

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1402**

**96TH GENERAL ASSEMBLY**

4948L.17T

2012

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**AN ACT**

To repeal sections 21.795, 70.441, 142.932, 144.030, 226.500, 301.010, 301.032, 301.069, 301.140, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.600, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200, 304.120, 304.190, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, and to enact in lieu thereof fifty-four new sections relating to transportation, with penalty provisions, an effective date for a certain section and an emergency clause for certain sections.

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

Section A. Sections 21.795, 70.441, 142.932, 144.030, 226.500, 301.010, 301.032, 2 301.069, 301.140, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 3 301.600, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200, 304.120, 4 304.190, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 5 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, are repealed and 6 fifty-four new sections enacted in lieu thereof, to be known as sections 21.795, 70.441, 142.932, 7 144.030, 226.500, 226.541, 301.010, 301.032, 301.069, 301.140, 301.216, 301.218, 301.260, 8 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.580, 301.600, 302.010, 302.060, 9 302.130, 302.309, 302.341, 302.530, 302.700, 302.768, 303.200, 304.033, 304.120, 304.190, 10 304.289, 306.127, 306.400, 307.365, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 387.207, 387.355, 390.051, 390.054, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and  
12 643.320, to read as follows:

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

20 2. The department of transportation shall submit a written report prior to [November  
21 tenth] **December thirty-first** of each year to the governor[, ] **and the lieutenant governor**[, ] and  
22 every member of the senate and house of representatives]. The report shall be posted to the  
23 department's Internet website so that general assembly members may elect to access a copy of  
24 the report electronically. The written report shall contain the following:

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

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

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

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

38 (d) Total state and federal revenue compared to the revenue estimate in the fifteen-year  
39 highway plan as adopted in 1992. All expenditures made by, or on behalf of, the department for  
40 personal services including fringe benefits, all categories of expense and equipment, real estate  
41 and capital improvements shall be assigned to the categories listed in this subdivision in  
42 conformity with generally accepted government accounting principles;

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

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

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

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

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

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

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

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

77 3. Prior to [December first] **February fifteenth** of each year, the committee shall hold  
78 an annual meeting and call before its members, officials or employees of the state Highways and  
79 Transportation Commission or department of transportation, as determined by the committee,  
80 for the sole purpose of receiving and examining the report required pursuant to subsection 2 of  
81 this section. The committee shall not have the power to modify projects or priorities of the state  
82 Highways and Transportation Commission or department of transportation. The committee may  
83 make recommendations to the state Highways and Transportation Commission or the department  
84 of transportation. Disposition of those recommendations shall be reported by the commission  
85 or the department to the joint committee on transportation oversight.

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

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

91 (2) Discussion of department efficiencies and expenditure of cost-savings within the  
92 department;

93 (3) Presentation of a status report on department of transportation revenues and  
94 expenditures, including a detailed summary of projects funded by new state revenue as provided  
95 in paragraph (a) of subdivision (1) of subsection 2 of this section; and

96 (4) Implementation of any actions as may be deemed necessary by the committee as  
97 authorized by law. The co-chairs of the committee may call special meetings of the committee  
98 with ten days' notice to the members of the committee, the director of the department of  
99 transportation, and the department of transportation.

100 5. The committee shall also review all applications for the development of specialty  
101 plates submitted to it by the department of revenue. The committee shall approve such  
102 application by a majority vote. The committee shall approve any application unless the  
103 committee receives:

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

106 (2) Notification that the organization seeking authorization to establish a new specialty  
107 license plate has not met all the requirements of section 301.3150;

108 (3) A proposed new specialty license plate containing objectionable language or design;

109 (4) A proposed license plate not meeting the requirements of any reason promulgated  
110 by rule. The committee shall notify the director of the department of revenue upon approval or  
111 denial of an application for the development of a specialty plate.

112 6. The committee shall submit records of its meetings to the secretary of the senate and  
113 the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.

70.441. 1. As used in this section, the following terms have the following meanings:

2 (1) "Agency", the bi-state development agency created by compact under section 70.370;

3 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive,  
4 or other vehicle used or held for use by the agency as a means of transportation of passengers;

5 (3) "Facilities" includes all property and equipment, including, without limitation,  
6 rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation  
7 systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance  
8 shops, yards, offices, parking lots and other real estate or personal property used or held for or  
9 incidental to the operation, rehabilitation or improvement of any public mass transportation  
10 system of the agency;

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

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

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

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

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

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

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

31 (2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare  
32 media to gain entry to the facilities or conveyances of, or make use of the services of, the agency,

33 except as provided, authorized or sold by the agency and in accordance with any restriction on  
34 the use thereof imposed by the agency;

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

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

44 (5) No person shall put or attempt to put any paper, article, instrument or item, other than  
45 a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare  
46 media issued by the agency and valid for the place, time and manner in which used, into any fare  
47 box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection  
48 instrument, receptacle, device, machine or location;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

          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]

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.

          144.030. 1. There is hereby specifically exempted from the provisions of sections  
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to  
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and

4 any other state of the United States, or between this state and any foreign country, and any retail  
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws  
6 of the United States of America, and such retail sales of tangible personal property which the  
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the  
8 constitution of this state.

9         2. There are also specifically exempted from the provisions of the local sales tax law as  
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to  
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local  
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and  
13 144.600 to 144.745:

14         (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of  
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be  
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing  
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into  
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or  
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will  
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at  
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide  
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the  
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,  
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which  
25 are to be sold ultimately in processed form at retail;

26         (2) Materials, manufactured goods, machinery and parts which when used in  
27 manufacturing, processing, compounding, mining, producing or fabricating become a component  
28 part or ingredient of the new personal property resulting from such manufacturing, processing,  
29 compounding, mining, producing or fabricating and which new personal property is intended to  
30 be sold ultimately for final use or consumption; and materials, including without limitation,  
31 gases and manufactured goods, including without limitation slagging materials and firebrick,  
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting  
33 with or by becoming, in whole or in part, component parts or ingredients of steel products  
34 intended to be sold ultimately for final use or consumption;

35         (3) Materials, replacement parts and equipment purchased for use directly upon, and for  
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock  
37 or aircraft engaged as common carriers of persons or property;

38         (4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the**  
39 **trailers pulled by such motor vehicles, that are actually used in the normal course of**  
40 **business to haul property on the public highways of the state, and that are capable of**  
41 **hauling loads commensurate with the motor vehicle's registered weight; and the materials,**

42 **replacement parts, and equipment purchased for use directly upon, and for the repair and**  
43 **maintenance or manufacture of such vehicles. For purposes of this subdivision "motor**  
44 **vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;**

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely  
46 required for the installation or construction of such replacement machinery, equipment, and  
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is  
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and  
49 the materials and supplies required solely for the operation, installation or construction of such  
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,  
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material  
52 recovery processing plant" means a facility that has as its primary purpose the recovery of  
53 materials into a useable product or a different form which is used in producing a new product and  
54 shall include a facility or equipment which are used exclusively for the collection of recovered  
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles  
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have  
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials  
58 within a manufacturing process or the use of a product previously recovered. The material  
59 recovery processing plant shall qualify under the provisions of this section regardless of  
60 ownership of the material being recovered;

61 [(5)] (6) Machinery and equipment, and parts and the materials and supplies solely  
62 required for the installation or construction of such machinery and equipment, purchased and  
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the  
64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating  
65 a product which is intended to be sold ultimately for final use or consumption;

66 [(6)] (7) Tangible personal property which is used exclusively in the manufacturing,  
67 processing, modification or assembling of products sold to the United States government or to  
68 any agency of the United States government;

69 [(7)] (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 [(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates  
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers  
72 published for dissemination of news to the general public;

73 [(9)] (10) The rentals of films, records or any type of sound or picture transcriptions for  
74 public commercial display;

75 [(10)] (11) Pumping machinery and equipment used to propel products delivered by  
76 pipelines engaged as common carriers;

77 [(11)] (12) Railroad rolling stock for use in transporting persons or property in interstate  
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or

79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of  
80 persons or property;

81       [(12)] **(13)** Electrical energy used in the actual primary manufacture, processing,  
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary  
83 processing or fabricating of the product, or a material recovery processing plant as defined in  
84 subdivision [(4)] **(5)** of this subsection, in facilities owned or leased by the taxpayer, if the total  
85 cost of electrical energy so used exceeds ten percent of the total cost of production, either  
86 primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials  
87 used in such processing contain at least twenty-five percent recovered materials as defined in  
88 section 260.200. There shall be a rebuttable presumption that the raw materials used in the  
89 primary manufacture of automobiles contain at least twenty-five percent recovered materials.  
90 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts  
91 performed upon materials to transform and reduce them to a different state or thing, including  
92 treatment necessary to maintain or preserve such processing by the producer at the production  
93 facility;

94       [(13)] **(14)** Anodes which are used or consumed in manufacturing, processing,  
95 compounding, mining, producing or fabricating and which have a useful life of less than one  
96 year;

97       [(14)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used  
98 solely for the purpose of preventing, abating or monitoring air pollution, and materials and  
99 supplies solely required for the installation, construction or reconstruction of such machinery,  
100 equipment, appliances and devices;

101       [(15)] **(16)** Machinery, equipment, appliances and devices purchased or leased and used  
102 solely for the purpose of preventing, abating or monitoring water pollution, and materials and  
103 supplies solely required for the installation, construction or reconstruction of such machinery,  
104 equipment, appliances and devices;

105       [(16)] **(17)** Tangible personal property purchased by a rural water district;

106       [(17)] **(18)** All amounts paid or charged for admission or participation or other fees paid  
107 by or other charges to individuals in or for any place of amusement, entertainment or recreation,  
108 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated  
109 by a municipality or other political subdivision where all the proceeds derived therefrom benefit  
110 the municipality or other political subdivision and do not inure to any private person, firm, or  
111 corporation;

112       [(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January  
113 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of  
114 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically  
115 including hearing aids and hearing aid supplies and all sales of drugs which may be legally  
116 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to

117 administer those items, including samples and materials used to manufacture samples which may  
118 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of  
119 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and  
120 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille  
121 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with  
122 one or more physical or mental disabilities to enable them to function more independently, all  
123 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic  
124 alternative and augmentative communication devices, and items used solely to modify motor  
125 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of  
126 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by  
127 the Food and Drug Administration to meet the over-the-counter drug product labeling  
128 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner  
129 licensed to prescribe;

130 [(19)] **(20)** All sales made by or to religious and charitable organizations and institutions  
131 in their religious, charitable or educational functions and activities and all sales made by or to  
132 all elementary and secondary schools operated at public expense in their educational functions  
133 and activities;

134 [(20)] **(21)** All sales of aircraft to common carriers for storage or for use in interstate  
135 commerce and all sales made by or to not-for-profit civic, social, service or fraternal  
136 organizations, including fraternal organizations which have been declared tax-exempt  
137 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as  
138 amended, in their civic or charitable functions and activities and all sales made to eleemosynary  
139 and penal institutions and industries of the state, and all sales made to any private not-for-profit  
140 institution of higher education not otherwise excluded pursuant to subdivision [(19)] **(20)** of this  
141 subsection or any institution of higher education supported by public funds, and all sales made  
142 to a state relief agency in the exercise of relief functions and activities;

143 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational associations  
144 which are formed to foster, encourage, and promote progress and improvement in the science of  
145 agriculture and in the raising and breeding of animals, and by nonprofit summer theater  
146 organizations if such organizations are exempt from federal tax pursuant to the provisions of the  
147 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any  
148 fair conducted by a county agricultural and mechanical society organized and operated pursuant  
149 to sections 262.290 to 262.530;

150 [(22)] **(23)** All sales made to any private not-for-profit elementary or secondary school,  
151 all sales of feed additives, medications or vaccines administered to livestock or poultry in the  
152 production of food or fiber, all sales of pesticides used in the production of crops, livestock or  
153 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for  
154 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for

155 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel  
156 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible  
157 new generation cooperative or an eligible new generation processing entity as defined in section  
158 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and  
159 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed  
160 additives" means tangible personal property which, when mixed with feed for livestock or  
161 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term  
162 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted  
163 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark  
164 the application of pesticides and herbicides for the production of crops, livestock or poultry. As  
165 used in this subdivision, the term "farm machinery and equipment" means new or used farm  
166 tractors and such other new or used farm machinery and equipment and repair or replacement  
167 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary  
168 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,  
169 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
170 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and  
171 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 172 (a) Used exclusively for agricultural purposes;
- 173 (b) Used on land owned or leased for the purpose of producing farm products; and
- 174 (c) Used directly in producing farm products to be sold ultimately in processed form or  
175 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
176 ultimately in processed form at retail;

177 [(23)] **(24)** Except as otherwise provided in section 144.032, all sales of metered water  
178 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home  
179 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered  
180 water service for domestic use:

181 (a) "Domestic use" means that portion of metered water service, electricity, electrical  
182 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not  
183 within a county, metered or unmetered water service, which an individual occupant of a  
184 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility  
185 service through a single or master meter for residential apartments or condominiums, including  
186 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.  
187 Each seller shall establish and maintain a system whereby individual purchases are determined  
188 as exempt or nonexempt;

189 (b) Regulated utility sellers shall determine whether individual purchases are exempt or  
190 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file  
191 with and approved by the Missouri public service commission. Sales and purchases made  
192 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf

193 of the occupants of residential apartments or condominiums through a single or master meter,  
194 including service for common areas and facilities and vacant units, shall be considered as sales  
195 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales  
196 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility  
197 service rate classification and the provision of service thereunder shall be conclusive as to  
198 whether or not the utility must charge sales tax;

