

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 103
97TH GENERAL ASSEMBLY

0567H.07T

2013

AN ACT

To repeal sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.302, 302.341, 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, 407.300, and 544.157, RSMo, and to enact in lieu thereof thirty-two new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 174.700, 174.703, 174.706, 301.301, 301.449, 302.302, 302.341,
2 302.700, as enacted by conference committee substitute for senate substitute for senate
3 committee substitute for house committee substitute for house bill no. 1402, merged with
4 conference committee substitute for house committee substitute for senate substitute for senate
5 committee substitute for senate bill no. 470, merged with conference committee substitute for
6 house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged
7 with conference committee substitute for house committee substitute for senate bill no. 568,

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

8 ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755,
9 304.013, 304.032, 304.120, 304.180, 304.820, 307.400, 407.300, and 544.157, RSMo, are
10 repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 174.700,
11 174.703, 174.706, 174.709, 174.712, 301.301, 301.449, 302.302, 302.341, 302.700, 302.720,
12 302.735, 302.740, 302.755, 304.013, 304.032, 304.120, 304.180, 304.820, 304.890, 304.892,
13 304.894, 307.400, 407.300, 544.157, 1, 2, 3, 4, 5, 6, and 7, to read as follows:

174.700. The board of regents or board of governors of any state college or university
2 may appoint and employ as many college or university police officers as it may deem necessary
3 to **enforce regulations established under section 174.709 and general motor vehicle laws of**
4 **this state in accordance with section 174.712**, protect persons, property, and to preserve peace
5 and good order only in the public buildings, properties, grounds, and other facilities and locations
6 over which it has charge or control and to respond to emergencies or natural disasters outside of
7 the boundaries of university property and provide services if requested by the law enforcement
8 agency with jurisdiction.

174.703. **1.** The college or university police officers, before they enter upon their duties,
2 shall take and subscribe an oath of office before some officer authorized to administer oaths, to
3 faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of
4 the board, and the secretary of the board shall give each college police officer so appointed and
5 qualified a certificate of appointment, under the seal of the board, which certificate shall
6 empower him or her with the same authority to maintain order, preserve peace and make arrests
7 as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the
9 **regulations established in section 174.709 and general motor vehicle laws in accordance**
10 **with section 174.712 on the campus as prescribed in chapter 304.** The college or university
11 police officer may in addition expel from the public buildings, campuses, and grounds, persons
12 violating the rules and regulations that may be prescribed by the board or others under the
13 authority of the board.

3. Such officer or employee of the state college or university as may be designated by
14 the board shall have immediate charge, control and supervision of police officers appointed by
15 authority of this section. Such college or university police officers shall have satisfactorily
16 completed before appointment a training course for police officers as prescribed by chapter 590
17 for state peace officers or, by virtue of previous experience or training, have met the
18 requirements of chapter 590, **and have been certified under that chapter.**
19

174.706. Nothing in sections 174.700 to [174.706] **174.712** shall be construed as denying
2 the board the right to appoint guards or watchmen who shall not be given the authority and
3 powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, with penalty provisions as provided in section 304.570. Points assessed against any person under section 302.302 for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by a state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.

301.301. [1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.] Any person replacing a stolen license plate tab [issued prior to January 1, 2009,] may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.

301.449. 1. Only a community college or four-year public or private institution of higher education, or a foundation or organization representing the college or institution, located in the state of Missouri may itself authorize or may by the director of revenue be authorized to use the school's official emblem to be affixed on multiyear personalized license plates as provided in this section.

6 2. Any contribution to such institution derived from this section, except reasonable
7 administrative costs, shall be used for scholarship endowment or other academically related
8 purposes. Any vehicle owner may annually apply to the institution for the use of the emblem.
9 Upon annual application and payment of an emblem-use contribution to the institution, which
10 shall be set by the governing body of the institution at an amount of at least twenty-five dollars,
11 the institution shall issue to the vehicle owner, without further charge, an "emblem-use
12 authorization statement", which shall be presented by the vehicle owner to the department of
13 revenue at the time of registration. Upon presentation of the annual statement and payment of
14 the fee required for personalized license plates in section 301.144, and other fees and documents
15 which may be required by law, the department of revenue shall issue a personalized license plate,
16 which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

17 3. The license plate authorized by this section shall use the school colors of the
18 institution, and those colors shall be constructed upon the license plate using a process to ensure
19 that the school emblem shall be displayed upon the license plate in the clearest and most
20 attractive manner possible. Such license plates shall be made with fully reflective material with
21 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
22 attractive, as prescribed by section 301.130. The license plate authorized by this section shall
23 be issued with a design approved by both the institution of higher education and the advisory
24 committee established in section 301.129.

25 4. A vehicle owner, who was previously issued a plate with an institutional emblem
26 authorized by this section and does not provide an emblem-use authorization statement at a
27 subsequent time of registration, shall be issued a new plate which does not bear the institutional
28 emblem, as otherwise provided by law.

29 **5. Notwithstanding the provisions of subsection 1 of this section or subsection 1 of**
30 **section 301.3150, any community college or four-year public or private institution of higher**
31 **education, or any foundation or organization representing the college or institution, located**
32 **outside of the state of Missouri, which has authorized the use of its official emblem to be**
33 **affixed on multiyear personalized license plates and has had its application for a specialty**
34 **license plate approved by the joint committee on transportation oversight under section**
35 **301.3150 prior to August 28, 2012, may continue to authorize the use of its official emblem**
36 **on such plates. Nothing in subsection 1 of this section shall be construed to prohibit the**
37 **manufacture or renewal of multiyear personalized license plates bearing out-of-state**
38 **university, college, or institution of private learning official emblems if such license plates**
39 **were approved by the joint committee on transportation oversight under section 301.3150**
40 **prior to August 28, 2012.**

41 **6.** The director of revenue shall make necessary rules and regulations for the enforcement
42 of this section, and shall design all necessary forms including establishing a minimum number
43 of license plates which can be issued with the authorized emblem of a participating institution.

