand inhabitants or more or within two  
3 miles of the corporate limits of the city or within the commercial zone of the city shall exceed  
4 fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have a greater  
6 weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within the city together  
8 with the territory extending one mile beyond the corporate limits of the city and one mile  
9 additional for each fifty thousand population or portion thereof provided, however[,] :

10 **(1)** The commercial zone surrounding a city not within a county shall extend twenty-five  
11 miles beyond the corporate limits of any such city not located within a county and shall also  
12 extend throughout any county with a charter form of government which adjoins that city and  
13 throughout any county with a charter form of government and with more than two hundred fifty  
14 thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county  
15 adjoining such city; [further, provided, however,]

16 **(2)** The commercial zone of a city with a population of at least four hundred thousand  
17 inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles  
18 beyond the corporate limits of any such city; except that this zone shall extend from the southern  
19 border of such city's limits, beginning with the western-most freeway, following said freeway  
20 south to the first intersection with a multilane undivided highway, where the zone shall extend  
21 south along said freeway to include a city of the fourth classification with more than eight  
22 thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the  
23 intersection of said freeway and multilane undivided highway along the multilane undivided  
24 highway to the city limits of a city with a population of at least four hundred thousand inhabitants  
25 but not more than four hundred fifty thousand inhabitants, and shall extend east from the city  
26 limits of a special charter city with more than two hundred seventy-five but fewer than three

27 hundred seventy-five inhabitants along state route 210 and northwest from the intersection of  
28 state route 210 and state route 10 to include the boundaries of any city of the third classification  
29 with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants  
30 and located in more than one county[; further provided, however,] . **The commercial zone**  
31 **described in this subdivision shall be extended to also include the stretch of state route 45**  
32 **from its intersection with Interstate 29 extending northwest to the city limits of any village**  
33 **with more than forty but fewer than fifty inhabitants and located in any county of the first**  
34 **classification with more than eighty-three thousand but fewer than ninety-two thousand**  
35 **inhabitants and with a city of the fourth classification with more than four thousand five**  
36 **hundred but fewer than five thousand inhabitants as the county seat;**

37 (3) The commercial zone of a city of the third classification with more than nine  
38 thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend  
39 south from the city limits along U.S. Highway 61 to the intersection of state route OO in a county  
40 of the third classification without a township form of government and with more than seventeen  
41 thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants.

42 4. In no case shall the commercial zone of a city be reduced due to a loss of population.  
43 The provisions of this section shall not apply to motor vehicles operating on the interstate  
44 highways in the area beyond two miles of a corporate limit of the city unless the United States  
45 Department of Transportation increases the allowable weight limits on the interstate highway  
46 system within commercial zones. In such case, the mileage limits established in this section shall  
47 be automatically increased only in the commercial zones to conform with those authorized by  
48 the United States Department of Transportation.

49 [4.] 5. Nothing in this section shall prevent a city, county, or municipality, by ordinance,  
50 from designating the routes over which such vehicles may be operated.

51 [5.] 6. No motor vehicle engaged in interstate commerce, whether unladen or with load,  
52 whose operations in the state of Missouri are limited exclusively to the commercial zone of a  
53 first class home rule municipality located in a county with a population between eighty thousand  
54 and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with  
55 a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight  
56 than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in  
57 height.

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

6 product or commodity unless or until the rates, tolls, fares, charges, classifications and rules and  
7 regulations relating thereto, applicable to such service, product or commodity, have been filed  
8 with the Highways and Transportation Commission and published in accordance with the  
9 provisions of this chapter, shall be subject to forfeiture to the state pursuant to the provisions of  
10 sections 390.156 to 390.176.