199 (c) Each person making domestic use purchases of services or property and who uses any  
200 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day  
201 of the fourth month following the year of purchase, and without assessment, notice or demand,  
202 file a return and pay sales tax on that portion of nondomestic purchases. Each person making  
203 nondomestic purchases of services or property and who uses any portion of the services or  
204 property so purchased for domestic use, and each person making domestic purchases on behalf  
205 of occupants of residential apartments or condominiums through a single or master meter,  
206 including service for common areas and facilities and vacant units, under a nonresidential utility  
207 service rate classification may, between the first day of the first month and the fifteenth day of  
208 the fourth month following the year of purchase, apply for credit or refund to the director of  
209 revenue and the director shall give credit or make refund for taxes paid on the domestic use  
210 portion of the purchase. The person making such purchases on behalf of occupants of residential  
211 apartments or condominiums shall have standing to apply to the director of revenue for such  
212 credit or refund;

213 [(24)] (25) All sales of handicraft items made by the seller or the seller's spouse if the  
214 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from  
215 such sales do not constitute a majority of the annual gross income of the seller;

216 [(25)] (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,  
217 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The  
218 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local  
219 sales taxes on such excise taxes;

220 [(26)] (27) Sales of fuel consumed or used in the operation of ships, barges, or  
221 waterborne vessels which are used primarily in or for the transportation of property or cargo, or  
222 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this  
223 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel  
224 while it is afloat upon such river;

225 [(27)] (28) All sales made to an interstate compact agency created pursuant to sections  
226 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities  
227 of such agency as provided pursuant to the compact;

228 [(28)] (29) Computers, computer software and computer security systems purchased for  
229 use by architectural or engineering firms headquartered in this state. For the purposes of this

230 subdivision, "headquartered in this state" means the office for the administrative management  
231 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

232 [(29)] **(30)** All livestock sales when either the seller is engaged in the growing, producing  
233 or feeding of such livestock, or the seller is engaged in the business of buying and selling,  
234 bartering or leasing of such livestock;

235 [(30)] **(31)** All sales of barges which are to be used primarily in the transportation of  
236 property or cargo on interstate waterways;

237 [(31)] **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other  
238 utilities which are ultimately consumed in connection with the manufacturing of cellular glass  
239 products or in any material recovery processing plant as defined in subdivision [(4)] **(5)** of this  
240 subsection;

241 [(32)] **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides  
242 or herbicides used in the production of crops, aquaculture, livestock or poultry;

243 [(33)] **(34)** Tangible personal property and utilities purchased for use or consumption  
244 directly or exclusively in the research and development of agricultural/biotechnology and plant  
245 genomics products and prescription pharmaceuticals consumed by humans or animals;

246 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

247 [(35)] **(36)** All sales of feed which are developed for and used in the feeding of pets  
248 owned by a commercial breeder when such sales are made to a commercial breeder, as defined  
249 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

250 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in another state,  
251 provided that the entity is authorized to issue a certificate of exemption for purchases to a  
252 contractor under the provisions of that state's laws. For purposes of this subdivision, the term  
253 "certificate of exemption" shall mean any document evidencing that the entity is exempt from  
254 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
255 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's  
256 exemption certificate as evidence of the exemption. If the exemption certificate issued by the  
257 exempt entity to the contractor is later determined by the director of revenue to be invalid for any  
258 reason and the contractor has accepted the certificate in good faith, neither the contractor or the  
259 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result  
260 of use of the invalid exemption certificate. Materials shall be exempt from all state and local  
261 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible  
262 personal property which is used in fulfilling a contract for the purpose of constructing, repairing  
263 or remodeling facilities for the following:

264 (a) An exempt entity located in this state, if the entity is one of those entities able to issue  
265 project exemption certificates in accordance with the provisions of section 144.062; or

266 (b) An exempt entity located outside the state if the exempt entity is authorized to issue  
 267 an exemption certificate to contractors in accordance with the provisions of that state's law and  
 268 the applicable provisions of this section;

269 [(37)] **(38)** All sales or other transfers of tangible personal property to a lessor who leases  
 270 the property under a lease of one year or longer executed or in effect at the time of the sale or  
 271 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or  
 272 sections 238.010 to 238.100;

273 [(38)] **(39)** Sales of tickets to any collegiate athletic championship event that is held in  
 274 a facility owned or operated by a governmental authority or commission, a quasi-governmental  
 275 agency, a state university or college or by the state or any political subdivision thereof, including  
 276 a municipality, and that is played on a neutral site and may reasonably be played at a site located  
 277 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that  
 278 is not located on the campus of a conference member institution participating in the event;

279 [(39)] **(40)** All purchases by a sports complex authority created under section 64.920, and  
 280 all sales of utilities by such authority at the authority's cost that are consumed in connection with  
 281 the operation of a sports complex leased to a professional sports team;

282 [(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015, materials,  
 283 replacement parts, and equipment purchased for use directly upon, and for the modification,  
 284 replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

285 [(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range  
 286 or similar places of business for use in the normal course of business and money received by a  
 287 shooting range or similar places of business from patrons and held by a shooting range or similar  
 288 place of business for redistribution to patrons at the conclusion of a shooting event.

226.500. The general assembly finds and declares that outdoor advertising is a legitimate  
 2 commercial use of private property adjacent to the interstate and primary highway systems and  
 3 that it is necessary to regulate and control same to promote highway safety, to promote  
 4 convenience and enjoyment of highway travel, and to preserve the natural scenic beauty of  
 5 highways and adjacent areas. The general assembly further declares it to be the policy of this  
 6 state that the erection and maintenance of outdoor advertising in areas adjacent to the interstate  
 7 and primary highway systems be regulated in accordance with sections 226.500 to 226.600 and  
 8 rules and regulations promulgated by the state Highways and Transportation Commission  
 9 pursuant thereto **and may confer with the department of public safety regarding highway  
 10 safety, the department of economic development and the state division of tourism with  
 11 regard to promoting the convenience and enjoyment of highway travel, and the  
 12 departments of conservation and natural resources regarding the preservation of the  
 13 natural scenic beauty of adjacent areas.**

**226.541. 1. As used in this section, the following words or phrases mean:**

2           **(1) "Conforming out of standard signs", signs that fail to meet the current statutory**  
3 **and administrative rule requirements for outdoor advertising but currently comply with**  
4 **the terms of the federal/state agreement and meet the August 27, 1999, statutory and**  
5 **administrative rule requirements that governed outdoor advertising and the highway**  
6 **beautification act of 1965;**

7           **(2) "Federal/state agreement", an agreement executed between the United States**  
8 **Department of Transportation and the state Highways and Transportation Commission**  
9 **on February 22, 1972, for carrying out national policy relative to control of outdoor**  
10 **advertising in areas adjacent to the national system of interstate and defense highways and**  
11 **the federal-aid primary system;**

12           **(3) "Qualifying signs", signs which meet the requirements for outdoor advertising**  
13 **in effect on August 27, 1999, and the requirements of the federal/state agreement;**

14           **(4) "Reset", movement of a sign structure from one location to another location on**  
15 **the same or adjoining property, if the adjoining property is zoned commercial or industrial**  
16 **or in an unzoned commercial or industrial area and the owner of the sign has obtained the**  
17 **legal right to erect a sign on the adjoining property from its owner, as authorized by a sign**  
18 **permit amendment and the terms of an executed written partial waiver and reset**  
19 **agreement between the permit owner and the state Highways and Transportation**  
20 **Commission;**

21           **(5) "Substantially rebuilt", any reconstruction or repair of a sign that requires the**  
22 **replacement of more than fifty percent of the sign structure's support poles in a**  
23 **twelve-month period.**

24           **2. Subject to the provisions of this section, and if allowed by applicable local**  
25 **regulations, conforming out of standard signs shall be treated as conforming signs under**  
26 **commission administrative rules, including new display technologies, lighting, cutouts, and**  
27 **extensions, except that such signs shall not be substantially rebuilt except in accordance**  
28 **with the provisions of this section. If allowed by applicable local regulations, new**  
29 **technologies, lighting, cutouts, and extensions may be utilized on conforming and**  
30 **conforming out of standard signs in accordance with Missouri department of**  
31 **transportation regulations.**

32           **3. If allowed by applicable local regulations, a conforming out of standard sign may**  
33 **be upgraded:**

34           **(1) Up to twenty percent of the sign face, not to exceed one hundred sixty square**  
35 **feet of area, with digital technology for displaying text or numbers in accordance with**  
36 **current law and rules; or**

37           **(2) More than twenty percent only if it maintains a distance of at least one thousand**  
38 **four hundred feet from any other such digital technology display sign.**

39           **4. Notwithstanding any provision of the law to the contrary, a conforming out of**  
40 **standard sign may be unstacked by closing the gap between the signs or by replacing the**  
41 **faces with one display area. The resulting sign face square footage shall not exceed the**  
42 **square footage of the original stacked structure. A conforming out of standard sign**  
43 **structure height may be lowered.**

44           **5. On the date the commission approves funding for any phase or portion of**  
45 **construction or reconstruction of any street or highway, the rules in effect for outdoor**  
46 **advertising on August 27, 1999, shall be reinstated for that section of highway scheduled**  
47 **for construction and there shall immediately be a moratorium imposed on the issuance of**  
48 **state sign permits for new sign structures.**

49           **6. Owners of existing signs which meet the requirements for outdoor advertising**  
50 **in effect on August 27, 1999, and the requirements of the federal/state agreement and who**  
51 **voluntarily execute a partial waiver and reset agreement may reset such signs on the same**  
52 **or adjoining property. Such reset agreements shall be contingent upon obtaining any**  
53 **required local approval to reset the sign structure. Any sign which has been reset must still**  
54 **comply with the August 27, 1999, outdoor advertising regulations after it has been reset.**

55           **7. Owners of existing signs who elect to reset qualifying signs shall receive**  
56 **compensation from the state Highways and Transportation Commission or in accordance**  
57 **with a cost sharing agreement representing the actual cost to reset the existing sign. Signs**  
58 **which have been reset under these provisions must be reconstructed of the same type**  
59 **materials and may not exceed the square footage of the original sign structure.**

60           **8. Sign owners may elect to reset existing qualifying signs by executing a partial**  
61 **waiver and reset agreement with the commission. Such agreement shall specify the size,**  
62 **type, and location of the rebuilt sign and the reset expenses to be paid to the owner by the**  
63 **commission. The commission may consider the impact of a potential reset upon scenic,**  
64 **natural, historic, or other features in the surrounding area in its determination of whether**  
65 **to enter into a reset agreement.**

66           **9. Immediately upon the completion of construction on any section of highway, the**  
67 **moratorium on new permits shall be lifted and the rules for outdoor advertising in effect**  
68 **on the date the construction is completed shall apply to such section of highway.**

69           **10. Local zoning authorities may prohibit the resetting of qualifying signs which**  
70 **fail to comply with local regulations.**

71           **11. The state Highways and Transportation Commission, in accordance with**  
72 **section 226.500, shall review its current rules and regulations and solicit industry,**  
73 **stakeholder, and public comments regarding digital technology upgrades, including but**  
74 **not limited to, ad copy duration, distance from interchanges, brightness controls, including**  
75 **light sensors and timers, and distance from other billboards prior to implementing the sign**  
76 **reset agreement program or digital upgrade regulations described in this section.**

77           **12. All signs shall be subject to the biennial inspection fees under section 226.550.**

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

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

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

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

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

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

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

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

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

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

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

28          (11) "Driveaway operation":

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

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

36           (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a

38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of  
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent  
40 of a manufacturer or to any consignee designated by the shipper or consignor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and  
113 is used exclusively to transport harvested forest products to and from forested sites which is

114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this  
115 state for the transportation of harvested forest products;

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

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

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

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

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

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

132 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

147 [(43)] (42) "Owner", any person, firm, corporation or association, who holds the legal  
148 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale  
149 or lease thereof with the right of purchase upon performance of the conditions stated in the  
150 agreement and with an immediate right of possession vested in the conditional vendee or lessee,

151 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee  
152 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

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

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

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

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

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

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

186 (a) Was damaged during a year that is no more than six years after the manufacturer's  
187 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or  
188 reconstruct the vehicle to its condition immediately before it was damaged for legal operation

189 on the roads or highways exceeds eighty percent of the fair market value of the vehicle  
190 immediately preceding the time it was damaged;

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

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

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

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

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

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

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

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

213 [(54)] **(53)** "**Scrap processor**", **a business that, through the use of fixed or mobile**  
214 **equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for**  
215 **processing or transportation to a shredder or scrap metal operator for recycling;**

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

221 (55) "Special mobile equipment", every self-propelled vehicle not designed or used  
222 primarily for the transportation of persons or property and incidentally operated or moved over  
223 the highways, including farm equipment, implements of husbandry, road construction or  
224 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
225 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
226 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,

227 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
228 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
229 shall not operate to exclude other such vehicles which are within the general terms of this  
230 section;

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

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

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

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

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

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

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

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

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

263 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for  
264 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one

265 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily  
266 for landscaping, lawn care, or maintenance purposes;

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

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

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

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

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

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered  
12 during April [each year] **of the corresponding year** or on a prorated basis as provided in  
13 subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year  
14 basis or on a biennial basis shall be payable not later than the last day of April of [each year] **the**  
15 **corresponding year**, with two years' fees due for biennially-registered vehicles.

16 Notwithstanding the provisions of section 307.355, an application for registration of a fleet  
17 vehicle must be accompanied by a certificate of inspection and approval issued no more than one  
18 hundred twenty days prior to the date of application. The fees for vehicles added to the fleet  
19 which must be licensed at the time of registration shall be payable at the time of registration,  
20 except that when such vehicle is licensed between July first and September thirtieth the fee shall  
21 be three-fourths the annual fee, when licensed between October first and December thirty-first  
22 the fee shall be one-half the annual fee and when licensed on or after January first the fee shall  
23 be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet,  
24 an additional year's annual fee will be added to the partial year's prorated fee.

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

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

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

301.069. **1.** A driveway license plate may not be used on a vehicle used or operated on  
2 a highway except for the purpose of transporting vehicles in transit. Driveway license plates  
3 may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly  
4 parked, or burned vehicles. **Driveway license plates shall only be used by owners, corporate**

5 **officers, or employees of the business to which the plate was issued.** For each driveaway  
6 license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set  
7 of plates or such insignia as the director may issue which shall be attached to the motor vehicle  
8 as prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The  
9 fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be  
10 four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director  
11 who shall also prescribe the type of equipment used to attach such vehicles in combinations.