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

4 (1) Any moving violation of a state law or county or municipal or federal traffic
5 ordinance or regulation not listed in this section, other than a violation of vehicle equipment
6 provisions or a court-ordered supervision as provided in section 302.303. 2 points
7 (except any violation of municipal stop sign
8 ordinance where no accident is involved.. 1 point)

9 (2) Speeding
10 In violation of a state law. 3 points
11 In violation of a county or municipal ordinance. 2 points

12 (3) Leaving the scene of an accident
13 in violation of section 577.060 12 points
14 In violation of any county or municipal ordinance 6 points

15 (4) Careless and imprudent driving in violation of subsection 4 of section
16 304.016. 4 points
17 In violation of a county or municipal ordinance 2 points

18 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection
19 1 of section 302.020:

20 (a) For the first conviction. 2 points

21 (b) For the second conviction. 4 points

22 (c) For the third conviction. 6 points

23 (6) Operating with a suspended or revoked license prior to restoration of
24 operating privileges. 12 points

25 (7) Obtaining a license by misrepresentation. 12 points

26 (8) For the first conviction of
27 driving while in an intoxicated condition or under the influence of controlled substances
28 or drugs 8 points

29 (9) For the second or subsequent conviction of any of the following offenses however
30 combined: driving while in an intoxicated condition, driving under the influence of controlled
31 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
32 or more by weight. 12 points

- 33 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
- 34 one percent or more by weight
- 35 In violation of state law. 8 points
- 36 In violation of a county or municipal
- 37 ordinance or federal law or regulation.. . . . 8 points
- 38 (11) Any felony involving the use of a motor vehicle. 12 points
- 39 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . 4 points
- 40 (13) For a conviction for failure to maintain financial responsibility pursuant to county
- 41 or municipal ordinance or pursuant to section 303.025. 4 points
- 42 (14) Endangerment of a highway worker in violation of section 304.585. . . . 4 points
- 43 (15) Aggravated endangerment of a highway worker in violation
- 44 of section 304.585. 12 points
- 45 (16) For a conviction of violating a municipal ordinance that prohibits tow truck
- 46 operators from stopping at or proceeding to the scene of an accident unless they have been
- 47 requested to stop or proceed to such scene by a party involved in such accident or by an officer
- 48 of a public safety agency. 4 points
- 49 **(17) Endangerment of an emergency**
- 50 **responder in violation of section 304.894 4 points**
- 51 **(18) Aggravated endangerment of an emergency responder in violation of**
- 52 **section 304.894. 12 points**
- 53 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 54 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
- 55 302.020, when the director issues such operator a license or permit pursuant to the provisions
- 56 of sections 302.010 to 302.340.
- 57 3. An additional two points shall be assessed when personal injury or property damage
- 58 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
- 59 found to be warranted and certified by the reporting court.
- 60 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
- 61 section constitutes both a violation of a state law and a violation of a county or municipal
- 62 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
- 63 offense arising out of the same occurrence could be construed to be a violation of subdivisions
- 64 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
- 65 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
- 66 offenses arising out of the same occurrence.
- 67 5. The director of revenue shall put into effect a system for staying the assessment of
- 68 points against an operator. The system shall provide that the satisfactory completion of a

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

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which 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 driver's
23 license holder at the time of the offense. The filing of financial responsibility with the bureau
24 of safety responsibility, department of revenue, shall not be required as a condition of
25 reinstatement of a driver's license suspended solely under the provisions of this section.

26 2. If any city, town [or] , village, **or county** receives more than [thirty-five] **thirty**
27 percent of its annual general operating revenue from fines and court costs for traffic violations,
28 **including amended charges from any traffic violation**, occurring [on state highways] **within**
29 **the city, town, village, or county**, all revenues from such violations in excess of [thirty-five]
30 **thirty** percent of the annual general operating revenue of the city, town [or] , village, **or county**
31 shall be sent to the director of the department of revenue and shall be distributed annually to the
32 schools of the county in the same manner that proceeds of all penalties, forfeitures and fines
33 collected for any breach of the penal laws of the state are distributed. [For the purpose of this
34 section the words "state highways" shall mean any state or federal highway, including any such
35 highway continuing through the boundaries of a city, town or village with a designated street
36 name other than the state highway number.] The director of the department of revenue shall set
37 forth by rule a procedure whereby excess revenues as set forth above shall be sent to the
38 department of revenue. If any city, town, [or] village, **or county** disputes a determination that
39 it has received excess revenues required to be sent to the department of revenue, such city, town,
40 [or] , village, **or county** may submit to an annual audit by the state auditor under the authority
41 of article IV, section 13 of the Missouri Constitution. **An accounting of the percent of annual**
42 **general operating revenue from fines and court costs for traffic violations, including**
43 **amended charges from any charged traffic violation, occurring within the city, town,**
44 **village, or county and charged in the municipal court of that city, town, village, or county**
45 **shall be included in the comprehensive annual financial report submitted to the state**
46 **auditor by the city, town, village, or county under section 105.145. Any city, town, village,**
47 **or county which fails to make an accurate or timely report, or to send excess revenues from**
48 **such violations to the director of the department of revenue by the date on which the report**

49 **is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal**
50 **court of said city, town, village, or county on all traffic-related charges until all**
51 **requirements of this section are satisfied.** Any rule or portion of a rule, as that term is defined
52 in section 536.010, that is created under the authority delegated in this section shall become
53 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
54 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
55 powers vested with the general assembly under chapter 536 to review, to delay the effective date,
56 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
57 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
58 and void.

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

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

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

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

9 (3) **"CDL driver", a person holding or required to hold a commercial driver's**
10 **license (CDL);**

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

14 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the
15 CDLIS driver record which meets the requirements for access to CDLIS information and is
16 provided by states to users authorized in 49 CFR [Part] 384, subject to the provisions of the
17 Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

18 [(5)] (6) "Commercial driver's instruction permit", a **commercial learner's permit**
19 **issued [pursuant to section 302.720] to an individual by a state or other jurisdiction of**
20 **domicile in accordance with the standards contained in 49 CFR 383, which, when carried**
21 **with a valid driver's license issued by the same state or jurisdiction, authorizes the**
22 **individual to operate a class of commercial motor vehicle when accompanied by a holder**
23 **of a valid commercial driver's license for purposes of behind-the-wheel training. When**
24 **issued to a commercial driver's license holder, a commercial learner's permit serves as**
25 **authorization for accompanied behind-the-wheel training in a commercial motor vehicle**
26 **for which the holder's current commercial driver's license is not valid;**