11 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not be required to  
12 file its schedules of rates, fares, and charges for shipments of household goods that are  
13 transported wholly or exclusively within a commercial zone as defined in 390.020 or within a  
14 commercial zone established by the Highways and Transportation Commission pursuant to the  
15 provisions of subdivision (4) of section 390.041.] **Notwithstanding any provision of this  
16 chapter or chapter 390 to the contrary, a motor carrier transporting household goods in  
17 intrastate commerce shall not be required to file its schedule of rates, fares, and charges  
18 with the state Highways and Transportation Commission. In lieu of filing its schedules of  
19 rates, fares, charges, rules, or tolls with the state Highways and Transportation  
20 Commission, a motor carrier transporting household goods in intrastate commerce shall  
21 maintain and publish its schedules of rates, fares, charges, rules, and tolls in every station  
22 or office as described in subsection 3 of section 387.050 and such rates shall be available  
23 for inspection by the state Highways and Transportation Commission, shippers, and the  
24 public upon request. Any motor carrier transporting household goods in intrastate  
25 commerce that fails to comply with the provisions of this subsection shall be subject to  
26 forfeiture to the state pursuant to the provisions of sections 390.156 to 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor carrier and railroad  
2 safety] **state Highways and Transportation Commission** and shall print and keep open to  
3 public inspection schedules showing the rates, fares and charges for the transportation of  
4 passengers and household goods within this state between each point upon its route and all other  
5 points thereon and between each point upon its route and all points upon every route leased,  
6 operated or controlled by it and between each point on its route or upon any route leased,  
7 operated or controlled by it and all points upon the route of any other motor carrier, whenever  
8 a through route and joint rate shall have been established or ordered between any two such  
9 points. If no joint rate over a through route has been established, the several carriers in such  
10 through route shall file, print and keep open to public inspection, as aforesaid, the separately  
11 established rates, fares and charges applied to the through transportation. **Beginning August 28,  
12 2012, motor carriers shall not be required to file their schedules showing the rates, fares,  
13 rules, and charges for the transportation of household goods within this state but shall  
14 print and keep open for public inspection such schedules in accordance with this section  
15 and section 387.040.**

16           2. The schedules printed as aforesaid shall plainly state the places between which  
17 household goods and passengers will be carried, and shall also contain the classification of  
18 passengers or household goods in force, and shall also state separately all terminal charges,  
19 storage charges, icing charges and all other charges which the [division] **state Highways and**  
20 **Transportation Commission** may require to be stated, all privileges or facilities granted or  
21 allowed, and any rules or regulations which may in any way change, affect or determine any part  
22 or the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered  
23 to the passenger, shipper or consignee.

24           3. Such schedules shall be plainly printed in large type, and a copy thereof shall be kept  
25 by every such carrier readily accessible to and for convenient inspection by the public in every  
26 station or office of such carrier where passengers or household goods are respectively received  
27 for transportation, when such station or office is in charge of an agent, and in every station or  
28 office of such carrier where passenger tickets for transportation or tickets covering bills of lading  
29 or receipts for household goods are issued. All or any of such schedules kept as aforesaid shall  
30 be immediately produced by such carrier for inspection upon the demand of any person.

31           4. A notice printed in bold type and stating that such schedules are on file with the agent  
32 and open to inspection by any person and that the agent will assist any such person to determine  
33 from such schedules any transportation rates or fares or rules or regulations which are in force  
34 shall be kept posted by the carrier in two public and conspicuous places in every such station or  
35 office.

36           5. The form of every such schedule shall be prescribed by the [division] **state Highways**  
37 **and Transportation Commission**.

38           6. The [division] **state Highways and Transportation Commission** shall have power,  
39 from time to time, in its discretion, to determine and prescribe by order such changes in the form  
40 of such schedules as may be found expedient, and to modify the requirements of this section in  
41 respect to publishing, posting and filing of schedules either in particular instances or by general  
42 order applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any joint tariff shall  
2 be specified therein, and each of the parties thereto, other than the one filing the same, shall file  
3 with the [division of motor carrier and railroad safety] **state Highways and Transportation**  
4 **Commission** such evidence of concurrence therein or acceptance thereof as may be required or  
5 approved by the [division] **state Highways and Transportation Commission**; and where such  
6 evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the  
7 same also to file copies of the tariffs in which they are named as parties. **The provisions of this**  
8 **subsection shall not apply to motor carriers of household goods. Carriers of household**  
9 **goods participating in through routes or interline service shall publish joint tariffs and**

10 **evidence of concurrence or acceptance thereof or individual tariffs for each participating**  
11 **carrier in accordance with sections 387.040 and 387.050.**

12         2. Every motor carrier shall file with the [division] **state Highways and Transportation**  
13 **Commission** sworn copies of every contract, agreement or arrangement with any other motor  
14 carrier or motor carriers relating in any way to the transportation of passengers [or property].

15         **3. Motor carriers of household goods are prohibited from participation in any joint**  
16 **tariff pursuant to the provisions of this chapter, except that this subsection shall not**  
17 **prohibit joint tariffs relating to joint rates for household goods transportation over any**  
18 **through routes or by interline service performed by two or more separate motor carriers.**

387.110. [1.] No motor carrier shall make or give any undue or unreasonable preference  
2 or advantage to any person or corporation or to any locality or to any particular description of  
3 traffic in any respect whatsoever, or subject any particular person or corporation or locality or  
4 any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in  
5 any respect whatsoever.