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

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

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

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

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

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

34 **4. Any violation of this section or misrepresentation contained in an application for**  
35 **driveaway license plate shall result in the revocation of the applicant's driveaway license**  
36 **plate and any subsequent application for a driveaway license plate shall be denied for two**  
37 **years from the date of violation. "Applicant" shall include any officer of a business or any**  
38 **employee or agent thereof.**

39 **5. Any person who knowingly uses a revoked driveaway license plate shall be**  
40 **deemed guilty of a class A misdemeanor.**

201.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate  
2 of registration and the right to use the number plates shall expire and the number plates shall be

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

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

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

33         4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made  
34 application for registration, by mail or otherwise, may operate the same for a period of thirty days  
35 after taking possession thereof, if during such period the motor vehicle or trailer shall have  
36 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.  
37 Upon application and presentation of proof of financial responsibility as required under  
38 subsection 5 of this section and satisfactory evidence that the buyer has applied for registration,  
39 a dealer may furnish such number plates to the buyer for such temporary use. In such event, the  
40 dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to

41 the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer  
42 such number plates within thirty days. The director shall issue a temporary permit authorizing  
43 the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of  
44 purchase.

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

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

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

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

76 **9. An additional temporary license plate produced in a manner and of materials**  
77 **determined by the director to be the most cost effective means of production with a**  
78 **configuration that matches an existing or newly issued plate may be purchased by a motor**

79 vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's  
80 view out of the rear window is not obstructed and the plate configuration is clearly visible  
81 from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item  
82 obstructs the view of the actual plate. Such temporary plate is only authorized for use  
83 when the matching actual plate is affixed to the vehicle in the manner prescribed in  
84 subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to  
85 the fee charged for a temporary permit issued under subsection 5 of this section.  
86 Replacement temporary plates authorized in this subsection may be issued as needed upon  
87 the payment of a fee equal to the fee charged for a temporary permit under subsection 5  
88 of this section. The newly produced third plate may only be used on the vehicle with the  
89 matching plate, and the additional plate shall be clearly recognizable as a third plate and  
90 only used for the purpose specified in this subsection.

91 10. The director may promulgate all necessary rules and regulations for the  
92 administration of this section. Any rule or portion of a rule, as that term is defined in  
93 section 536.010, that is created under the authority delegated in this section shall become  
94 effective only if it complies with and is subject to all of the provisions of chapter 536 and,  
95 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
96 the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
97 the effective date, or to disapprove and annul a rule are subsequently held  
98 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
99 after August 28, 2012, shall be invalid and void.

301.216. Department investigators licensed as peace officers by the director of the  
2 department of public safety under chapter 590 shall be deemed to be peace officers within  
3 the state of Missouri while acting in an investigation to enforce the provisions of this  
4 chapter and any provisions regarding fees, licenses, or taxes administered by the director.  
5 The power of arrest of a department investigator acting as a peace officer shall be limited  
6 to offenses involving fees, licenses, taxes, or in situations of imminent danger to the  
7 investigator or another person.

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

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

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

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

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

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to  
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and  
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his  
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor  
17 vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing  
18 salvage vehicles for export outside of the United States. Operators of salvage pools or salvage  
19 disposal sales shall keep a record, for three years, of sales of salvage vehicles with the  
20 purchasers' name and address, and the year, make, and vehicle identification number for each  
21 vehicle. These records shall be open for inspection as provided in section 301.225. Such records  
22 shall be submitted to the department on a quarterly basis.

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

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

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

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

301.260. 1. The director of revenue shall issue certificates for all cars owned by the state  
2 of Missouri and shall assign to each of such cars two plates bearing the words: "State of  
3 Missouri, official car number ....." (with the number inserted thereon), which plates  
4 shall be displayed on such cars when they are being used on the highways. No officer or  
5 employee or other person shall use such a motor vehicle for other than official use.

6 2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any  
7 municipality of this state, shall be exempt from all of the provisions of sections 301.010 to  
8 301.440 while being operated within the limits of such municipality, but the municipality may  
9 regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles  
10 owned by municipalities, counties and other political subdivisions of the state shall be exempt  
11 from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and  
12 display of number plates; provided, however, that there shall be [displayed] **a plate, or**, on each

13 side of such motor vehicle, [in] letters not less than three inches in height with a stroke of not  
14 less than three-eighths of an inch wide, **to display** the name of such municipality, county or  
15 political subdivision, the department thereof, and a distinguishing number. Provided, further,  
16 that when any motor vehicle is owned and operated exclusively by any school district and used  
17 solely for transportation of school children, the commissioner shall assign to each of such motor  
18 vehicles two plates bearing the words "School Bus, State of Missouri, car no. ...." (with  
19 the number inserted thereon), which plates shall be displayed on such motor vehicles when they  
20 are being used on the highways. No officer, or employee of the municipality, county or  
21 subdivision, or any other person shall operate such a motor vehicle unless the same is marked  
22 as herein provided, and no officer, employee or other person shall use such a motor vehicle for  
23 other than official purposes.

24         3. For registration purposes only, a public school or college shall be considered the  
25 temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to  
26 be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to  
27 the director of revenue a copy of a lease agreement with an option to purchase clause between  
28 the authorized new motor vehicle franchised dealer and the school or college and a photocopy  
29 of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application  
30 for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license  
31 plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle  
32 is plainly marked as a driver training vehicle while being used for such purpose and such vehicle  
33 can also be used in conjunction with the activities of the educational institution.

34         4. As used in this section, the term "political subdivision" is intended to include any  
35 township, road district, sewer district, school district, municipality, town or village, sheltered  
36 workshop, as defined in section 178.900, and any interstate compact agency which operates a  
37 public mass transportation system.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to  
2 the department of revenue, on blanks to be prescribed by the department of revenue, giving the  
3 following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle  
4 sold; the name and address of the buyer; the name of the manufacturer; year of manufacture;  
5 model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall  
6 also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand.  
7 Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection  
8 8 of section 144.070 shall also include the amount of state and local sales tax collected for each  
9 motor vehicle sold if sales tax was due. The odometer reading is not required when reporting  
10 the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross  
11 vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred  
12 on a manufacturer's statement of origin between one franchised motor vehicle dealer and another,  
13 or boats, all-terrain vehicles or trailers. The sale of all thirty-day temporary permits, without

14 exception, shall be recorded in the appropriate space on the dealer's monthly sales report by  
15 recording the complete permit number issued on the motor vehicle or trailer sale listed. The  
16 monthly sales report shall be completed in full and signed by an officer, partner, or owner of the  
17 dealership, and actually received by the department of revenue on or before the fifteenth day of  
18 the month succeeding the month for which the sales are being reported. If no sales occur in any  
19 given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer  
20 who fails to file a monthly report or who fails to file a timely report shall be subject to  
21 disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to  
22 exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain  
23 copies of the monthly sales report as part of the records to be maintained at the dealership  
24 location and shall hold them available for inspection by appropriate law enforcement officials  
25 and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles  
26 a month shall file the monthly sales report with the department in an electronic format. Any  
27 dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice  
28 of transfer required by section 301.196. For any dealer not filing electronically, the notice of  
29 transfer required by section 301.196 shall be submitted with the monthly sales report as  
30 prescribed by the director.

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

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

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

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

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

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

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

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

25           (1) The name and business address, not a post office box, of the applicant and the  
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be  
27 a partnership, the name and residence address of each partner, an indication of whether the  
28 partner is a limited or general partner and the name under which the partnership business is to  
29 be conducted. In the event that the applicant is a corporation, the application shall list the names

30 of the principal officers of the corporation and the state in which it is incorporated. Each  
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the  
32 event an applicant is a partnership or corporation, then by a partner or officer;

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

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

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

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

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

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

3 (1) Every application other than a renewal application for a motor vehicle franchise  
4 dealer shall include a certification that the applicant has a bona fide established place of business.  
5 Such application shall include an annual certification that the applicant has a bona fide  
6 established place of business for the first three years and only for every other year thereafter. The  
7 certification shall be performed by a uniformed member of the Missouri state highway patrol or  
8 authorized or designated employee stationed in the troop area in which the applicant's place of  
9 business is located; except that in counties of the first classification, certification may be  
10 performed by an officer of a metropolitan police department when the applicant's established  
11 place of business of distributing or selling motor vehicles or trailers is in the metropolitan area  
12 where the certifying metropolitan police officer is employed. When the application is being

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

40 (2) The initial application for licensure shall include a photograph, not to exceed eight  
41 inches by ten inches but no less than five inches by seven inches, showing the business building,  
42 lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently  
43 licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the  
44 existing dealership building, lot and sign but shall be required to submit a new photograph upon  
45 the installation of the new dealership sign as required by sections 301.550 to 301.573.  
46 Applicants shall not be required to submit a photograph annually unless the business has moved  
47 from its previously licensed location, or unless the name of the business or address has changed,  
48 or unless the class of business has changed;

49 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,  
50 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish

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

69 (4) Payment of all necessary license fees as established by the department. In  
70 establishing the amount of the annual license fees, the department shall, as near as possible,  
71 produce sufficient total income to offset operational expenses of the department relating to the  
72 administration of sections 301.550 to [301.573] **301.580**. All fees payable pursuant to the  
73 provisions of sections 301.550 to [301.573] **301.580**, other than those fees collected for the  
74 issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this  
75 section, shall be collected by the department for deposit in the state treasury to the credit of the  
76 "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission  
77 fund shall be administered by the Missouri department of revenue. The provisions of section  
78 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed  
79 to the credit of the general revenue fund until the amount in the motor vehicle commission fund  
80 at the end of the biennium exceeds two times the amount of the appropriation from such fund  
81 for the preceding fiscal year or, if the department requires permit renewal less frequently than  
82 yearly, then three times the appropriation from such fund for the preceding fiscal year. The  
83 amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the  
84 multiple of the appropriation from such fund for the preceding fiscal year.

85 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer,  
86 wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,  
87 trailer dealer, or a public motor vehicle auction submits an application for a license for a new  
88 business and the applicant has complied with all the provisions of this section, the department

89 shall make a decision to grant or deny the license to the applicant within eight working hours  
90 after receipt of the dealer's application, notwithstanding any rule of the department.

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

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

- 103 New motor vehicle franchise dealers. . . . . D-0 through D-999
- 104 New powersport dealers and motorcycle franchise dealers. . . . . D-1000 through D-1999
- 105 Used motor vehicle, used powersport, and used motorcycle dealers.. D-2000 through D-9999
- 106 Wholesale motor vehicle dealers. . . . . W-0 through W-1999
- 107 Wholesale motor vehicle auctions. . . . . WA-0 through WA-999
- 108 New and used trailer dealers. . . . . T-0 through T-9999
- 109 Motor vehicle, trailer, and boat manufacturers. . . . . DM-0 through DM-999
- 110 Public motor vehicle auctions. . . . . A-0 through A-1999
- 111 Boat dealers. . . . . M-0 through M-9999
- 112 New and used recreational motor vehicle dealers. . . . . RV-0 through RV-999

113

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

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

129           6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport  
130 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one  
131 number plate bearing the distinctive dealer license number and may issue two additional number  
132 plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the  
133 number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each  
134 additional number plate. Such license plates shall be made with fully reflective material with  
135 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically  
136 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be  
137 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.  
138 Additional number plates and as many additional certificates of number may be obtained upon  
139 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor  
140 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven  
141 additional number plates or certificates of number annually. New and used motor vehicle  
142 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are  
143 limited to one additional plate or certificate of number per ten-unit qualified transactions  
144 annually. New and used recreational motor vehicle dealers are limited to two additional plates  
145 or certificate of number per ten-unit qualified transactions annually for their first fifty  
146 transactions and one additional plate or certificate of number per ten-unit qualified transactions  
147 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her  
148 initial application the applicant's proposed annual number of sales in order for the director to  
149 issue the appropriate number of additional plates or certificates of number. A motor vehicle  
150 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor  
151 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a  
152 distinctive dealer license plate or certificate of number or additional license plate or additional  
153 certificate of number, throughout the calendar year, shall be required to pay a fee for such license  
154 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed  
155 for the original and duplicate number plates or certificates of number for such dealers' licenses,  
156 multiplied by the number of months remaining in the licensing period for which the dealer or  
157 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at  
158 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a  
159 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain  
160 number plates or certificates under this section, dealers shall submit to the department of revenue  
161 on August first of each year a statement certifying, under penalty of perjury, the dealer's number  
162 of sales during the reporting period of July first of the immediately preceding year to June  
163 thirtieth of the present year.

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

174           8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be  
175 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a  
176 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by  
177 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor  
178 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer  
179 hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers  
180 and boat manufacturers may display their certificate of number on a vessel or vessel trailer when  
181 transporting a vessel or vessels to an exhibit or show.

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

186           10. (1) Every application for the issuance of a used motor vehicle dealer's license shall  
187 be accompanied by proof that the applicant, within the last twelve months, has completed an  
188 educational seminar course approved by the department as prescribed by subdivision (2) of this  
189 subsection. Wholesale and public auto auctions and applicants currently holding a new or used  
190 license for a separate dealership shall be exempt from the requirements of this subsection. The  
191 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or  
192 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle  
193 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers  
194 who were licensed prior to August 28, 2006.

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

301.562. 1. The department may refuse to issue or renew any license required pursuant  
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2  
3 of this section. The department shall notify the applicant or licensee in writing at his or her last  
4 known address of the reasons for the refusal to issue or renew the license and shall advise the

5 applicant or licensee of his or her right to file a complaint with the administrative hearing  
6 commission as provided by chapter 621.