27 [(6)] (7) "Commercial driver's license (CDL)", a license issued by this state **or other**
28 **jurisdiction of domicile in accordance with 49 CFR 383** [to an individual] which authorizes
29 the individual to operate a **class of** commercial motor vehicle;

30 [(7)] (8) "Commercial driver's license downgrade", occurs when:

31 (a) A driver changes the self-certification to interstate, but operates exclusively in
32 transportation or operation excepted from 49 CFR [Part] 391, as provided in 49 CFR [Part]
33 390.3(f), 391.2, 391.68, or 398.3;

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

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

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

40 [(8)] (9) "Commercial driver's license information system (CDLIS)", the information
41 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
42 Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing
43 and identification of commercial motor vehicle drivers;

44 [(9)] (10) "Commercial motor vehicle", a motor vehicle [designed or used to] **or**
45 **combination of motor vehicles used in commerce to** transport passengers or property:

46 (a) If the vehicle has a gross combination weight rating **or gross combination weight**
47 of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle
48 weight rating [of] **or gross vehicle weight of more than** ten thousand one pounds or more,
49 **whichever is greater;**

50 (b) If the vehicle has a gross vehicle weight rating **or gross vehicle weight** of twenty-six
51 thousand one or more pounds [or such lesser rating as determined by federal regulation] ,
52 **whichever is greater;**

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

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

57 [(10)] (11) "Controlled substance", any substance so classified under Section 102(6) of
58 the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and includes all substances listed in
59 schedules I through V of 21 CFR [Part] 1308, as they may be revised from time to time;

60 [(11)] (12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and
61 nolo contendere, or a determination that a person has violated or failed to comply with the law
62 in a court of original jurisdiction or an authorized administrative proceeding, an unvacated

63 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment
64 of a fine or court cost, or violation of a condition of release without bail, regardless of whether
65 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

66 [(12)] (13) "Director", the director of revenue or his authorized representative;

67 [(13)] (14) "Disqualification", any of the following three actions:

68 (a) The suspension, revocation, or cancellation of a commercial driver's license **or**
69 **commercial driver's instruction permit**;

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

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

76 [(14)] (15) "Drive", to drive, operate or be in physical control of a commercial motor
77 vehicle;

78 [(15)] (16) "Driver", any person who drives, operates, or is in physical control of a
79 motor vehicle, or who is required to hold a commercial driver's license;

80 [(16)] (17) "Driver applicant", an individual who applies to obtain, transfer, upgrade,
81 or renew a commercial driver's license **or commercial driver's instruction permit** in this state;

82 [(17)] (18) "Driving under the influence of alcohol", the commission of any one or more
83 of the following acts:

84 (a) Driving a commercial motor vehicle with the alcohol concentration of four
85 one-hundredths of a percent or more as prescribed by the [secretary] **Secretary** or such other
86 alcohol concentration as may be later determined by the [secretary] **Secretary** by regulation;

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

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

92 (d) Refusing to submit to a chemical test in violation of section 577.041, section
93 302.750, any federal or state law, or a county or municipal ordinance; or

94 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
95 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
96 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
97 of age or older shall have been committed by the person with an alcohol concentration of at least
98 eight-hundredths of one percent or more, or in the case of an individual who is less than

99 twenty-one years of age, shall have been committed by the person with an alcohol concentration
100 of at least two-hundredths of one percent or more, and if committed in a commercial motor
101 vehicle, a concentration of four-hundredths of one percent or more;

102 [(18)] **(19)** "Driving under the influence of a controlled substance", the commission of
103 any one or more of the following acts in a commercial or noncommercial motor vehicle:

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

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

110 (c) Refusing to submit to a chemical test in violation of section 577.041, section
111 302.750, any federal or state law, or a county or municipal ordinance;

112 [(19)] **(20)** "Electronic device", **includes but is not limited to a cellular telephone,**
113 **personal digital assistant, pager, computer, or any other device used to input, write, send,**
114 **receive, or read text;**

115 **(21)** "Employer", any person, including the United States, a state, or a political
116 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
117 operate such a vehicle;

118 [(20)] **(22)** "Endorsement", an authorization on an individual's commercial driver's
119 license [permitting] **or commercial learner's permit required to permit** the individual to
120 operate certain types of commercial motor vehicles;

121 [(21)] **(23)** "Farm vehicle", a commercial motor vehicle controlled and operated by a
122 farmer used exclusively for the transportation of agricultural products, farm machinery, farm
123 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one
124 which requires placarding for hazardous materials as defined in this section, or used in the
125 operation of a common or contract motor carrier, except that a farm vehicle shall not be a
126 commercial motor vehicle when the total combined gross weight rating does not exceed
127 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(27)]
128 **(29)** of this subsection;

129 [(22)] **(24)** "Fatality", the death of a person as a result of a motor vehicle accident;

130 [(23)] **(25)** "Felony", any offense under state or federal law that is punishable by death
131 or imprisonment for a term exceeding one year;

132 [(24)] **(26)** "Foreign", outside the fifty states of the United States and the District of
133 Columbia;

134 [(25)] (27) "Gross combination weight rating" or "GCWR", the value specified by the
135 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
136 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
137 power unit and the total weight of the towed unit and any load thereon;

138 [(26)] (28) "Gross vehicle weight rating" or "GVWR", the value specified by the
139 manufacturer as the loaded weight of a single vehicle;

140 [(27)] (29) "Hazardous materials", any material that has been designated as hazardous
141 under 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR [Part] 172
142 or any quantity of a material listed as a select agent or toxin in 42 CFR [Part] 73. Fertilizers,
143 including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime,
144 potash, motor fuel or special fuel, shall not be considered hazardous materials when transported
145 by a farm vehicle provided all other provisions of this definition are followed;

146 [(28)] (30) "Imminent hazard", the existence of a condition that presents a substantial
147 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
148 health, property, or the environment may occur before the reasonably foreseeable completion
149 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
150 endangerment;

151 [(29)] (31) "Issuance", the initial licensure, license transfers, license renewals, and
152 license upgrades;