6         [2. Notwithstanding any other provision of law to the contrary, no common carrier of  
7 household goods shall use any schedule of rates or charges, or both, for the transportation of  
8 household goods within this state which divides this state into territorial rate areas. Any  
9 schedule of rates or charges, or both, which divides, or attempts to divide, this state into  
10 territorial rate areas is unjust, unreasonable, and invalid.]

**387.137. The state Highways and Transportation Commission shall establish**  
2 **consumer protection requirements for motor carriers transporting household goods in**  
3 **intrastate commerce and establish a system for filing, logging, and responding to consumer**  
4 **complaints.**

**387.139. 1. The division of motor carrier services shall keep an information file**  
2 **about each complaint filed with it regarding the movement of household goods in intrastate**  
3 **commerce. The division of motor carrier service's information file shall be kept current**  
4 **and contain a record for each complaint of:**

5         **(1) All persons contacted in relation to the complaint;**

6         **(2) A summary of findings in response to the complaint;**

7         **(3) An explanation of the reason for a complaint that is dismissed; and**

8         **(4) Any other relevant information.**

9         **2. If a written complaint is filed with the division that is within the division's**  
10 **jurisdiction, the division, at least as frequently as quarterly and until final disposition of**  
11 **the complaint, shall notify the complainant of the status of the complaint unless the notice**  
12 **would jeopardize an ongoing investigation.**

13           **3. The Highways and Transportation Commission shall adopt by rule a form to**  
14 **standardize information concerning complaints made to the division of motor carriers**  
15 **regarding the transportation of household goods. The commission shall prescribe by rule**  
16 **information to be provided to a person when the person files a complaint with the division**  
17 **of motor carrier services.**

18           **4. The state Highways and Transportation Commission shall promulgate rules and**  
19 **regulations for the implementation and administration of this section. Any rule or portion**  
20 **of a rule, as that term is defined in section 536.010 that is created under the authority**  
21 **delegated in this section shall become effective only if it complies with and is subject to all**  
22 **of the provisions of chapter 536, and, if applicable, section 536.028. This section and**  
23 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
24 **pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul**  
25 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
26 **any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

          387.207. **1. All rates, tolls, charges, schedules and joint rates fixed by the [division]**  
2 **Highways and Transportation Commission with reference to the transportation of passengers**  
3 **[or household goods] by motor carrier shall be in force and shall be prima facie lawful, and all**  
4 **regulations, practices and services prescribed by the [division] commission shall be in force and**  
5 **shall be prima facie lawful and reasonable until found otherwise in a suit brought for that**  
6 **purpose pursuant to the provisions of this chapter.**

7           **2. All rates, tolls, charges, schedules, and joint rates published in accordance with**  
8 **subsection 3 of section 387.050 with reference to the transportation of household goods by**  
9 **motor carrier shall be in force and shall be prima facie lawful, and all regulations,**  
10 **practices and services prescribed by the Highways and Transportation Commission shall**  
11 **be in force and shall be prima facie lawful and reasonable until found otherwise in a suit**  
12 **brought for that purpose under the provisions of this chapter.**

          387.355. **On August 28, 2012, all rate orders issued by the state Highways and**  
2 **Transportation Commission or its predecessors affecting the transportation of household**  
3 **goods by common carriers in intrastate commerce, pursuant to the authority of any of the**  
4 **provisions in this chapter or chapter 390, shall be vacated and set aside, but only to the**  
5 **extent that those rate orders require or prescribe any minimum rates, maximum rates, or**  
6 **minimum-and-maximum rates for the transportation of household goods by common**  
7 **carriers in intrastate commerce. This section shall not vacate or set aside any other**  
8 **requirements or provisions contained in those rate orders.**

          390.051. **1. Except as otherwise provided in section 390.030, no person shall engage in**  
2 **the business of a common carrier of household goods or passengers in intrastate commerce on**

3 any public highway in this state unless there is in force with respect to such carrier a certificate  
4 issued by the [division] **state Highways and Transportation Commission** authorizing such  
5 operations.