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

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

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

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

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

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

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

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

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

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

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

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

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

47 3. Any such complaint shall be filed within one year of the date upon which the  
48 department receives notice of an alleged violation of an applicable statute or regulation. After  
49 the filing of such complaint, the proceedings shall, **except for the matters set forth in**  
50 **subsection 5 of this section**, be conducted in accordance with the provisions of chapter 621.  
51 Upon a finding by the administrative hearing commission that the grounds, provided in  
52 subsection 2 of this section, for disciplinary action are met, the department may, singly or in  
53 combination, refuse to issue the person a license, **issue a license for a period of less than two**  
54 **years**, issue a private reprimand, place the person on probation on such terms and conditions as  
55 the department deems appropriate for a period of one day to five years, suspend the person's  
56 license from one day to six days, or revoke the person's license for such period as the department  
57 deems appropriate. The applicant or licensee shall have the right to appeal the decision of the  
58 administrative hearing commission and department in the manner provided in chapter 536.

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

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

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

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

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

83           **(4) Three or more occurrences of violations, which have been established following**  
84 **proceedings before the administrative hearing commission under subsection 3 of this**  
85 **section, or which have been established following proceedings before the director under**  
86 **subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643**  
87 **or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306,**  
88 **307, 578, and 643, not previously set forth herein.**

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

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

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

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

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

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

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

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

118 **the final decision of the director and shall be subject to judicial review under the provisions**  
119 **of chapter 536.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4           **(1) Ninety percent of the vehicles being auctioned are at least ten years old or older;**  
5           **(2) The licensee shall auction no more than three percent of the total number of**  
6 **vehicles presented for auction which are owned and titled in the name of the licensee or its**  
7 **owners; and**  
8           **(3) The duration is no more than three consecutive calendar days and is held no**  
9 **more than two times in a calendar year by a licensee.**
- 10           **2. A special event motor vehicle auction shall be considered a public motor vehicle**  
11 **auction for purposes of sections 301.559 and 301.564.**
- 12           **3. Special event motor vehicle auction licensees shall be exempt from the**  
13 **requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of**  
14 **section 301.560.**
- 15           **4. An application for a special event motor vehicle auction license must be received**  
16 **by the department at least ninety days prior to the beginning of the special event auction.**
- 17           **5. Applicants for a special motor vehicle auction are limited to no more than two**  
18 **special event auctions in any calendar year. A separate application is required for each**  
19 **special event motor vehicle auction.**
- 20           **6. At least ninety percent of the vehicles being auctioned at a special event motor**  
21 **vehicle auction shall be ten years old or older. The licensee shall, within ten days of the**  
22 **conclusion of a special event motor vehicle auction, submit a report in the form approved**  
23 **by the director to the department that includes the make, model, year, and vehicle**  
24 **identification number of each vehicle included in the auction. Every vehicle included in**  
25 **the special event auction shall be listed, including those vehicles that were auctioned and**  
26 **sold and those vehicles that were auctioned but did not sell. Violation of this subsection**  
27 **is a class A misdemeanor.**
- 28           **7. The applicant for the special event motor vehicle auction shall be responsible for**  
29 **ensuring that a sales tax license or special event sales tax license is obtained for the event**  
30 **if one is required.**
- 31           **8. The fee for a special event motor vehicle auction license shall be one thousand**  
32 **dollars. For every vehicle auctioned in violation of subsection 6 of this section, an**  
33 **administrative fee of five hundred dollars shall be paid to the department. Such fees shall**  
34 **be deposited in like manner as other license fees of this section.**
- 35           **9. In addition to the causes set forth in section 301.562, the department may**  
36 **promulgate rules that establish additional causes to refuse to issue or to revoke a special**  
37 **event license.**
- 38           **10. A special motor vehicle auction shall last no more than three consecutive days.**  
39           **11. The applicant for a special event motor vehicle auction shall be registered to**  
40 **conduct business in this state.**

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

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

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

61           **15. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
62 **created under the authority delegated in this section shall become effective only if it**  
63 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
64 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
65 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
66 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
67 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**  
68 **shall be invalid and void.**

301.600. 1. Unless excepted by section 301.650, a lien or encumbrance on a motor  
2 vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or  
3 lienholders of the motor vehicle or trailer who took without knowledge of the lien or  
4 encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to  
5 301.660.

6           2. Subject to the provisions of section 301.620, a lien or encumbrance on a motor vehicle  
7 or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format  
8 as prescribed by the director of revenue. The notice of lien is perfected as of the time of its  
9 creation if the delivery of such notice to the director of revenue is completed within thirty days  
10 thereafter, otherwise as of the time of the delivery. A notice of lien shall contain the name and

11 address of the owner of the motor vehicle or trailer and the secured party, a description of the  
12 motor vehicle or trailer, including the vehicle identification number, and such other information  
13 as the department of revenue may prescribe. A notice of lien substantially complying with the  
14 requirements of this section is effective even though it contains minor errors which are not  
15 seriously misleading. Provided the lienholder submits complete and legible documents, the  
16 director of revenue shall mail confirmation or electronically confirm receipt of such notice of lien  
17 to the lienholder as soon as possible, but no later than fifteen business days after the filing of the  
18 notice of lien.

19 3. Notwithstanding the provisions of section 301.620, on a refinance **by a different**  
20 **lender** of a **prior** loan secured by a motor vehicle or trailer a lien is perfected by the delivery to  
21 the director of revenue of a notice of lien completed by the refinancing lender in a format  
22 prescribed by the director of revenue.

23 4. To perfect a subordinate lien, the notice of lien must be accompanied by the  
24 documents required to be delivered to the director pursuant to subdivision (3) of section 301.620.

25 5. Liens may secure future advances. The future advances may be evidenced by one or  
26 more notes or other documents evidencing indebtedness and shall not be required to be executed  
27 or delivered prior to the date of the future advance lien securing them. The fact that a lien may  
28 secure future advances shall be clearly stated on the security agreement and noted as "subject to  
29 future advances" on the notice of lien and noted on the certificate of ownership if the motor  
30 vehicle or trailer is subject to only one notice of lien. To secure future advances when an  
31 existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall  
32 file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances  
33 is perfected in the same time and manner as any other lien, except as follows: proof of the lien  
34 for future advances is maintained by the department of revenue; however, there shall be  
35 additional proof of such lien when the notice of lien reflects such lien for future advances, is  
36 receipted for by the department of revenue, and returned to the lienholder.

37 6. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this  
38 state, the validity and effect of the lien or encumbrance is determined by the law of the  
39 jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached,  
40 subject to the following:

41 (1) If the parties understood at the time the lien or encumbrance attached that the motor  
42 vehicle or trailer would be kept in this state and it was brought into this state within thirty days  
43 thereafter for purposes other than transportation through this state, the validity and effect of the  
44 lien or encumbrance in this state is determined by the law of this state;

45 (2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where  
46 the motor vehicle or trailer was when the lien or encumbrance attached, the following rules  
47 apply:

48 (a) If the name of the lienholder is shown on an existing certificate of title or ownership  
49 issued by that jurisdiction, the lien or encumbrance continues perfected in this state;

50 (b) If the name of the lienholder is not shown on an existing certificate of title or  
51 ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state  
52 three months after a first certificate of ownership of the motor vehicle or trailer is issued in this  
53 state, and also thereafter if, within the three-month period, it is perfected in this state. The lien  
54 or encumbrance may also be perfected in this state after the expiration of the three-month period;  
55 in that case perfection dates from the time of perfection in this state;

56 (3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction  
57 where the motor vehicle or trailer was when the lien or encumbrance attached, it may be  
58 perfected in this state; in that case perfection dates from the time of perfection in this state;

59 (4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2)  
60 or subdivision (3) of this subsection either as provided in subsection 2 or 4 of this section or by  
61 the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form  
62 the director of revenue prescribes and the required fee.

63 7. By rules and regulations, the director of revenue shall establish a security procedure  
64 for the purpose of verifying that an electronic notice of lien or notice of satisfaction of a lien on  
65 a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the  
66 lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a  
67 lien given as required in section 301.610 is that of the director of revenue, and detecting error  
68 in the transmission or the content of any such notice. A security procedure may require the use  
69 of algorithms or other codes, identifying words or numbers, encryption, callback procedures or  
70 similar security devices. Comparison of a signature on a communication with an authorized  
71 specimen signature shall not by itself be a security procedure.

302.010. Except where otherwise provided, when used in this chapter, the following  
2 words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
5 freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to  
7 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be  
8 equivalent to a conviction, except that when any conviction as a result of which points are  
9 assessed pursuant to section 302.302 is appealed, the term "conviction" means the original  
10 judgment of conviction for the purpose of determining the assessment of points, and the date of  
11 final judgment affirming the conviction shall be the date determining the beginning of any  
12 license suspension or revocation pursuant to section 302.304;

13 (4) "**Criminal history check**", a search of criminal records, including criminal  
14 **history record information as defined in section 43.500, maintained by the Missouri state**

15 **highway patrol in the Missouri criminal records repository or by the Federal Bureau of**  
16 **Investigation as part of its criminal history records, including, but not limited to, any**  
17 **record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for**  
18 **any offense related to alcohol, controlled substances, or drugs;**

19 (5) "Director", the director of revenue acting directly or through the director's authorized  
20 officers and agents;

21 [(5)] (6) "Farm tractor", every motor vehicle designed and used primarily as a farm  
22 implement for drawing plows, mowing machines and other implements of husbandry;

23 [(6)] (7) "Highway", any public thoroughfare for vehicles, including state roads, county  
24 roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

25 [(7)] (8) "Incompetent to drive a motor vehicle", a person who has become physically  
26 incapable of meeting the prescribed requirements of an examination for an operator's license, or  
27 who has been adjudged by a probate division of the circuit court in a capacity hearing of being  
28 incapacitated;

29 [(8)] (9) "License", a license issued by a state to a person which authorizes a person to  
30 operate a motor vehicle;

31 [(9)] (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon  
32 tracks except motorized bicycles, as defined in section 307.180;

33 [(10)] (11) "Motorcycle", a motor vehicle operated on two wheels; however, this  
34 definition shall not include motorized bicycles as defined in section 301.010;

35 [(11)] (12) "Motortricycle", a motor vehicle operated on three wheels, including a  
36 motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third  
37 wheel;

38 [(12)] (13) "Moving violation", that character of traffic violation where at the time of  
39 violation the motor vehicle involved is in motion, except that the term does not include the  
40 driving of a motor vehicle without a valid motor vehicle registration license, or violations of  
41 sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

42 [(13)] (14) "Municipal court", every division of the circuit court having original  
43 jurisdiction to try persons for violations of city ordinances;

44 [(14)] (15) "Nonresident", every person who is not a resident of this state;

45 [(15)] (16) "Operator", every person who is in actual physical control of a motor vehicle  
46 upon a highway;

47 [(16)] (17) "Owner", a person who holds the legal title of a vehicle or in the event a  
48 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of  
49 purchase upon performance of the conditions stated in the agreement and with an immediate  
50 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a  
51 vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be  
52 deemed the owner for the purpose of sections 302.010 to 302.540;

53 [(17)] (18) "Record" includes, but is not limited to, papers, documents, facsimile  
54 information, microphotographic process, electronically generated or electronically recorded  
55 information, digitized images, deposited or filed with the department of revenue;

56 [(18)] (19) "Residence address", "residence", or "resident address" shall be the location  
57 at which a person has been physically present, and that the person regards as home. A residence  
58 address is a person's true, fixed, principal, and permanent home, to which a person intends to  
59 return and remain, even though currently residing elsewhere;

60 [(19)] (20) "Restricted driving privilege", a driving privilege issued by the director of  
61 revenue following a suspension of driving privileges for the limited purpose of driving in  
62 connection with the driver's business, occupation, employment, formal program of secondary,  
63 postsecondary or higher education, or for an alcohol education or treatment program or certified  
64 ignition interlock provider;

65 [(20)] (21) "School bus", when used in sections 302.010 to 302.540, means any motor  
66 vehicle, either publicly or privately owned, used to transport students to and from school, or to  
67 transport pupils properly chaperoned to and from any place within the state for educational  
68 purposes. The term "school bus" shall not include a bus operated by a public utility, municipal  
69 corporation or common carrier authorized to conduct local or interstate transportation of  
70 passengers when such bus is not traveling a specific school bus route but is:

71 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or

72 (b) Furnishing charter service for the transportation of persons enrolled as students on  
73 field trips or other special trips or in connection with other special events;

74 [(21)] (22) "School bus operator", an operator who operates a school bus as defined in  
75 subdivision [(20)] (21) of this section in the transportation of any schoolchildren and who  
76 receives compensation for such service. The term "school bus operator" shall not include any  
77 person who transports schoolchildren as an incident to employment with a school or school  
78 district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such  
79 person is under contract with or employed by a school or school district as a school bus operator;

80 [(22)] (23) "Signature", any method determined by the director of revenue for the  
81 signing, subscribing or verifying of a record, report, application, driver's license, or other related  
82 document that shall have the same validity and consequences as the actual signing by the person  
83 providing the record, report, application, driver's license or related document;

84 [(23)] (24) "Substance abuse traffic offender program", a program certified by the  
85 division of alcohol and drug abuse of the department of mental health to provide education or  
86 rehabilitation services pursuant to a professional assessment screening to identify the individual  
87 needs of the person who has been referred to the program as the result of an alcohol- or  
88 drug-related traffic offense. Successful completion of such a program includes participation in  
89 any education or rehabilitation program required to meet the needs identified in the assessment  
90 screening. The assignment recommendations based upon such assessment shall be subject to

91 judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of  
92 section 302.540;

93 [(24)] (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or  
94 used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human  
95 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
96 wheelchairs operated by handicapped persons.