153 [(30)] (32) **"Manual transmission" (also known as a stick shift, stick, straight drive
154 or standard transmission), a transmission utilizing a driver-operated clutch that is
155 activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot.
156 All other transmissions, whether semi-automatic or automatic, will be considered
157 automatic for the purposes of the standardized restriction code;**

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

162 [(31)] (34) "Medical variance", when a driver has received one of the following that
163 allows the driver to be issued a medical certificate:

164 (a) An exemption letter permitting operation of a commercial motor vehicle under 49
165 CFR [Part] 381, Subpart C or 49 CFR [Part] 391.64;

166 (b) A skill performance evaluation certificate permitting operation of a commercial
167 motor vehicle under 49 CFR [Part] 391.49;

168 [(32)] (35) **"Mobile telephone", a mobile communication device that is classified
169 as or uses any commercial mobile radio service, as defined in the regulations of the Federal**

170 **Communications Commission, 47 CFR 20.3, but does not include two-way or citizens band**
171 **radio services;**

172 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;
173 [(33)] (37) "Noncommercial motor vehicle", a motor vehicle or combination of motor
174 vehicles not defined by the term "commercial motor vehicle" in this section;

175 [(34)] (38) "Out of service", a temporary prohibition against the operation of a
176 commercial motor vehicle by a particular driver, or the operation of a particular commercial
177 motor vehicle, or the operation of a particular motor carrier;

178 [(35)] (39) "Out-of-service order", a declaration by an authorized enforcement officer
179 of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial
180 motor vehicle, or a motor carrier operation, is out of service under 49 CFR [Part] 386.72, 392.5,
181 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service
182 Criteria;

183 [(36)] (40) "School bus", a commercial motor vehicle used to transport preprimary,
184 primary, or secondary school students from home to school, from school to home, or to and from
185 school-sponsored events. School bus does not include a bus used as a common carrier as defined
186 by the Secretary;

187 [(37)] (41) "Secretary", the Secretary of Transportation of the United States;

188 [(38)] (42) "Serious traffic violation", driving a commercial motor vehicle in such a
189 manner that the driver receives a conviction for the following offenses or driving a
190 noncommercial motor vehicle when the driver receives a conviction for the following offenses
191 and the conviction results in the suspension or revocation of the driver's license or
192 noncommercial motor vehicle driving privilege:

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

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

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

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

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

210 (f) Driving a commercial motor vehicle without the proper commercial driver's license
211 class or endorsement for the specific vehicle group being operated or for the passengers or type
212 of cargo being transported in violation of any federal or state law or county or municipal
213 ordinance; [or]

214 (g) **Violating a state or local law or ordinance on motor vehicle traffic control**
215 **prohibiting texting while driving a commercial motor vehicle;**

216 (h) **Violating a state or local law or ordinance on motor vehicle traffic control**
217 **restricting or prohibiting the use of a hand-held mobile telephone while driving a**
218 **commercial motor vehicle; or**

219 (i) Any other violation of a federal or state law or county or municipal ordinance
220 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
221 [secretary] **Secretary** by regulation;

222 [(39)] **(43) "State", a state of the United States, including the District of Columbia;**

223 [(40)] **(44) "Tank vehicle", any commercial motor vehicle that is designed to**
224 **transport any liquid or gaseous materials within a tank or tanks having an individual rated**
225 **capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one**
226 **thousand gallons or more that is either permanently or temporarily attached to the vehicle**
227 **or the chassis. A commercial motor vehicle transporting an empty storage container tank,**
228 **not designed for transportation, with a rated capacity of one thousand gallons or more,**
229 **that is temporarily attached to a flatbed trailer is not considered a tank vehicle;**

230 **(45) "Texting", manually entering alphanumeric text into, or reading text from, an**
231 **electronic device. This action includes but is not limited to short message service, e-**
232 **mailing, instant messaging, commanding or requesting access to a website, pressing more**
233 **than a single button to initiate or terminate a voice communication using a mobile**
234 **telephone, or engaging in any other form of electronic text retrieval or entry, for present**
235 **or future communication. Texting does not include:**

236 **(a) Inputting, selecting, or reading information on a global positioning system or**
237 **navigation system;**

238 **(b) Pressing a single button to initiate or terminate a voice communication using**
239 **a mobile telephone; or**

240 (c) Using a device capable of performing multiple functions (e.g., fleet management
241 systems, dispatching devices, smart phones, citizens band radios, music players) for a
242 purpose that is not otherwise prohibited in this part;

243 (46) "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as described in this
2 section, no person may drive a commercial motor vehicle unless the person has been issued a
3 commercial driver's license with applicable endorsements valid for the type of vehicle being
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit
5 shall allow the holder of a valid license to operate a commercial motor vehicle when
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. **No person**
9 **may be issued a commercial driver's instruction permit until he or she has passed written**
10 **tests which comply with the minimum federal standards.** A commercial driver's instruction
11 permit shall be valid for the vehicle being operated for a period of not more than six months, and
12 shall not be issued until the permit holder has met all other requirements of sections 302.700 to
13 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be
14 granted one six-month renewal within a one-year period. The fee for such permit or renewal
15 shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued
16 for a thirty-day period to allow the holder of a valid driver's license to operate a commercial
17 motor vehicle if the applicant has completed all other requirements except the driving test. The
18 permit may be renewed for one additional thirty-day period and the fee for the permit and for
19 renewal shall be five dollars.

20 2. No person may be issued a commercial driver's license until he has passed written and
21 driving tests for the operation of a commercial motor vehicle which complies with the minimum
22 federal standards established by the Secretary and has satisfied all other requirements of the
23 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
24 other requirements imposed by state law. **All applicants for a commercial driver's license**
25 **shall have maintained the appropriate class of commercial driver's instruction permit**
26 **issued by this state or any other state for a minimum of fourteen calendar days prior to the**
27 **date of taking the skills test.** Applicants for a hazardous materials endorsement must also meet
28 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and
29 required by regulations promulgated by the Secretary. Nothing contained in this subsection shall
30 be construed as prohibiting the director from establishing alternate testing formats for those who
31 are functionally illiterate; provided, however, that any such alternate test must comply with the

32 minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
33 Law 99-570) as established by the Secretary.