6 2. Application for a certificate shall be made in writing to the [division] **state Highways**  
7 **and Transportation Commission** and shall contain such information as the [division] **state**  
8 **Highways and Transportation Commission** shall, by rule, require and shall include:

9 (1) Full information concerning the ownership, financial [condition] **status** of applicant  
10 **through the submission of documentation describing assets, liabilities, and capital,**  
11 equipment to be used and a statement listing the physical equipment of applicant and the  
12 reasonable value thereof;

13 (2) The complete route or routes over which the applicant desires to operate, or territory  
14 to be served; **except that the state Highways and Transportation Commission shall not**  
15 **restrict any certificate or permit authorizing the transportation of household goods or**  
16 **passengers with reference to any route or routes; except that the state Highways and**  
17 **Transportation Commission shall restrict the applicant's registration against the**  
18 **transportation of any hazardous material as designated in Title 49, Code of Federal**  
19 **Regulations, if the state Highways and Transportation Commission finds that the applicant**  
20 **has not shown it is qualified to safely transport that hazardous material in compliance with**  
21 **all registration, liability insurance, and safety requirements applicable to the**  
22 **transportation of that hazardous material pursuant to Title 49, Code of Federal**  
23 **Regulations;**

24 (3) The proposed rates, schedule or schedules, or timetable of the applicant.

25 3. [Except as provided for in subsection 4 of this section, if the division] **If the state**  
26 **Highways and Transportation Commission** finds that an applicant seeking to transport  
27 [general and specialized commodities in truckload lots, agricultural commodities in bulk in dump  
28 trucks] **household goods**, or passengers [in charter service] is fit, willing and able to properly  
29 perform the service proposed and to conform to the provisions of this chapter and the  
30 requirements, rules and regulations of the [division] **state Highways and Transportation**  
31 **Commission** established thereunder, a certificate therefor shall be issued.

32 4. [If the division finds that an applicant seeking to transport:

33 (1) General and specialized commodities in less-than-truckload lots;

34 (2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in  
35 dump trucks, as defined in section 390.020;

36 (3) Mobile homes;

37 (4) Household goods;

38 (5) Passengers other than in charter service;

39 (6) Gasoline, fuel oil or liquefied petroleum gas;

40 (7) Boats; is fit, willing and able to properly perform the service proposed, and to  
41 conform to the provisions of this chapter and the requirement, rules and regulations of the  
42 division, and that the service proposed will serve a useful present or future public purpose, a  
43 certificate therefor specifying the service authorized shall be issued, unless the division finds on  
44 the basis of evidence presented by persons objecting to the issuance of a certificate that the  
45 transportation to be authorized by the certificate will be inconsistent with the public convenience  
46 and necessity.

47 5. In making findings under subsection 4 of this section, the division shall consider the  
48 testimony of the applicant, the proposed users of the service contemplated by the applicant, and  
49 any other relevant testimony or evidence, and the division shall consider, and to the extent  
50 applicable, make findings on at least the following:

51 (1) The transportation policy of section 390.011; and

52 (2) The criteria set forth in this subsection. In cases where persons object to the issuance  
53 of a certificate, the diversion of revenue or traffic from existing carriers shall be considered.

54 6.] The [division] **state Highways and Transportation Commission** shall streamline  
55 and simplify to the maximum extent practicable the process for issuance of certificates to which  
56 the provisions of this section apply. **The state Highways and Transportation Commission**  
57 **is authorized to enter into interagency agreements with any entity created and operating**  
58 **under the provisions of section 67.1800 to 67.1822 to deal with any public safety issues that**  
59 **may arise as a result of the provisions of this section.**

60 [7.] 5. The [division] **state Highways and Transportation Commission** shall dismiss  
61 on its motion any application for substantially the same common [or contract] authority that has  
62 been previously denied within six months of filing the subsequent application.

**390.054. Beginning August 28, 2012, and continuing thereafter, no certificate or**  
2 **permit to transport household goods in intrastate commerce shall be issued or renewed**  
3 **unless the applicant demonstrates that the applicant has workers' compensation insurance**  
4 **coverage that complies with chapter 287, for all employees. If any household goods carrier**  
5 **subject to the provisions of this chapter or chapter 387 is found by the division of workers'**  
6 **compensation to be out of compliance with chapter 287, the division shall report such fact**  
7 **to the state Highways and Transportation Commission. The commission shall suspend the**  
8 **household goods carrier's certificate or permit pursuant to section 390.106 until such time**  
9 **the carrier demonstrates that it has procured workers' compensation insurance coverage**  
10 **that complies with chapter 287.**

390.061. 1. Except as otherwise provided in section 390.030, no person shall engage in  
2 the business of a contract carrier **of household goods or passengers** in intrastate commerce on

3 any public highway in this state unless there is in force with respect to such carrier a permit  
4 issued by the [division of motor carrier and railroad safety] **state Highways and Transportation**  
5 **Commission** authorizing such operations.