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

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

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

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

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

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

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

14 (7) To any person who has an unsatisfied judgment against such person, as defined in  
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,  
16 as defined in section 303.120, has been established;

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

21 (9) To any person who has been convicted more than twice of violating state law, or a  
22 county or municipal ordinance where the defendant was represented by or waived the right to an  
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
24 years from the date of conviction of the last offense of violating such law or ordinance relating  
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
26 county in which such last conviction was rendered and the court shall review the person's habits  
27 and conduct since such conviction, **including the results of a criminal history check as**  
28 **defined in section 302.010.** If the court finds that the petitioner has not been convicted [of] ,  
29 **pled guilty to or been found guilty of, and has no pending charges for** any offense related  
30 to alcohol, controlled substances or drugs **and has no other alcohol-related enforcement**  
31 **contacts as defined in section 302.525** during the preceding ten years and that the petitioner's  
32 habits and conduct show such petitioner to no longer pose a threat to the public safety of this

33 state, the court may order the director to issue a license to the petitioner if the petitioner is  
34 otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may  
35 obtain a license pursuant to the provisions of this subdivision through court action more than one  
36 time;

37 (10) To any person who has [been convicted twice within a five-year period of violating  
38 state law, or a county or municipal ordinance, of driving while intoxicated, or any other  
39 intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section  
40 577.023, or who has been convicted of the crime of involuntary manslaughter while operating  
41 a motor vehicle in an intoxicated condition. The director shall not issue a license to such person  
42 for five years from the date such person was convicted or pled guilty for involuntary  
43 manslaughter while operating a motor vehicle in an intoxicated condition or for driving while  
44 intoxicated or any other intoxication-related traffic offense as defined in subdivision (4) of  
45 subsection 1 of section 577.023 for the second time] **pled guilty to or been convicted of the**  
46 **crime of involuntary manslaughter while operating a motor vehicle in an intoxicated**  
47 **condition, or to any person who has been convicted twice within a five-year period of**  
48 **violating state law, county or municipal ordinance of driving while intoxicated, or any**  
49 **other intoxication-related traffic offense as defined in section 577.023, except that, after the**  
50 **expiration of five years from the date of conviction of the last offense of violating such law**  
51 **or ordinance, a person who was so convicted may petition the circuit court of the county**  
52 **in which such last conviction was rendered and the court shall review the person's habits**  
53 **and conduct since such conviction, including the results of a criminal history check as**  
54 **defined in section 302.010. If the court finds that the petitioner has not been convicted,**  
55 **pled guilty to, or been found guilty of, and has no pending charges for any offense related**  
56 **to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement**  
57 **contacts as defined in section 302.525 during the preceding five years, and that the**  
58 **petitioner's habits and conduct show such petitioner to no longer pose a threat to the public**  
59 **safety of this state, the court may order the director to issue a license to the petitioner if the**  
60 **petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;**

61 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
62 302.010 to 302.780, chapter 303, or section 544.046;

63 (12) To any person who is under the age of eighteen years, if such person's parents or  
64 legal guardians file a certified document with the department of revenue stating that the director  
65 shall not issue such person a driver's license. Each document filed by the person's parents or  
66 legal guardians shall be made upon a form furnished by the director and shall include identifying  
67 information of the person for whom the parents or legal guardians are denying the driver's  
68 license. The document shall also contain identifying information of the person's parents or legal  
69 guardians. The document shall be certified by the parents or legal guardians to be true and  
70 correct. This provision shall not apply to any person who is legally emancipated. The parents

71 or legal guardians may later file an additional document with the department of revenue which  
72 reinstates the person's ability to receive a driver's license.

73         2. Any person whose license is reinstated under the provisions of subdivisions (9) and  
74 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that  
75 any motor vehicle operated by the person is equipped with a functioning, certified ignition  
76 interlock device as a required condition of reinstatement. The ignition interlock device shall  
77 further be required to be maintained on all motor vehicles operated by the person for a period of  
78 not less than six months immediately following the date of reinstatement. If the person fails to  
79 maintain such proof with the director, the license shall be suspended for the remainder of the  
80 six-month period or until proof as required by this section is filed with the director. Upon the  
81 completion of the six-month period, the license shall be shown as reinstated, if the person is  
82 otherwise eligible.

83         **3. Any person who petitions the court for reinstatement of his or her license**  
84 **pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application**  
85 **with the Missouri state highway patrol as provided in section 43.540, and shall submit two**  
86 **sets of fingerprints collected pursuant to standards as determined by the highway patrol.**  
87 **One set of fingerprints shall be used by the highway patrol to search the criminal history**  
88 **repository and the second set shall be forwarded to the Federal Bureau of Investigation for**  
89 **searching the federal criminal history files. At the time of application, the applicant shall**  
90 **supply to the highway patrol the court name and case number for the court where he or**  
91 **she has filed his or her petition for reinstatement. The applicant shall pay the fee for the**  
92 **state criminal history check pursuant to section 43.530 and pay the appropriate fee**  
93 **determined by the Federal Bureau of Investigation for the federal criminal history record.**  
94 **The Missouri highway patrol, upon receipt of the results of the criminal history check,**  
95 **shall forward a copy of the results to the circuit court designated by the applicant and to**  
96 **the department. Notwithstanding the provisions of section 610.120, all records related to**  
97 **any criminal history check shall be accessible and available to the director and the court.**

302.130. 1. Any person at least fifteen years of age who, except for age or lack of  
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license  
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary  
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate  
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of  
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must  
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is  
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the  
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen  
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,  
11 parent, guardian, **a person who is at least twenty-five years of age who has been licensed for**

12 **a minimum of three years and has received written permission from the parent or legal**  
13 **guardian to escort or accompany the driver,** a driver training instructor holding a valid driver  
14 education endorsement on a teaching certificate issued by the department of elementary and  
15 secondary education or a qualified instructor of a private drivers' education program who has a  
16 valid driver's license. An applicant for a temporary instruction permit shall successfully  
17 complete a vision test and a test of the applicant's ability to understand highway signs which  
18 regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant  
19 to section 302.173. In addition, beginning January 1, 2007, no permit shall be granted pursuant  
20 to this subsection unless a parent or legal guardian gives written permission by signing the  
21 application and in so signing, state they, or their designee as set forth in subsection 2 of this  
22 section, will provide a minimum of forty hours of behind-the-wheel driving instruction,  
23 including a minimum of ten hours of behind-the-wheel driving instruction that occurs during the  
24 nighttime hours falling between sunset and sunrise. The forty hours of behind-the-wheel driving  
25 instruction that is completed pursuant to this subsection may include any time that the holder of  
26 an instruction permit has spent operating a motor vehicle in a driver training program taught by  
27 a driver training instructor holding a valid driver education endorsement on a teaching certificate  
28 issued by the department of elementary and secondary education or by a qualified instructor of  
29 a private drivers' education program. If the applicant for a permit is enrolled in a federal  
30 residential job training program, the instructor, as defined in subsection 5 of this section, is  
31 authorized to sign the application stating that the applicant will receive the behind-the-wheel  
32 driving instruction required by this section.

33         2. In the event the parent, grandparent or guardian of the person under sixteen years of  
34 age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian  
35 from being a qualified licensed operator pursuant to this section, said parent, grandparent or  
36 guardian may designate a maximum of two individuals authorized to accompany the applicant  
37 for the purpose of giving instruction in driving the motor vehicle. An authorized designee must  
38 be a licensed operator for the type of motor vehicle being operated and have attained twenty-one  
39 years of age. At least one of the designees must occupy the seat beside the applicant while  
40 giving instruction in driving the motor vehicle. The name of the authorized designees must be  
41 provided to the department of revenue by the parent, grandparent or guardian at the time of  
42 application for the temporary instruction permit. The name of each authorized designee shall be  
43 printed on the temporary instruction permit, however, the director may delay the time at which  
44 permits are printed bearing such names until the inventories of blank permits and related forms  
45 existing on August 28, 1998, are exhausted.

46         3. The director, upon proper application on a form prescribed by the director, in his or  
47 her discretion, may issue a restricted instruction permit effective for a school year or more  
48 restricted period to an applicant who is enrolled in a high school driver training program taught  
49 by a driver training instructor holding a valid driver education endorsement on a teaching

50 certificate issued by the state department of elementary and secondary education even though the  
51 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such  
52 instruction permit shall entitle the applicant, when the applicant has such permit in his or her  
53 immediate possession, to operate a motor vehicle on the highways, but only when a driver  
54 training instructor holding a valid driver education endorsement on a teaching certificate issued  
55 by the state department of elementary and secondary education is occupying a seat beside the  
56 driver.

57 4. The director, in his or her discretion, may issue a temporary driver's permit to an  
58 applicant who is otherwise qualified for a license permitting the applicant to operate a motor  
59 vehicle while the director is completing the director's investigation and determination of all facts  
60 relative to such applicant's rights to receive a license. Such permit must be in the applicant's  
61 immediate possession while operating a motor vehicle, and it shall be invalid when the  
62 applicant's license has been issued or for good cause has been refused.

63 5. In the event that the applicant for a temporary instruction permit described in  
64 subsection 1 of this section is a participant in a federal residential job training program, the  
65 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a  
66 valid driver education endorsement issued by the department of elementary and secondary  
67 education and a valid driver's license.

68 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver  
69 training program taught by a driver training instructor holding a valid driver education  
70 endorsement on a teaching certificate issued by the department of elementary and secondary  
71 education or a qualified instructor of a private drivers' education program.

72 7. Beginning January 1, 2003, the director shall issue with every temporary instruction  
73 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words  
74 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the  
75 director by regulation. Every applicant issued a temporary instruction permit and sticker on or  
76 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor  
77 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle  
78 whenever the holder of the instruction permit operates a motor vehicle during his or her  
79 temporary permit licensure period.

80 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction  
81 permit issued under this section is lawfully present in the United States before accepting the  
82 application. The director shall not issue an instruction permit for a period that exceeds an  
83 applicant's lawful presence in the United States. The director may establish procedures to verify  
84 the lawful presence of the applicant and establish the duration of any permit issued under this  
85 section.

86 9. The director may adopt rules and regulations necessary to carry out the provisions of  
87 this section.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving

38 privilege must state such restriction. When operating such vehicle under such restriction the  
39 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

40 (4) No limited driving privilege shall be issued to any person otherwise eligible under  
41 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation  
42 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license  
43 denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has  
44 filed proof with the department of revenue that any motor vehicle operated by the person is  
45 equipped with a functioning, certified ignition interlock device as a required condition of limited  
46 driving privilege.

47 (5) The court order or the director's grant of the limited or restricted driving privilege  
48 shall indicate the termination date of the privilege, which shall be not later than the end of the  
49 period of suspension or revocation. A copy of any court order shall be sent by the clerk of the  
50 court to the director, and a copy shall be given to the driver which shall be carried by the driver  
51 whenever such driver operates a motor vehicle. The director of revenue upon granting a limited  
52 driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant  
53 shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction  
54 which results in the assessment of points pursuant to section 302.302, other than a violation of  
55 a municipal stop sign ordinance where no accident is involved, against a driver who is operating  
56 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points  
57 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the  
58 limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain  
59 proof of financial responsibility, as required by chapter 303, or to maintain proof of installation  
60 of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege.  
61 The director shall notify by ordinary mail the driver whose privilege is so terminated.

62 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to  
63 receive a limited driving privilege who at the time of application for a limited driving privilege  
64 has previously been granted such a privilege within the immediately preceding five years, or  
65 whose license has been suspended or revoked for the following reasons:

66 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar  
67 provision of any federal or state law, or a municipal or county law where the judge in such case  
68 was an attorney and the defendant was represented by or waived the right to an attorney in  
69 writing, until the person has completed the first thirty days of a suspension or revocation imposed  
70 pursuant to this chapter;

71 (b) A conviction of any felony in the commission of which a motor vehicle was used;

72 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),  
73 (6), (7), (8), (9), (10) or (11) of section 302.060;

74 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a  
75 controlled substance as defined in chapter 195, or having left the scene of an accident as  
76 provided in section 577.060;

77 (e) Due to a revocation for the first time for failure to submit to a chemical test pursuant  
78 to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such  
79 person has not completed the first ninety days of such revocation;

80 (f) Violation more than once of the provisions of section 577.041 or a similar implied  
81 consent law of any other state; or

82 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not  
83 completed the first thirty days of such suspension, provided the person is not otherwise ineligible  
84 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525  
85 if such person has not completed such revocation.

86 (7) No person who possesses a commercial driver's license shall receive a limited driving  
87 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving  
88 privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall  
89 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial  
90 motor vehicle provided that pursuant to the provisions of this section, the applicant is not  
91 otherwise ineligible for a limited driving privilege.

92 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not  
93 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the  
94 manner prescribed in this subsection, allow a person who has had such person's license to operate  
95 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,  
96 as prescribed in subdivision (9) **of subsection 1** of section 302.060, to apply for a limited driving  
97 privilege pursuant to this subsection if such person has served at least three years of such  
98 disqualification or revocation. Such person shall present evidence satisfactory to the court or the  
99 director that such person has not been convicted of any offense related to alcohol, controlled  
100 substances or drugs during the preceding three years and that the person's habits and conduct  
101 show that the person no longer poses a threat to the public safety of this state. **The court or the**  
102 **director shall review the results of a criminal history check prior to granting any limited**  
103 **privilege under this subdivision. If the court or the director finds that the petitioner has**  
104 **been convicted, pled guilty to, or been found guilty of, or has a pending charge for any**  
105 **offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related**  
106 **enforcement contact as defined in section 302.525 during the preceding three years, the**  
107 **court or the director shall not grant a limited driving privilege to the applicant.**

108 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
109 ineligible for a limited driving privilege or convicted of involuntary manslaughter while  
110 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the  
111 manner prescribed in this subsection, allow a person who has had such person's license to operate

112 a motor vehicle revoked where that person cannot obtain a new license for a period of five years  
113 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of  
114 **subsection 1** of section 302.060, to apply for a limited driving privilege pursuant to this  
115 subsection if such person has served at least two years of such disqualification or revocation.  
116 Such person shall present evidence satisfactory to the court or the director that such person has  
117 not been convicted of any offense related to alcohol, controlled substances or drugs during the  
118 preceding two years and that the person's habits and conduct show that the person no longer  
119 poses a threat to the public safety of this state. **The court or the director shall review the**  
120 **results of a criminal history check prior to granting any limited privilege under this**  
121 **subdivision. If the court or director finds that the petitioner has been convicted, pled guilty**  
122 **to, or been found guilty of, or has a pending charge for any offense related to alcohol,**  
123 **controlled substances, or drugs, or has any other alcohol-related enforcement contact as**  
124 **defined in section 302.525 during the preceding two years, the court or the director shall**  
125 **not grant a limited driving privilege to the applicant.** Any person who is denied a license  
126 permanently in this state because of an alcohol-related conviction subsequent to a restoration of  
127 such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be  
128 eligible for limited driving privilege pursuant to the provisions of this subdivision.