34 (1) The written and driving tests shall be held at such times and in such places as the
35 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
36 applicant upon completion of any written or driving test, except the examination fee shall be
37 waived for applicants seventy years of age or older renewing a license with a school bus
38 endorsement. The director shall delegate the power to conduct the examinations required under
39 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by
40 the highway patrol qualified to give driving examinations. The written test shall only be
41 administered in the English language. No translators shall be allowed for applicants taking the
42 test.

43 (2) The director shall adopt and promulgate rules and regulations governing the
44 certification of third-party testers by the department of revenue. Such rules and regulations shall
45 substantially comply with the requirements of 49 CFR [Part] 383, Section 383.75. A
46 certification to conduct third-party testing shall be valid for one year, and the department shall
47 charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

48 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
49 certification to community colleges established under chapter 178 or to private companies who
50 own, lease, or maintain their own fleet and administer in-house testing to their employees, or to
51 school districts and their agents that administer in-house testing to the school district's or agent's
52 employees. Any third-party tester who violates any of the rules and regulations adopted and
53 promulgated pursuant to this section shall be subject to having his certification revoked by the
54 department. The department shall provide written notice and an opportunity for the third-party
55 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant
56 submits evidence that he has successfully completed a test administered by a third-party tester,
57 the actual driving test for a commercial driver's license may then be waived.

58 (4) Every applicant for renewal of a commercial driver's license shall provide such
59 certifications and information as required by the [secretary] **Secretary** and if such person
60 transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001
61 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the
62 Secretary. Such person shall be required to take the written test for such endorsement. A
63 twenty-five dollar examination fee shall be paid upon completion of such tests.

64 (5) The director shall have the authority to waive the driving skills test for any qualified
65 military applicant for a commercial driver's license who is currently licensed at the time of
66 application for a commercial driver's license. The director shall impose conditions and
67 limitations to restrict the applicants from whom the department may accept alternative

68 requirements for the skills test described in federal regulation 49 [C.F.R.] **CFR 383.77**. An
69 applicant must certify that, during the two-year period immediately preceding application for a
70 commercial driver's license, all of the following apply:

71 (a) The applicant has not had more than one license;

72 (b) The applicant has not had any license suspended, revoked, or cancelled;

73 (c) The applicant has not had any convictions for any type of motor vehicle for the
74 disqualifying offenses contained in this chapter or federal rule 49 [C.F.R.] **CFR 383.51(b)**;

75 (d) The applicant has not had more than one conviction for any type of motor vehicle for
76 serious traffic violations;

77 (e) The applicant has not had any conviction for a violation of state or local law relating
78 to motor vehicle traffic control, but not including any parking violation, arising in connection
79 with any traffic accident, and has no record of an accident in which he or she was at fault;

80 (f) The applicant [is] **has been** regularly employed [in a job] **within the last ninety days**
81 **in a military position** requiring operation of a commercial motor vehicle and has operated the
82 vehicle for at least sixty days during the two years immediately preceding application for a
83 commercial driver's license. The vehicle must be representative of the commercial motor vehicle
84 the driver applicant operates or expects to operate;

85 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a
86 commanding officer as proof of driving experience as indicated in paragraph (f) of this
87 subdivision;

88 (h) The applicant, if honorably discharged from military service, must provide a
89 form-DD214 or other proof of military occupational specialty;

90 (i) The applicant must meet all federal and state qualifications to operate a commercial
91 vehicle; and

92 (j) The applicant will be required to complete all applicable knowledge tests.

93 3. A commercial driver's license **or commercial driver's instruction permit** may not
94 be issued to a person while the person is disqualified from driving a commercial motor vehicle,
95 when a disqualification is pending in any state or while the person's driver's license is suspended,
96 revoked, or [cancelled] **canceled** in any state; nor may a commercial driver's license be issued
97 unless the person first surrenders in a manner prescribed by the director any commercial driver's
98 license issued by another state, which license shall be returned to the issuing state for
99 cancellation.

100 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
101 section unless the director verifies that the applicant is lawfully present in the United States
102 before accepting the application. The director may, by rule or regulation, establish procedures
103 to verify the lawful presence of the applicant under this section. No rule or portion of a rule

104 promulgated pursuant to the authority of this section shall become effective unless it has been
105 promulgated pursuant to chapter 536.

106 5. Notwithstanding the provisions of this section or any other law to the contrary,
107 beginning August 28, 2008, the director of the department of revenue shall certify as a third-party
108 tester any municipality that owns, leases, or maintains its own fleet that requires certain
109 employees as a condition of employment to hold a valid commercial driver's license; and that
110 administered in-house testing to such employees prior to August 28, 2006.

302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The application for a commercial driver's license shall include, but not be limited to, the
3 applicant's legal name, mailing and residence address, if different, a physical description of the
4 person, including sex, height, weight and eye color, the person's Social Security number, date
5 of birth and any other information deemed appropriate by the director. The application shall also
6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

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

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

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

26 5. A commercial driver's license containing a hazardous materials endorsement issued
27 to an applicant who is seventy years of age or older shall not be issued for a period exceeding
28 three years. The director shall not require such drivers to obtain a security threat assessment
29 more frequently than such assessment is required by the Transportation Security Administration

30 under the Uniting and Strengthening America by Providing Appropriate Tools Required to
31 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

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

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

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

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

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

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

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

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

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

65 pursuant to the authority of this section shall become effective unless it has been promulgated
66 pursuant to chapter 536.

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

73 (2) Any applicant for a [nonresident] **nondomiciled** commercial driver's license **or**
74 **commercial driver's instruction permit** must present evidence satisfactory to the director that
75 the applicant currently has employment with an employer in this state. The [nonresident]
76 **nondomiciled** applicant must meet the same testing, driver record requirements, conditions, and
77 is subject to the same disqualification and conviction reporting requirements applicable to
78 resident commercial drivers.

79 (3) The [nonresident] **nondomiciled** commercial driver's license will expire on the same
80 date that the documents establishing lawful presence for employment expire. The word
81 ["nonresident"] **"nondomiciled"** shall appear on the face of the [nonresident] **nondomiciled**
82 commercial driver's license. Any applicant for a Missouri [nonresident] **nondomiciled**
83 commercial driver's license **or commercial driver's instruction permit** must first surrender any
84 [nonresident] **nondomiciled** commercial driver's license issued by another state.