6 2. Applications for such permits shall be made to the [division] **state Highways and**  
7 **Transportation Commission** in writing and shall contain such information as the [division]  
8 **state Highways and Transportation Commission** shall, by rule, require and shall include:

9 (1) Full information concerning the ownership, financial [condition] **status** of applicant  
10 **through the submission of documentation describing assets, liabilities, and capital,**  
11 equipment to be used and a statement listing the physical equipment of applicant and the  
12 reasonable value thereof;

13 (2) The complete route or routes over which the applicant desires to operate, or territory  
14 to be served; **except that the state Highways and Transportation Commission shall not**  
15 **restrict any certificate or permit authorizing the transportation of household goods or**  
16 **passengers with reference to any route or routes; except that the state Highways and**  
17 **Transportation Commission shall restrict the applicant's registration against the**  
18 **transportation of any hazardous material as designated in Title 49, Code of Federal**  
19 **Regulations, if the state Highways and Transportation Commission finds that the applicant**  
20 **has not shown it is qualified to safely transport that hazardous material in compliance with**  
21 **all registration, liability insurance, and safety requirements applicable to the**  
22 **transportation of that hazardous material pursuant to Title 49, Code of Federal**  
23 **Regulations.**

24 3. If the [division] **state Highways and Transportation Commission** shall find that the  
25 applicant is seeking to transport [general and specialized commodities in truckload lots,  
26 agricultural commodities in bulk,] **household goods**, or passengers [in charter service], and is  
27 fit, willing and able to properly perform the service proposed and to conform to the provisions  
28 of this chapter and the requirements, rules and regulations of the [division] **state Highways and**  
29 **Transportation Commission** thereunder, a permit therefor shall be issued.

30 4. [If the division finds that an applicant seeking to transport commodities or passengers  
31 as described in subsection 4 of section 390.051 is fit, willing and able to properly perform the  
32 service proposed, and to conform to the provisions of this chapter and the requirements, rules  
33 and regulations of the division, and that the service proposed will serve a useful present or future  
34 purpose, a permit therefor specifying the service authorized shall be issued, unless the division  
35 finds on the basis of evidence presented by persons objecting to the issuance of a permit that the  
36 transportation to be authorized by the permit will be inconsistent with the public convenience  
37 and necessity.

38           5.] Any permit issued under this section shall specify the service to be rendered, the  
39 contracting parties, and the [points or] area to be served.

40           [6.] **5.** The [division] **state Highways and Transportation Commission** will not have  
41 jurisdiction over contract rates. A copy of the original contract must be filed with the [division]  
42 **state Highways and Transportation Commission** prior to issuance of a permit. In the event  
43 the applicant chooses not to disclose contract rates in the application, the contract shall contain  
44 in lieu of rates a specific provision which incorporates by reference a schedule of rates, in  
45 writing, to be effective between carrier and shipper. Current contracts and rate schedules must  
46 be maintained by the carrier and contracting shippers. A contract permit, authorizing the  
47 transportation of [commodities] **household goods** or passengers [other than as described in  
48 subsection 4 of section 390.051], may be amended to include additional contracting parties by  
49 the filing of said contracts with the [division] **state Highways and Transportation**  
50 **Commission** and acknowledgment by the [division] **state Highways and Transportation**  
51 **Commission**.

52           **6.** The **state Highways and Transportation Commission** is authorized to enter into  
53 **interagency agreements with any entity created and operating under the provisions of**  
54 **section 67.1800 to 67.1822 to deal with any public safety issues that may arise as a result**  
55 **of the provisions of this section.**