129 (9) A DWI docket or court established under section 478.007 may grant a limited driving  
130 privilege to a participant in or graduate of the program who would otherwise be ineligible for  
131 such privilege under another provision of law. The DWI docket or court shall not grant a limited  
132 driving privilege to a participant during his or her initial forty-five days of participation.

133 4. Any person who has received notice of denial of a request of limited driving privilege  
134 by the director of revenue may make a request for a review of the director's determination in the  
135 circuit court of the county in which the person resides or the county in which is located the  
136 person's principal place of business or employment within thirty days of the date of mailing of  
137 the notice of denial. Such review shall be based upon the records of the department of revenue  
138 and other competent evidence and shall be limited to a review of whether the applicant was  
139 statutorily entitled to the limited driving privilege.

140 5. **Any person who petitions a court or makes application with the director for a**  
141 **limited driving privilege pursuant to paragraphs (a) or (b) of subdivision (8) of subsection**  
142 **3 of this section shall make application with the Missouri state highway patrol as provided**  
143 **in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards**  
144 **as determined by the highway patrol. One set of fingerprints shall be used by the highway**  
145 **patrol to search the criminal history repository and the second set shall be forwarded to**  
146 **the Federal Bureau of Investigation for searching the federal criminal history files. At the**  
147 **time of application, the applicant shall supply to the highway patrol the court name and**  
148 **case number for the court where he or she has filed his or her petition for limited driving**  
149 **privileges. The applicant shall pay the fee for the state criminal history record information**

150 **pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau**  
151 **of Investigation for the federal criminal history record. The Missouri highway patrol,**  
152 **upon receipt of the results of the criminal history check, shall forward the results to the**  
153 **circuit court designated by the applicant and to the department. Notwithstanding the**  
154 **provisions of section 610.120, all records related to any criminal history check shall be**  
155 **accessible and available to the director and the court.**

156         **6.** The director of revenue shall promulgate rules and regulations necessary to carry out  
157 the provisions of this section. Any rule or portion of a rule, as that term is defined in section  
158 536.010, that is created under the authority delegated in this section shall become effective only  
159 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
160 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
161 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove  
162 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
163 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

24 the bureau of safety responsibility, department of revenue, shall not be required as a condition  
25 of reinstatement of a driver's license suspended solely under the provisions of this section.

26         2. If any city, town or village receives more than thirty-five percent of its annual general  
27 operating revenue from fines and court costs for traffic violations occurring on state highways,  
28 all revenues from such violations in excess of thirty-five percent of the annual general operating  
29 revenue of the city, town or village shall be sent to the director of the department of revenue and  
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all  
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are  
32 distributed. For the purpose of this section the words "state highways" shall mean any state or  
33 federal highway, including any such highway continuing through the boundaries of a city, town  
34 or village with a designated street name other than the state highway number. The director of  
35 the department of revenue shall set forth by rule a procedure whereby excess revenues as set  
36 forth above shall be sent to the department of revenue. If any city, town, or village disputes a  
37 determination that it has received excess revenues required to be sent to the department of  
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the  
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as  
40 that term is defined in section 536.010, that is created under the authority delegated in this  
41 section shall become effective only if it complies with and is subject to all of the provisions of  
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay  
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then  
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall  
46 be invalid and void.

302.530. 1. Any person who has received a notice of suspension or revocation may  
2 make a request within fifteen days of receipt of the notice for a review of the department's  
3 determination at a hearing. If the person's driver's license has not been previously surrendered,  
4 it may be surrendered at the time the request for a hearing is made.

5         2. At the time the request for a hearing is made, if it appears from the record that the  
6 person is the holder of a valid driver's license issued by this state, and that the driver's license has  
7 been surrendered, the department shall issue a temporary permit which shall be valid until the  
8 scheduled date for the hearing. The department may later issue an additional temporary permit  
9 or permits in order to stay the effective date of the suspension or revocation until the final order  
10 is issued following the hearing, as required by section 302.520.

11         3. The hearing may be held by telephone, or if requested by the person, such person's  
12 attorney or representative, [in the county where the arrest was made] **at a regional location as**  
13 **designated by the director.** The hearing shall be conducted by examiners who are licensed to  
14 practice law in the state of Missouri and who are employed by the department on a part-time or  
15 full-time basis as the department may determine.

16           4. The sole issue at the hearing shall be whether by a preponderance of the evidence the  
17 person was driving a vehicle pursuant to the circumstances set out in section 302.505. The  
18 burden of proof shall be on the state to adduce such evidence. If the department finds the  
19 affirmative of this issue, the suspension or revocation order shall be sustained. If the department  
20 finds the negative of the issue, the suspension or revocation order shall be rescinded.

21           5. The procedure at such hearing shall be conducted in accordance with chapter 536,  
22 with sections 302.500 to 302.540. A report certified under subsection 2 of section 302.510 shall  
23 be admissible in a like manner as a verified report as evidence of the facts stated therein and any  
24 provision of chapter 536 to the contrary shall not apply.

25           6. The department shall promptly notify the person of its decision including the reasons  
26 for that decision. Such notification shall include a notice advising the person that the  
27 department's decision shall be final within fifteen days from the date such notice was mailed  
28 unless the person challenges the department's decision within that time period by filing an appeal  
29 in the circuit court in the county where the arrest occurred.

30           7. Unless the person, within fifteen days after being notified of the department's decision,  
31 files an appeal for judicial review pursuant to section 302.535, the decision of the department  
32 shall be final.

33           8. The director may adopt any rules and regulations necessary to carry out the provisions  
34 of this section.

          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", the information system established**  
32 **pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)**  
33 **to serve as a clearinghouse for locating information related to the licensing and identification of**  
34 **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.

120 In the absence of a value specified by the manufacturer, GCWR will be determined by adding  
121 the GVWR of the 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.**

303.200. After consultation with insurance companies authorized to issue automobile  
2 liability policies in this state, the director of the department of insurance, financial institutions  
3 and professional registration shall approve a reasonable plan or plans for the equitable  
4 apportionment among such companies of applicants for such policies and for motor vehicle  
5 liability policies who are in good faith entitled to but are unable to procure such policies through  
6 ordinary methods. When any such plan has been approved, all such insurance companies shall  
7 subscribe thereto and participate therein. **Any such plan shall contract with an entity or**  
8 **entities to accept and service applicants and policies for any company that does not elect**  
9 **to accept and service applicants and policies. By October 1 of each year any company that**  
10 **elects to accept and service applicants and policies for the next calendar year for any such**  
11 **plan shall so notify the plan. Any company that does not so notify a plan shall be excused**  
12 **from accepting and servicing applicants and policies for the next calendar year for such**  
13 **plan and shall pay a fee to the plan or servicing entity for providing such services. The fee**  
14 **shall be based on the company's market share on the kinds of insurance offered by the**  
15 **plan.** Any applicant for any such policy, any person insured under any such plan, and any  
16 insurance company affected, may appeal to the director from any ruling or decision of the  
17 manager or committee designated to operate such plan. Any person aggrieved hereunder by any  
18 order or act of the director may, within ten days after notice thereof, file a petition in the circuit  
19 court of the county of Cole for a review thereof. The court shall summarily hear the petition and  
20 may make any appropriate order or decree.

**304.033. 1. No person shall operate a recreational off-highway vehicle, as defined**  
2 **in section 301.010, upon the highways of this state, except as follows:**  
3 **(1) Recreational off-highway vehicles owned and operated by a governmental entity**  
4 **for official use;**  
5 **(2) Recreational off-highway vehicles operated for agricultural purposes or**  
6 **industrial on-premises purposes;**  
7 **(3) Recreational off-highway vehicles operated within three miles of the operator's**  
8 **primary residence. The provisions of this subdivision shall not authorize the operation of**  
9 **a recreational off-highway vehicle in a municipality unless such operation is authorized by**  
10 **such municipality as provided for in subdivision (5) of this subsection;**

11           **(4) Recreational off-highway vehicles operated by handicapped persons for short**  
12 **distances occasionally only on the state's secondary roads;**

13           **(5) Governing bodies of cities may issue special permits to licensed drivers for**  
14 **special uses of recreational off-highway vehicles on highways within the city limits. Fees**  
15 **of fifteen dollars may be collected and retained by cities for such permits;**

16           **(6) Governing bodies of counties may issue special permits to licensed drivers for**  
17 **special uses of recreational off-highway vehicles on county roads within the county. Fees**  
18 **of fifteen dollars may be collected and retained by the counties for such permits.**

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

29           **3. A person operating a recreational off-highway vehicle on a highway pursuant**  
30 **to an exception covered in this section shall have a valid operator's or chauffeur's license,**  
31 **except that a handicapped person operating such vehicle pursuant to subdivision (4) of**  
32 **subsection 1 of this section, but shall not be required to have passed an examination for the**  
33 **operation of a motorcycle. An individual shall not operate a recreational off-highway**  
34 **vehicle upon a highway in this state without displaying a lighted headlamp and a lighted**  
35 **tail lamp. A person may not operate a recreational off-highway vehicle upon a highway**  
36 **of this state unless such person wears a seat belt. When operated on a highway, a**  
37 **recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction**  
38 **to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.**

          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 motor vehicles to**  
18 **access any roads in the state highway system. Under no circumstances shall the provisions**  
19 **of this subdivision be construed to authorize a municipality to limit the use of all routes in**  
20 **the 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 motor vehicles on all routes**  
42 **within the municipality. For purposes of this section, the term "route" shall mean any**  
43 **state road, county road, or public street, avenue, boulevard, or parkway.**

2 304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the  
3 corporate limits of cities containing seventy-five thousand inhabitants or more or within two  
4 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.

**304.289. The timing of any traffic-control signal shall conform to regulations promulgated by the Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.**

306.127. 1. Beginning January 1, 2005, every person born after January 1, 1984, or as  
2 required pursuant to section 306.128, who operates a vessel on the lakes of this state shall  
3 possess, on the vessel, a boating safety identification card issued by the Missouri state water  
4 patrol or its agent which shows that he or she has:

5           (1) Successfully completed a boating safety course approved by the National Association  
6 of State Boating Law Administrators and certified by the Missouri state water patrol. The  
7 boating safety course may include a course sponsored by the United States Coast Guard  
8 Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint  
9 agents to administer a boater education course or course equivalency examination and issue  
10 boater identification cards under guidelines established by the water patrol. The Missouri state  
11 water patrol shall maintain a list of approved courses; or

12           (2) Successfully passed an equivalency examination prepared by the Missouri state water  
13 patrol and administered by the Missouri state water patrol or its agent. The equivalency  
14 examination shall have a degree of difficulty equal to, or greater than, that of the examinations  
15 given at the conclusion of an approved boating safety course; or

16 (3) A valid master's, mate's, or operator's license issued by the United States Coast  
17 Guard.

18 2. The Missouri state water patrol or its agent shall issue a permanent boating safety  
19 identification card to each person who complies with the requirements of this section which is  
20 valid for life unless invalidated pursuant to law.

21 3. The Missouri state water patrol may charge a fee for such card or any replacement  
22 card that does not substantially exceed the costs of administrating this section. The Missouri  
23 state water patrol or its designated agent shall collect such fees. These funds shall be forwarded  
24 to general revenue.

25 4. The provisions of this section shall not apply to any person who:

26 (1) Is licensed by the United States Coast Guard to serve as master of a vessel;

27 (2) Operates a vessel only on a private lake or pond that is not classified as waters of the  
28 state;

29 (3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

30 (4) Is participating in an event or regatta approved by the water patrol;

31 (5) Is a nonresident who has proof of a valid boating certificate or license issued by  
32 another state if the boating course is approved by the National Association of State Boating Law  
33 Administrators (NASBLA);

34 (6) Is exempted by rule of the water patrol;

35 (7) Is currently serving in any branch of the United States armed forces, reserves, or  
36 Missouri national guard, or any spouse of a person currently in such service; or

37 (8) Has previously successfully completed a boating safety education course approved  
38 by the National Association of State Boating Law Administrators (NASBLA).

39 5. The Missouri state water patrol shall inform other states of the requirements of this  
40 section.

41 6. No individual shall be detained or stopped strictly for the purpose of checking whether  
42 the individual possesses a boating safety identification card or a temporary boater education  
43 permit.