85 (4) The [nonresident] **nondomiciled** commercial driver's license applicant must pay the
86 same fees as required for the issuance of a resident commercial driver's license **or commercial**
87 **driver's instruction permit**.

88 14. Foreign jurisdiction for purposes of issuing a [nonresident] **nondomiciled**
89 commercial driver's license **or commercial driver's instruction permit** under this section shall
90 not include any of the fifty states of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of materials and
2 processes that will prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge,
3 or duplicate any license without ready detection. Such license shall include, but not be limited
4 to, the following information: a colored photograph of the person, the legal name and address
5 of the person, a physical description of the person, including sex, height, weight and eye color,
6 the person's [Social Security number] **driver's license number** or such other number or
7 identifier deemed appropriate by the director or the [secretary] **Secretary**, the date of birth, class
8 or type of commercial motor vehicle or vehicles which the person is authorized to drive, the
9 name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates

10 of issuance and expiration, the person's signature and such other information as the director
11 prescribes.

12 2. Before issuing a commercial driver's license, the director shall obtain driving record
13 information from sources including, but not limited to, the national driver's register, the
14 commercial driver's license information system, and any state driver's licensing system in which
15 the person has been licensed; except that the director shall only be required to obtain the
16 complete driving record from each state the person has ever been licensed in when such person
17 is issued an initial commercial driver's license or renews his or her commercial driver's license
18 for the first time. The director shall maintain a notation in the driving record system of the date
19 when he or she has obtained the driving records from all other states which the person has been
20 licensed.

21 3. Within ten days after issuing a commercial driver's license, the director shall notify
22 the commercial driver's license information system of such fact, providing all information
23 required to ensure identification of the person. For the purpose of this subsection, the date of
24 issuance shall be the date the commercial driver's license is mailed to the applicant.

25 4. The commercial driver's license shall indicate the class of vehicle the person may
26 drive and any applicable endorsements or restrictions. Commercial driver's license
27 classifications, endorsements and restrictions shall be in compliance with the Commercial Motor
28 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director.
29 The commercial driver's license driving record shall contain a complete history of the driver,
30 including information and convictions from previous states of licensure.

31 **5. The commercial driver's instruction permit shall include but not be limited to**
32 **the same data elements as a commercial driver's license and the words "CDL PERMIT"**
33 **or "COMMERCIAL LEARNER PERMIT" and such other information as the director**
34 **or Secretary prescribes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license [cancelled]
60 **canceled**, and upon conclusion of the period of disqualification shall take the written and driving
61 tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and
62 cancellation shall not be withdrawn by the director until such person reapplies for a commercial
63 driver's license in this or any other state after meeting all requirements of sections 302.700 to
64 302.780.

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

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

76 **18. The disqualification period must be in addition to any other previous periods**
77 **of disqualification in the manner prescribed in 49 CFR 383, or as amended by the**
78 **Secretary, except when the major or serious violations are a result of the same incident.**

304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010,
2 upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits;

14 **(6) Municipalities may by resolution or ordinance allow all-terrain vehicle**
15 **operation on streets or highways under the governing body's jurisdiction. Any person**
16 **operating an all-terrain vehicle pursuant to a municipal resolution or ordinance shall**
17 **maintain proof of financial responsibility in accordance with section 303.160 or maintain**
18 **any other insurance policy providing equivalent liability coverage for an all-terrain vehicle.**

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

28 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
29 covered in this section shall have a valid operator's or chauffeur's license, except that a
30 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
31 section, but shall not be required to have passed an examination for the operation of a
32 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
33 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
34 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
35 shall be triangular in shape with an area of not less than thirty square inches and shall be
36 day-glow in color.

37 4. No persons shall operate an all-terrain vehicle:

38 (1) In any careless way so as to endanger the person or property of another;

39 (2) While under the influence of alcohol or any controlled substance;

40 (3) Without a securely fastened safety helmet on the head of an individual who operates
41 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
42 unless the individual is at least eighteen years of age.

43 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
44 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
45 the seat of such vehicle is designed to carry more than one person.

46 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
47 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
48 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
49 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

304.032. 1. No person shall operate a utility vehicle, as defined in section 301.010, upon
2 the highways of this state, except as follows:

3 (1) Utility vehicles owned and operated by a governmental entity for official use;

4 (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes
5 between the official sunrise and sunset on the day of operation, unless equipped with proper
6 lighting;

7 (3) Utility vehicles operated by handicapped persons for short distances occasionally
8 only on the state's secondary roads when operated between the hours of sunrise and sunset;

9 (4) Governing bodies of cities may issue special permits for utility vehicles to be used
10 on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected
11 and retained by cities for such permits;

12 (5) Governing bodies of counties may issue special permits for utility vehicles to be used
13 on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected
14 and retained by the counties for such permits;

15 **(6) Municipalities may by resolution or ordinance allow utility vehicle operation**
16 **on streets or highways under the governing body's jurisdiction. Any person operating a**
17 **utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of**
18 **financial responsibility in accordance with section 303.160 or maintain any other insurance**
19 **policy providing equivalent liability coverage for a utility vehicle.**

20 2. No person shall operate a utility vehicle within any stream or river in this state, except
21 that utility vehicles may be operated within waterways which flow within the boundaries of land
22 which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land
23 which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording
24 such stream or river of this state at such road crossings as are customary or part of the highway
25 system. All law enforcement officials or peace officers of this state and its political subdivisions

26 or department of conservation agents or department of natural resources park rangers shall
27 enforce the provisions of this subsection within the geographic area of their jurisdiction.

28 3. A person operating a utility vehicle on a highway pursuant to an exception covered
29 in this section shall have a valid operator's or chauffeur's license, except that a handicapped
30 person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not
31 be required to have passed an examination for the operation of a motorcycle, and the vehicle
32 shall be operated at speeds of less than forty-five miles per hour.

33 4. No persons shall operate a utility vehicle:

34 (1) In any careless way so as to endanger the person or property of another; or

35 (2) While under the influence of alcohol or any controlled substance.

36 5. No operator of a utility vehicle shall carry a passenger, except for agricultural
37 purposes. The provisions of this subsection shall not apply to any utility vehicle in which the
38 seat of such vehicle is designed to carry more than one person.