          390.116. 1. Common carriers of [property] **household goods** may establish reasonable  
2 through routes **or interline service** and joint rates, charges and classifications with other such  
3 carriers or with common carriers by railroad or express; and common carriers of passengers may  
4 establish reasonable through routes and joint rates, fares or charges with other such carriers or  
5 with common carriers by railroad. In case of such joint rates, fares, charges or classifications,  
6 it shall be the duty of the **participating** carriers[, parties thereto,] to establish just and reasonable  
7 regulations and practices in connection therewith, and just, reasonable and equitable divisions  
8 thereof as between the carriers participating therein which shall not unduly prefer or prejudice  
9 any of such participating carriers **and shall not result in any rate, fare, charge, classification,**  
10 **regulation, or practice that is unjust or unreasonable to the shipper or receiver of the**  
11 **household goods. Carriers of household goods participating in through routes or interline**  
12 **service shall publish joint tariffs and evidence of concurrence or acceptance thereof, in**  
13 **accordance with section 387.080, or individual tariffs for each participating carrier, which**  
14 **shall set forth the joint or individual rates, fares, charges, classifications, regulations,**  
15 **practices, and division of rates applicable to such through routes or interline service, all**  
16 **in accordance with the applicable provisions in chapter 387.**

17           2. The [division] **state Highways and Transportation Commission** may, whenever  
18 deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or

19 upon its own motion, order the establishment of just and reasonable through routes and joint  
20 rates, fares, charges, regulations or practices, applicable to the transportation of passengers [or  
21 property] by common carriers.

390.280. 1. Certificates or permits, or both, which were issued before January 1, 1995,  
2 and which authorized a person to transport any property in intrastate commerce by motor vehicle  
3 as a common carrier or contract carrier, or both, are void, except that to the extent such  
4 certificates or permits, or portions thereof, authorized a person to transport household goods over  
5 irregular routes or passengers in intrastate commerce, or any property or passengers in interstate  
6 commerce, those certificates or permits, or portions thereof, are exempt from the provisions of  
7 this subsection.

8 2. Persons who owned certificates or permits, or both, that were in active status with the  
9 division on December 31, 1994, and persons to whom the division issued certificates and permits  
10 after December 31, 1994, pursuant to emergency rules adopted by the division, are deemed to  
11 be qualified as registered property carriers, unless the person's certificate or permit has been  
12 suspended, revoked or transferred to another person as provided by law. A person deemed  
13 qualified pursuant to this subsection is not required to file an application pursuant to section  
14 390.290 to continue providing intrastate transportation as a registered property carrier, but rather,  
15 upon such person's compliance with the licensing and insurance requirements of the division the  
16 person is deemed to have a property carrier registration in force as required pursuant to section  
17 390.270, authorizing the person to transport property except household goods in intrastate  
18 commerce on the public highways, unless the person's property carrier registration is suspended,  
19 revoked or transferred to another person as provided by law. Within a reasonable time after  
20 August 28, 1996, the division shall issue property carrier registrations to all persons who are  
21 deemed to be qualified as registered property carriers and deemed to have property carrier  
22 registrations in force pursuant to this subsection.

23 3. Notwithstanding any provision of this section to the contrary, this section shall not be  
24 construed as authorizing any person to transport any hazardous material as designated in Title  
25 49, Code of Federal Regulations, except hazardous materials which that person was expressly  
26 authorized to transport in intrastate commerce within this state on August 28, 1996. A person  
27 may file an application for property carrier registration pursuant to section 390.290 to transport  
28 additional hazardous materials. Nothing in this section shall be construed to conflict with  
29 chapter 260, or of relieving an applicant of any duty to obtain a license pursuant to chapter 260.

30 **4. Notwithstanding any provision of the law to the contrary, any geographic**  
31 **restriction or provision limiting the carrier's scope of authority to particular routes within**  
32 **this state contained in a certificate or permit, or both, authorizing the transportation of**  
33 **household goods in intrastate commerce, which was issued prior to August 28, 2012, and**

34 any similar provision contained in a carrier's tariff schedule filed prior to such date, shall  
35 be deemed void. In lieu of the geographic restrictions expressed in such certificates,  
36 permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate  
37 transportation of household goods between all points and destinations within the state until  
38 such time the certificates, permits, and tariff schedules are reissued or amended to reflect  
39 the motor carrier's statewide operating authority. Nothing contained in the provisions of  
40 sections 390.051 to 390.116 shall be construed to exempt or to alter the obligation of  
41 compliance by carriers transporting passengers point-to-point within the jurisdiction  
42 described in 67.1802 from the provisions of sections 67.1800 to 67.1822.

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 section 302.700 and the enactment of section  
2 302.768 of this act shall become effective on the date the director of the department of revenue  
3 begins accepting commercial driver license medical certifications under sections 302.700 and  
4 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting  
5 commercial driver license medical certifications under sections 302.700 and 302.768 prior to  
6 May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such  
7 fact.

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