44 7. [Beginning January 1, 2006, any nonresident born after January 1, 1984, desiring to  
45 operate a rental vessel on the lakes of this state, may obtain a temporary boater education permit  
46 by completing and passing a written examination developed by the Missouri state water patrol,  
47 provided the person meets the minimum age requirements for operating a vessel in this state.  
48 The Missouri state water patrol is authorized to promulgate rules for developing the examination  
49 and any requirements necessary for issuance of the temporary boater education permit. The  
50 temporary boater education permit shall expire when the nonresident obtains a permanent  
51 identification card pursuant to subsection 2 of this section or thirty days after issuance, whichever  
52 occurs first. The Missouri state water patrol may charge a fee not to exceed ten dollars for such  
53 temporary permit. Upon successful completion of an examination and prior to renting a vessel,

54 the business entity responsible for giving the examination shall collect such fee and forward all  
55 collected fees to the Missouri state water patrol on a monthly basis for deposit in the state general  
56 revenue fund. Such business entity shall incur no additional liability in accepting the  
57 responsibility for administering the examination. This subsection shall terminate on December  
58 31, 2010.] **Any person or company that rents or sells vessels may issue a temporary boating  
59 safety identification card to a nonresident of the state to operate a rented vessel or a vessel  
60 being considered for sale, for a period of up to seven days, provided that the individual  
61 meets the minimum age requirements for operating a vessel in this state. In order to  
62 qualify for the temporary boating safety identification card, the applicant shall provide a  
63 valid driver's license establishing that the applicant is a nonresident and shall sign an  
64 affidavit that he or she has reviewed the Missouri State Highway Patrol Handbook of  
65 Missouri Boating Laws and Responsibilities. Any nonresident holding a valid temporary  
66 boating safety identification card shall be deemed in compliance with the requirements of  
67 this section. The Missouri state highway patrol shall charge a fee of nine dollars for such  
68 temporary boating safety identification card. Nonresidents shall not be eligible for more  
69 than one temporary boating safety identification card. No person or company may issue  
70 a temporary boating safety identification card to a nonresident under the provisions of this  
71 subsection unless such person or company is capable of submitting the applicant's  
72 temporary boating safety identification card information and payment in an electronic  
73 format as prescribed by the Missouri state highway patrol. The business entity issuing a  
74 temporary boating safety identification card to a nonresident under the provisions of this  
75 subsection shall transmit the applicant's temporary boating safety identification card  
76 information electronically to the Missouri state highway patrol, in a manner and format  
77 prescribed by the superintendent, using an electronic online registration process developed  
78 and provided by the Missouri state highway patrol. The electronic online process  
79 developed and provided by the Missouri state highway patrol shall allow the applicant to  
80 pay the temporary boating safety identification card fee by credit card or debit card.  
81 Notwithstanding any provision in section 306.185 to the contrary, all fees collected under  
82 the authority of this subsection shall be deposited in the water patrol division fund. The  
83 Missouri state highway patrol shall promulgate rules for developing the temporary boating  
84 safety identification card and any requirements necessary to the issuance, processing, and  
85 payment of the temporary boating safety identification card. The Missouri state highway  
86 patrol shall, by rule, develop a boating safety checklist for each applicant seeking a  
87 temporary boating safety identification card. The provisions of this subsection shall expire  
88 on December 31, 2022.**

306.400. 1. As used in sections 306.400 to 306.440, the terms motorboat, vessel, and  
2 watercraft shall have the same meanings given them in section 306.010, and the term outboard  
3 motor shall include outboard motors governed by section 306.530.

4           2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor,  
5 motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders  
6 of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien  
7 or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to  
8 306.430.

9           3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is  
10 perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed  
11 by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the  
12 delivery of the items required in this subsection to the director of revenue is completed within  
13 thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the  
14 delivery. A notice of lien shall contain the name and address of the owner of the outboard motor,  
15 motorboat, vessel or watercraft and the secured party, a description of the outboard motor,  
16 motorboat, vessel or watercraft motor, including any identification number, and such other  
17 information as the department of revenue may prescribe. A notice of lien substantially  
18 complying with the requirements of this section is effective even though it contains minor errors  
19 which are not seriously misleading. Provided the lienholder submits complete and legible  
20 documents, the director of revenue shall mail confirmation or electronically confirm receipt of  
21 each notice of lien to the lienholder as soon as possible, but no later than fifteen business days  
22 after the filing of the notice of lien.

23           4. Notwithstanding the provisions of section 306.410, on a refinance **by a different**  
24 **lender** of a **prior** loan secured by an outboard motor, motorboat, vessel or watercraft, a lien is  
25 perfected by the delivery to the director of revenue of a notice of lien completed by the  
26 refinancing lender in a format prescribed by the director of revenue.

27           5. Liens may secure future advances. The future advances may be evidenced by one or  
28 more notes or other documents evidencing indebtedness and shall not be required to be executed  
29 or delivered prior to the date of the future advance lien securing them. The fact that a lien may  
30 secure future advances shall be clearly stated on the security agreement and noted as "subject to  
31 future advances" in the second lienholder's portion of the notice of lien. To secure future  
32 advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not  
33 secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future  
34 advances. A lien to secure future advances is perfected in the same time and manner as any other  
35 lien, except as follows. Proof of the lien for future advances is maintained by the department of  
36 revenue; however, there shall be additional proof of such lien when the notice of lien reflects  
37 such lien for future advances, is receipted for by the department of revenue, and returned to the  
38 lienholder.

39           6. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or  
40 encumbrance shall be determined by the laws of the jurisdiction where the outboard motor,

41 motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the  
42 following:

43 (1) If the parties understood at the time the lien or encumbrances attached that the  
44 outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into  
45 this state within thirty days thereafter for purposes other than transportation through this state,  
46 the validity and effect of the lien or encumbrance in this state shall be determined by the laws  
47 of this state;

48 (2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction  
49 where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance  
50 attached, the following rules apply:

51 (a) If the name of the lienholder is shown on an existing certificate of title or ownership  
52 issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state;

53 (b) If the name of the lienholder is not shown on an existing certificate of title or  
54 ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state  
55 for three months after the first certificate of title of the outboard motor, motorboat, vessel, or  
56 watercraft is issued in this state, and also thereafter if, within the three-month period, it is  
57 perfected in this state. The lien or encumbrance may also be perfected in this state after the  
58 expiration of the three-month period, in which case perfection dates from the time of perfection  
59 in this state;

60 (3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction  
61 where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance  
62 attached, it may be perfected in this state, in which case perfection dates from the time of  
63 perfection in this state;

64 (4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2)  
65 or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this  
66 section.

67 7. The director of revenue shall by rules and regulations establish a security procedure  
68 to verify that an electronic notice or lien or notice of satisfaction of a lien on an outboard motor,  
69 motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the  
70 lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a  
71 lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the  
72 transmission or the content of any such notice. Such a security procedure may require the use  
73 of algorithms or other codes, identifying words or numbers, encryption, callback procedures or  
74 similar security devices. Comparison of a signature on a communication with an authorized  
75 specimen signature shall not by itself constitute a security procedure.

307.365. 1. No permit for an official inspection station shall be assigned or transferred  
2 or used at any location other than therein designated and every permit shall be posted in a  
3 conspicuous place at the location designated. The superintendent of the Missouri state highway

4 patrol shall design and furnish each official inspection station, at no cost, one official sign made  
5 of metal or other durable material to be displayed in a conspicuous location to designate the  
6 station as an official inspection station. Additional signs may be obtained by an official  
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be  
8 supplied with one or more posters which must be displayed in a conspicuous location at the place  
9 of inspection and which informs the public that required repairs or corrections need not be made  
10 at the inspection station.

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

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

31 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct  
32 them or shall have them corrected at any place the owner chooses within twenty days after the  
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place  
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,  
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the  
36 official inspection station must inform the owner that the corrections need not be made at the  
37 inspection station.

38 5. A fee, not to exceed twelve dollars, as determined by each official inspection station,  
39 may be charged by an official inspection station for each official inspection including the  
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,  
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for

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

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

73         7. The owner or operator of any inspection station who discontinues operation during  
74 the period that a station permit is valid or whose station permit is suspended or revoked shall  
75 return all official signs and posters and any current unused inspection stickers, seals or other  
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund  
77 on request except for official signs and posters, provided the request is made during the calendar  
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the  
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused

80 previous year issue inspection stickers and/or decals for an identical number of current year  
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April  
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the  
83 Missouri state highway patrol.

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

86 **9. The owner or operator of any inspection station shall maintain liability insurance**  
87 **at all times to cover possible damage to vehicles during the inspection process.**

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 be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the [division of motor carrier and railroad safety] **state Highways and Transportation Commission** such evidence of concurrence therein or acceptance thereof as may be required or approved by the [division] **state Highways and Transportation Commission**; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies of the tariffs in which they are named as parties. **The provisions of this subsection shall not apply to motor carriers of household goods. Carriers of household goods participating in through routes or interline service shall publish joint tariffs and evidence of concurrence or acceptance thereof or individual tariffs for each participating carrier in accordance with sections 387.040 and 387.050.**

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

**3. Motor carriers of household goods are prohibited from participation in any joint tariff pursuant to the provisions of this chapter, except that this subsection shall not prohibit joint tariffs relating to joint rates for household goods transportation over any 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 or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

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

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

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

- (1) All persons contacted in relation to the complaint;**
- (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 state Highways and Transportation Commission shall adopt by rule a form**  
14 **to standardize information concerning complaints made to the division of motor carrier**  
15 **services regarding the transportation of household goods. The commission shall prescribe**  
16 **by rule information to be provided to a person when the person files a complaint with the**  
17 **division 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 **state Highways and Transportation Commission with reference to the transportation of**  
3 **passengers [or household goods] by motor carrier shall be in force and shall be prima facie**  
4 **lawful, and all regulations, practices and services prescribed by the [division] commission shall**  
5 **be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought**  
6 **for that 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 state Highways and Transportation Commission**  
11 **shall be in force and shall be prima facie lawful and reasonable until found otherwise in**  
12 **a suit brought for that purpose pursuant to 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 **as 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 fit,  
27 willing and able to properly perform the service proposed and to conform to the provisions of  
28 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.**

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

- 2 (1) "Elderly", any person who is sixty years of age or older;
- 3 (2) "Handicapped", any person having a physical or mental condition, either permanent  
4 or temporary, which would substantially impair ability to operate or utilize available  
5 transportation; and
- 6 (3) "Urbanized area", an area so designated by the United States Bureau of Census as  
7 provided under section 12(c)(11) of the Urban Mass Transportation Act of 1964, as amended,  
8 and which has a population of more than fifty thousand persons.
- 9 2. Notwithstanding any provisions of this chapter to the contrary, the division shall issue  
10 a certificate or permit in accordance with the provisions of this section to a not-for-profit  
11 corporation seeking to transport by motor vehicle, as a common carrier or contract carrier in  
12 intrastate commerce, exclusively passengers other than in charter service who are:
  - 13 (1) Elderly;
  - 14 (2) Handicapped;
  - 15 (3) Preschool disadvantaged children transported for the purpose of participating in a  
16 federal Head Start program; or
  - 17 (4) Transported in areas other than urbanized areas as defined in this section, for which  
18 the motor carrier is authorized to be subsidized or reimbursed under section 18 of the Urban  
19 Mass Transportation Act of 1964, as amended, section 1614 of Title 49, United States Code,  
20 with federal funds administered by the Missouri transportation department, except that priority  
21 shall be given to serving passengers who are elderly, handicapped or preschool disadvantaged  
22 children under the certificate or permit issued under this section.

23           3. A not-for-profit corporation seeking a certificate or permit under this section shall  
24 make a written application to the division, in the form and containing the information which the  
25 division shall require by rule. The application shall include at least a complete description of the  
26 routes or territory to be served, and a list of the equipment to be used by the applicant in  
27 providing the proposed service. If the division finds that an applicant seeking to transport  
28 passengers as described in subsection 2 of this section is willing and able to properly perform  
29 the service proposed and to conform to the applicable provisions of this chapter, and the  
30 applicable rules and orders of the division, a certificate or permit authorizing such transportation  
31 shall be issued. The division may, by rule, make reasonable requirements to prevent the  
32 unauthorized transportation of passengers other than as described in subsection 2 of this section,  
33 by motor carriers to whom a certificate or permit is issued under this section.

34           4. The division shall not have jurisdiction over the rates charged by motor carriers for  
35 the transportation of passengers as described in subsection 2 of this section and provided under  
36 the authority of a certificate or permit issued under this section. Such motor carriers shall not  
37 be required to file with the division or publish tariff schedules setting forth their rates and  
38 charges for such transportation.

39           5. The provisions of section 390.136 shall not apply to motor vehicles exclusively used  
40 to transport passengers as described in subsection 2 of this section under the authority of a  
41 certificate or permit issued under this section.

42           [6. Notwithstanding any provisions of subsection 3 of section 390.030 to the contrary,  
43 it is unlawful for any person to operate any motor vehicle having a capacity of more than five  
44 passengers, exclusive of the driver, in intrastate commerce or operate any motor vehicle designed  
45 to transport more than fifteen passengers, including the driver, in interstate commerce, unless the  
46 vehicle is equipped and operated as required by parts 390 through 397, Title 49, Code of Federal  
47 Regulations, as those regulations have been and may periodically be amended. Those regulations  
48 are hereby made applicable to all passenger-carrying motor vehicles having a capacity of more  
49 than five passengers, exclusive of the driver, when operated in intrastate commerce, and to all  
50 motor vehicles designed to transport more than fifteen passengers, including the driver, when  
51 operated in interstate commerce, and the division shall have power and authority to enforce those  
52 regulations wholly within terminals, as they apply to those motor vehicles and drivers.]

          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.

390.201. Subject to any exceptions which are applicable under section 307.400 [or  
2 subsection 6 of section 390.063], the officers and commercial motor vehicle inspectors of the  
3 state highway patrol, the enforcement personnel of the division of motor carrier and railroad  
4 safety, and other authorized peace officers of this state and any civil subdivision of this state,  
5 may enforce any of the provisions of Parts 350 through 399 of Title 49, Code of Federal  
6 Regulations, as those regulations have been and may periodically be amended, as they apply to  
7 motor vehicles and drivers operating in interstate or intrastate commerce within this state; except  
8 that the enforcement personnel of the division of motor carrier and railroad safety shall be  
9 authorized to enforce those regulations wholly within the terminals of motor carriers and private  
10 carriers by motor vehicle.

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 as the certificates, permits, and tariff schedules are reissued or amended to**  
 39 **reflect the motor carrier's statewide operating authority. Nothing contained in the**  
 40 **provisions of sections 390.051 to 390.116 shall be construed to exempt or to alter the**  
 41 **obligation of compliance by carriers transporting passengers point-to-point within the**  
 42 **jurisdiction described in 67.1802 from the provisions of sections 67.1800 to 67.1822.**

544.046. The Nonresident Violator Compact, hereinafter called "the compact," is hereby  
 2 enacted into law and entered into with all other jurisdictions legally joining therein in the form  
 3 substantially as follows:

#### 4 Article I

5 (a) The party jurisdictions find that:

6 (1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other  
 7 than his home jurisdiction:

8 (i) Must post collateral or bond to secure appearance for trial at a later date; or

9 (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond  
 10 is posted; or

11 (iii) Is taken directly to court for his trial to be held.