39 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
40 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
41 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
42 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

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 by
5 competent evidence that there was posted at the place where the boundary of such municipality
6 joins or crosses any highway a sign displaying in black letters not less than four inches high and
7 one inch wide on a white background the speed fixed by such municipality so that such sign may
8 be clearly seen by operators and drivers from their vehicles upon entering such municipality.

9 2. Municipalities, by ordinance, may:

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

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

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

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

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

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

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

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

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

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

40 5. No ordinance shall deny the use of commercial motor vehicles on all routes within the
41 municipality. For purposes of this section, the term "route" shall mean any state road, county
42 road, or public street, avenue, boulevard, or parkway.

43 **6. No ordinance shall prohibit the operator of a motor vehicle from being in an**
44 **intersection while a red signal is being displayed if the operator of the motor vehicle**
45 **entered the intersection during a yellow signal interval. The provisions of this subsection**
46 **shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a**
47 **county, municipality, or other political subdivision that are to the contrary.**

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

9 behind another, the distance between the extremes of which is more than forty inches and not
 10 more than ninety-six inches apart.

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

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

18 Distance in feet between the extremes
 19 of any group of two or more consecutive
 20 axles, measured to the nearest foot,
 21 except where indicated otherwise

		Maximum load in pounds				
23	feet	2 axles	3 axles	4 axles	5 axles	6 axles
24	4	34,000				
25	5	34,000				
26	6	34,000				
27	7	34,000				
28	8	34,000	34,000			
29	More than 8	38,000	42,000			
30	9	39,000	42,500			
31	10	40,000	43,500			
32	11	40,000	44,000			
33	12	40,000	45,000	50,000		
34	13	40,000	45,500	50,500		
35	14	40,000	46,500	51,500		
36	15	40,000	47,000	52,000		
37	16	40,000	48,000	52,500	58,000	
38	17	40,000	48,500	53,500	58,500	

39	18	40,000	49,500	54,000	59,000	
40	19	40,000	50,000	54,500	60,000	
41	20	40,000	51,000	55,500	60,500	66,000
42	21	40,000	51,500	56,000	61,000	66,500
43	22	40,000	52,500	56,500	61,500	67,000
44	23	40,000	53,000	57,500	62,500	68,000
45	24	40,000	54,000	58,000	63,000	68,500
46	25	40,000	54,500	58,500	63,500	69,000
47	26	40,000	55,500	59,500	64,000	69,500
48	27	40,000	56,000	60,000	65,000	70,000
49	28	40,000	57,000	60,500	65,500	71,000
50	29	40,000	57,500	61,500	66,000	71,500
51	30	40,000	58,500	62,000	66,500	72,000
52	31	40,000	59,000	62,500	67,500	72,500
53	32	40,000	60,000	63,500	68,000	73,000
54	33	40,000	60,000	64,000	68,500	74,000
55	34	40,000	60,000	64,500	69,000	74,500
56	35	40,000	60,000	65,500	70,000	75,000
57	36		60,000	66,000	70,500	75,500
58	37		60,000	66,500	71,000	76,000
59	38		60,000	67,500	72,000	77,000
60	39		60,000	68,000	72,500	77,500
61	40		60,000	68,500	73,000	78,000
62	41		60,000	69,500	73,500	78,500
63	42		60,000	70,000	74,000	79,000
64	43		60,000	70,500	75,000	80,000

65	44	60,000	71,500	75,500	80,000
66	45	60,000	72,000	76,000	80,000
67	46	60,000	72,500	76,500	80,000
68	47	60,000	73,500	77,500	80,000
69	48	60,000	74,000	78,000	80,000
70	49	60,000	74,500	78,500	80,000
71	50	60,000	75,500	79,000	80,000
72	51	60,000	76,000	80,000	80,000
73	52	60,000	76,500	80,000	80,000
74	53	60,000	77,500	80,000	80,000
75	54	60,000	78,000	80,000	80,000
76	55	60,000	78,500	80,000	80,000
77	56	60,000	79,500	80,000	80,000
78	57	60,000	80,000	80,000	80,000

79

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

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

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

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

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

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

116 9. Notwithstanding subsection 3 of this section or any other provision of law to the
117 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may
118 be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating
119 on U.S. Highway 36 from St. Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa
120 state line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway
121 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The provisions of this
122 subsection shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate
123 and Defense Highways.

124 10. Notwithstanding any provision of this section or any other law to the contrary, the
125 total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a
126 processing facility may be as much as, but shall not exceed, eighty-five thousand five hundred
127 pounds while operating on highways other than the interstate highway system. The provisions
128 of this subsection shall not apply to vehicles operated and operating on the Dwight D.
129 Eisenhower System of Interstate and Defense Highways.

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

5 2. **Except as otherwise provided in this section, no person shall operate a**
6 **commercial motor vehicle while using a hand-held mobile telephone.**

7 3. **Except as otherwise provided in this section, no person shall operate a**
8 **commercial motor vehicle while using a wireless communications device to send, read, or**
9 **write a text message or electronic message.**

10 4. The provisions of subsection 1 **through subsection 3** of this section shall not apply
11 to a person operating:

12 (1) An authorized emergency vehicle; or

13 (2) A moving motor vehicle while using a hand-held electronic wireless communications
14 device to:

15 (a) Report illegal activity;

16 (b) Summon medical or other emergency help;

17 (c) Prevent injury to a person or property; or

18 (d) Relay information between a transit or for-hire operator and that operator's
19 dispatcher, in which the device is permanently affixed to the vehicle.

20 [3.] 5. Nothing in this section shall be construed or interpreted as prohibiting a person
21 from making or taking part in a telephone call, by means of a hand-held electronic wireless
22 communications device, while operating a **noncommercial** motor vehicle upon the highways of
23 this state.

24 [4.] 6. As used in this section, "electronic message" means a self-contained piece of
25 digital communication that is designed or intended to be transmitted between hand-held
26 electronic wireless communication devices. "Electronic message" includes, but is not limited
27 to, electronic mail, a text message, an instant message, or a command or request to access an
28 internet site.