12 (2) In some instances, the motorist's driver's license may be deposited as collateral to be  
13 returned after he has complied with the terms of the citation.

14 (3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure  
15 compliance with the terms of a traffic citation by the motorist who, if permitted to continue on  
16 his way after receiving the traffic citation, could return to his home jurisdiction and disregard his  
17 duty under the terms of the traffic citation.

18 (4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except  
19 for certain violations, to accept the citation from the officer at the scene of the violation and to  
20 immediately continue on his way after promising or being instructed to comply with the terms  
21 of the citation.

22 (5) The practice described in paragraph (1) above causes unnecessary inconvenience and,  
23 at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond,  
24 stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement  
25 can be made.

26 (6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above,  
27 is viewed with disfavor.

28 (7) The practices described herein consume an undue amount of law enforcement time.

29 (b) It is the policy of the party jurisdictions to:

30 (1) Seek compliance with the laws, ordinances, and administrative rules and regulations  
31 relating to the operation of motor vehicles in each of the jurisdictions.

32 (2) Allow motorists to accept a traffic citation for certain violations and proceed on their  
33 way without delay whether or not the motorist is a resident of the jurisdiction in which the  
34 citation was issued.

35 (3) Extend cooperation to its fullest extent among the jurisdictions for obtaining  
36 compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another  
37 jurisdiction.

38 (4) Maximize effective utilization of law enforcement personnel and assist court systems  
39 in the efficient disposition of traffic violations.

40 (c) The purpose of this compact is to:

41 (1) Provide a means through which the party jurisdictions may participate in a reciprocal  
42 program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly  
43 manner.

44 (2) Provide for the fair and impartial treatment of traffic violators operating within party  
45 jurisdictions in recognition of the motorist's right of due process and the sovereign status of a  
46 party jurisdiction.

47 Article II

48 (a) In the Nonresident Violator Compact, the following words have the meaning  
49 indicated, unless the context requires otherwise.

50 (b)(1) "Citation" means any summons, ticket, or other official document issued by a  
51 police officer for a traffic violation containing an order which requires the motorist to respond.

52 (2) "Collateral" means any cash or other security deposited to secure an appearance for  
53 trial, following the issuance by a police officer of a citation for a traffic violation.

54 (3) "Court" means a court of law or traffic tribunal.

55 (4) "Driver's license" means any license or privilege to operate a motor vehicle issued  
56 under the laws of the home jurisdiction.

57 (5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the  
58 traffic violator.

59 (6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued  
60 to the motorist.

61 (7) "Jurisdiction" means a state, territory, or possession of the United States, the District  
62 of Columbia, or the Commonwealth of Puerto Rico.

63 (8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other  
64 than the home jurisdiction.

65 (9) "Personal recognizance" means an agreement by a motorist made at the time of  
66 issuance of the traffic citation that he will comply with the terms of that traffic citation.

67 (10) "Police officer" means any individual authorized by the party jurisdiction to issue  
68 a citation for a traffic violation.

69 (11) "Terms of the citation" means those options expressly stated upon the citation.

70 Article III

71 (a) When issuing a citation for a traffic violation, a police officer shall issue the citation  
72 to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject  
73 to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to  
74 secure appearance, if the officer receives the motorist's signed, personal recognizance that he or  
75 she will comply with the terms of the citation.

76 (b) Personal recognizance is acceptable only if not prohibited by law. If mandatory  
77 appearance is required, it must take place immediately following issuance of the citation.

78 (c) Upon failure of a motorist to comply with the terms of a traffic citation, the  
79 appropriate official shall report the failure to comply to the licensing authority of the jurisdiction  
80 in which the traffic citation was issued. The report shall be made in accordance with procedures  
81 specified by the issuing jurisdiction and shall contain information as specified in the Compact  
82 Manual as minimum requirements for effective processing by the home jurisdiction.

83 (d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall  
84 transmit to the licensing authority in the home jurisdiction of the motorist the information in a  
85 form and content as contained in the Compact Manual.

86 (e) The licensing authority of the issuing jurisdiction may not suspend the privilege of  
87 a motorist for whom a report has been transmitted.

88 (f) The licensing authority of the issuing jurisdiction shall not transmit a report on any  
89 violation if the date of transmission is more than six months after the date on which the traffic  
90 citation was issued **unless the motorist was operating a Commercial Motor Vehicle (CMV)**  
91 **or was a Commercial Driver License (CDL) holder at the time of the offense.**

92 (g) The licensing authority of the issuing jurisdiction shall not transmit a report on any  
93 violation where the date of issuance of the citation predates the most recent of the effective dates  
94 of entry for the two jurisdictions affected.

95 Article IV

96 (a) Upon receipt of a report of a failure to comply from the licensing authority of the  
97 issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and  
98 initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend  
99 the motorist's driver's license until satisfactory evidence of compliance with the terms of the  
100 traffic citation has been furnished to the home jurisdiction licensing authority. Due process  
101 safeguards will be accorded.

102 (b) The licensing authority of the home jurisdiction shall maintain a record of actions  
103 taken and make reports to issuing jurisdictions as provided in the Compact Manual.

104 Article V

105 Except as expressly required by provisions of this compact, nothing contained herein  
106 shall be construed to affect the right of any party jurisdiction to apply any of its other laws  
107 relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver  
108 license agreement or other cooperative arrangement between a party jurisdiction and a nonparty  
109 jurisdiction.

110 Article VI

111 (a) For the purpose of administering the provisions of this compact and to serve as a  
112 governing body for the resolution of all matters relating to the operation of this compact, a Board  
113 of Compact Administrators is established. The board shall be composed of one representative  
114 from each party jurisdiction to be known as the compact administrator. The compact  
115 administrator shall be appointed by the jurisdiction executive and will serve and be subject to  
116 removal in accordance with the laws of the jurisdiction he represents. A compact administrator  
117 may provide for the discharge of his duties and the performance of his functions as a board  
118 member by an alternate. An alternate may not be entitled to serve unless written notification of  
119 his identity has been given to the board.

120 (b) Each member of the Board of Compact Administrators shall be entitled to one vote.  
121 No action of the board shall be binding unless taken at a meeting at which a majority of the total  
122 number of votes on the board are cast in favor. Action by the board shall be only at a meeting  
123 at which a majority of the party jurisdictions are represented.

124 (c) The board shall elect annually, from its membership, a chairman and a vice chairman.

125 (d) The board shall adopt bylaws, not inconsistent with the provisions of this compact  
126 or the laws of a party jurisdiction, for the conduct of its business and shall have the power to  
127 amend and rescind its bylaws.

128 (e) The board may accept for any of its purposes and functions under this compact any  
129 and all donations, and grants of money, equipment, supplies, materials, and services, conditional  
130 or otherwise, from any jurisdiction, the United States, or any other governmental agency, and  
131 may receive, utilize, and dispose of the same.

132 (f) The board may contract with, or accept services or personnel from, any governmental  
133 or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization  
134 or institution.

135 (g) The board shall formulate all necessary procedures and develop uniform forms and  
136 documents for administering the provisions of this compact.

137 All procedures and forms adopted pursuant to board action shall be contained in the Compact  
138 Manual.

139 Article VII

140 (a) This compact shall become effective when it has been adopted by at least two  
141 jurisdictions.

142 (b)(1) Entry into the compact shall be made by a Resolution of Ratification executed by  
143 the authorized officials of the applying jurisdiction and submitted to the chairman of the board.

144 (2) The resolution shall be in a form and content as provided in the Compact Manual and  
145 shall include statements that in substance are as follows:

146 (i) A citation of the authority by which the jurisdiction is empowered to become a party  
147 to this compact.

148 (ii) Agreement to comply with the terms and provisions of the compact.

149 (iii) That compact entry is with all jurisdictions then party to the compact and with any  
150 jurisdiction that legally becomes a party to the compact.

151 (3) The effective date of entry shall be specified by the applying jurisdiction, but it shall  
152 not be less than 60 days after notice has been given by the chairman of the Board of Compact  
153 Administrators or by the secretariat of the board to each party jurisdiction that the resolution  
154 from the applying jurisdiction has been received.

155 (c) A party jurisdiction may withdraw from this compact by official written notice to the  
156 other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of  
157 withdrawal is given. The notice shall be directed to the compact administrator of each member  
158 jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party  
159 jurisdictions.

160 Article VIII

161 The provisions of this compact shall not apply to parking or standing violations, highway  
162 weight limit violations, and violations of law governing the transportation of hazardous  
163 materials.

164 Article IX

165 (a) This compact may be amended from time to time. Amendments shall be presented  
166 in resolution form to the chairman of the Board of Compact Administrators and may be initiated  
167 by one or more party jurisdictions.

168 (b) Adoption of an amendment shall require endorsement of all party jurisdictions and  
169 shall become effective 30 days after the date of the last endorsement.

170 (c) Failure of a party jurisdiction to respond to the compact chairman within 120 days  
171 after receipt of the proposed amendment shall constitute endorsement.

172 Article X

173 This compact shall be liberally construed so as to effectuate the purposes stated herein.  
174 The provisions of this compact shall be severable and if any phrase, clause, sentence, or  
175 provision of this compact is declared to be contrary to the constitution of any party jurisdiction  
176 or of the United States or the applicability thereof to any government, agency, person, or  
177 circumstance, the compact shall not be affected thereby. If this compact shall be held contrary  
178 to the constitution of any jurisdiction party thereto, the compact shall remain in full force and  
179 effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected  
180 as to all severable matters.

181 Article XI

182 This compact shall be known as the Nonresident Violator Compact.

643.320. 1. The commission shall prescribe the standards and equipment necessary for  
2 an official emissions inspection station and the qualifications for persons who conduct the  
3 inspections, and no applicant for certificate of authorization to conduct emissions inspections  
4 may be approved to operate an official emissions inspection station until the applicant meets the  
5 standards and has the required equipment and qualified inspectors as prescribed by the  
6 commission. **An official emissions inspection station shall maintain liability insurance at  
7 all times to cover possible damage to vehicles during the inspection process as a condition  
8 of operating an official emissions inspection station.** The commission shall establish  
9 standards and procedures to be followed in the making of inspections required by sections  
10 643.300 to 643.355 and shall prescribe rules for the operation of emissions inspection stations.

11 2. The application for a certificate of authorization to operate as an official emissions  
12 inspection station shall be made to the commission on a form furnished by the commission. The  
13 application shall be accompanied by a fee established by the commission by rule, but in no case  
14 shall the fee exceed one hundred dollars. The certificate of authorization shall be renewed  
15 annually on the date of issue. All fees shall be payable to the director of revenue and shall be

16 deposited by the director of revenue in the state treasury to the credit of the Missouri air emission  
17 reduction fund established under section 643.350.

18         3. The commission or its designee shall cause unannounced inspections to be made of  
19 the operation of each emissions inspection station at least once during each calendar year. The  
20 inspection may include submitting a known high emission vehicle for inspection without prior  
21 disclosure to the inspection station. At any time the commission or its designee shall have reason  
22 to believe that any person has violated any provisions of the provisions of sections 643.300 to  
23 643.355 or the rules promulgated thereunder, the commission or its designee shall refuse to issue  
24 or shall revoke or suspend any certificate of authority under this section. The suspension or  
25 revocation of a certificate of authority shall be in writing to the operator, inspector, or the person  
26 in charge of the emissions inspection station. Before suspending or revoking the certificate of  
27 authority to conduct emissions inspections, the commission or its designee shall serve notice in  
28 writing by certified mail or by personal service to the inspection station at the operator's address  
29 of record giving the permittee the opportunity to appear in the office of the commission on a  
30 stated date, not less than ten nor more than thirty days after the mailing or service of the notice,  
31 for a hearing to show cause why the inspection station's certificate of authority should not be  
32 suspended or revoked. An inspection station owner or an inspector may appear in person or by  
33 counsel in the office of the commission or its designee to show cause why the proposed  
34 suspension or revocation is in error, or to present any other facts or testimony that would bear  
35 on the final decision of the commission or its designee. If the operator, owner, or inspector does  
36 not appear on the stated day after receipt of notice, it shall be presumed that such party admits  
37 the allegations of fact contained in the hearing notification letter. The decision of the  
38 commission or its designee may in such case be based upon the written reports submitted by the  
39 commission's officers. The order of the commission, specifying his findings of fact and  
40 conclusions of law, shall be considered final immediately after receipt of notice thereof by the  
41 inspection station.

42         4. The department may require emissions inspection stations to furnish reports, upon  
43 forms furnished by the department for that purpose, that the department considers necessary for  
44 the administration of sections 643.300 to 643.355.

45         5. The commission may impose alternative administrative enforcement mechanisms in  
46 lieu of suspending or revoking a certificate of authority. Such alternative administrative  
47 enforcement mechanisms may include, but not be limited to, requiring inspectors to successfully  
48 complete a commission-approved retraining program. The commission also may require any  
49 individual who has his or her certificate of authority suspended to undergo remedial retraining  
50 as a condition of removing such suspension.

51         6. The commission shall design and furnish each official emissions inspection station,  
52 at no cost, one official sign made of metal or other durable material to be displayed in a  
53 conspicuous location to designate the station as an official emissions inspection station.

54 Additional signs may be obtained by an official inspection station for a fee equal to the cost to  
55 the state. Each official emissions inspection station shall also be supplied with one or more  
56 posters which must be displayed in a conspicuous location at the place of inspection and which  
57 informs the public that required repairs or corrections need not be made at the inspection station.

Section B. Because of the need to ensure that out-of-state residents are knowledgeable  
2 in the safe operation of vessels, the repeal and reenactment of section 306.127 of this act is  
3 deemed necessary for the immediate preservation of the public health, welfare, peace and safety,  
4 and is hereby declared to be an emergency act within the meaning of the constitution, and the  
5 repeal and reenactment of section 306.127 of this act shall be in full force and effect upon its  
6 passage and approval.

Section C. 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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