29 [5.] 7. As used in this section, "hand-held electronic wireless communications device"
30 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device
31 used to communicate verbally or by text or electronic messaging, but shall not apply to any
32 device that is permanently embedded into the architecture and design of the motor vehicle.

33 [6.] 8. As used in this section, "making or taking part in a telephone call" means listening
34 to or engaging in verbal communication through a hand-held electronic wireless communication
35 device.

36 [7.] 9. As used in this section, "send, read, or write a text message or electronic message"
37 means using a hand-held electronic wireless telecommunications device to manually
38 communicate with any person by using an electronic message. Sending, reading, or writing a
39 text message or electronic message does not include reading, selecting, or entering a phone
40 number or name into a hand-held electronic wireless communications device for the purpose of
41 making a telephone call.

42 [8.] 10. A violation of this section shall be deemed an infraction and shall be deemed a
43 moving violation for purposes of point assessment under section 302.302.

44 [9.] 11. The state preempts the field of regulating the use of hand-held electronic wireless
45 communications devices in motor vehicles, and the provisions of this section shall supercede any
46 local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other
47 political subdivision to regulate the use of hand-held electronic wireless communication devices
48 by the operator of a motor vehicle.

49 [10.] 12. The provisions of this section shall not apply to:

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

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

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

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

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

304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

2 (1) "Active emergency", any incident occurring on a highway, as the term
3 "highway" is defined in section 302.010, that requires emergency services from any
4 emergency responder;

5 (2) "Active emergency zone", any area upon or around any highway, which is
6 visibly marked by emergency responders performing work for the purpose of emergency
7 response, and where an active emergency, or incident removal, is temporarily occurring.
8 This area includes the lanes of highway leading up to an active emergency or incident
9 removal, beginning within three hundred feet of visual sighting of:

10 (a) Appropriate signs or traffic control devices posted or placed by emergency
11 responders; or

12 (b) An emergency vehicle displaying active emergency lights or signals;

13 (3) "Emergency responder", any law enforcement officer, paid or volunteer
14 firefighter, first responder, emergency medical worker, tow truck operator, or other
15 emergency personnel responding to an emergency on a highway.

 304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any
2 person for a moving violation, as the term "moving violation" is defined in section 302.010,
3 or any offense listed in section 302.302, other than a violation described in subsection 2 of
4 this section, when the violation or offense occurs within an active emergency zone, the
5 court shall assess a fine of thirty-five dollars in addition to any other fine authorized by
6 law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court
7 shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

8 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a
9 speeding violation under either section 304.009 or 304.010, or a passing violation under
10 subsection 3 of this section, when the violation or offense occurs within an active
11 emergency zone and emergency responders were present in such zone at the time of the
12 offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to
13 any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt,
14 or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any
15 other fine authorized by law. However, no person assessed an additional fine under this
16 subsection shall also be assessed an additional fine under subsection 1 of this section.

17 3. The driver of a motor vehicle shall not overtake or pass another motor vehicle
18 within an active emergency zone. Violation of this subsection is a class C misdemeanor.

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

 304.894. 1. A person commits the offense of endangerment of an emergency
2 responder for any of the following offenses when the offense occurs within an active
3 emergency zone:

4 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

5 (2) Passing in violation of subsection 3 of section 304.892;

6 (3) Failure to stop for an active emergency zone flagman or emergency responder,
7 or failure to obey traffic control devices erected, or personnel posted, in the active
8 emergency zone for purposes of controlling the flow of motor vehicles through the zone;

9 (4) Driving through or around an active emergency zone via any lane not clearly
10 designated for motorists to control the flow of traffic through or around the active
11 emergency zone;

12 (5) Physically assaulting, attempting to assault, or threatening to assault an
13 emergency responder with a motor vehicle or other instrument; or

14 **(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other**
15 **devices erected to control the flow of traffic to protect emergency responders and motorists**
16 **unless the action was necessary to avoid an obstacle, an emergency, or to protect the health**
17 **and safety of an occupant of the motor vehicle or of another person.**

18 **2. Upon a finding of guilt or a plea of guilty for committing the offense of**
19 **endangerment of an emergency responder under subsection 1 of this section, if no injury**
20 **or death to an emergency responder resulted from the offense, the court shall assess a fine**
21 **of not more than one thousand dollars, and four points shall be assessed to the operator's**
22 **license pursuant to section 302.302.**

23 **3. A person commits the offense of aggravated endangerment of an emergency**
24 **responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of**
25 **this section when such offense results in the injury or death of an emergency responder.**
26 **Upon a finding of guilt or a plea of guilty for committing the offense of aggravated**
27 **endangerment of an emergency responder, in addition to any other penalty authorized by**
28 **law, the court shall assess a fine of not more than five thousand dollars if the offense**
29 **resulted in injury to an emergency responder, and ten thousand dollars if the offense**
30 **resulted in the death of an emergency responder. In addition, twelve points shall be**
31 **assessed to the operator's license pursuant to section 302.302 upon conviction.**

32 **4. Except for the offense established under subdivision (6) of subsection 1 of this**
33 **section, no person shall be deemed to have committed the offense of endangerment of an**
34 **emergency responder except when the act or omission constituting the offense occurred**
35 **when one or more emergency responders were responding to an active emergency.**

36 **5. No person shall be cited for, or found guilty of, endangerment of an emergency**
37 **responder or aggravated endangerment of an emergency responder for any act or omission**
38 **otherwise constituting an offense under subsection 1 of this section if such act or omission**
39 **resulted in whole or in part from mechanical failure of the person's vehicle, or from the**
40 **negligence of another person or emergency responder.**

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether
6 intrastate transportation or interstate transportation. Members of the Missouri state highway
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of

10 the department of public safety is hereby authorized to further regulate the safety of commercial
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing rules and regulations consistent
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by
14 the director, require:

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

17 (2) Accidents arising from or in connection with the operation of commercial motor
18 vehicles and trailers to be reported to the department of public safety in such detail and in such
19 manner as the director may require. Except for the provisions of subdivisions (1) and (2) of this
20 subsection, the provisions of this section shall not apply to any commercial motor vehicle
21 operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less
22 when used exclusively for the transportation of solid waste or forty-two thousand pounds or less
23 when the license plate has been designated for farm use by the letter "F" as authorized by the
24 Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined
25 in Title 49, Code of Federal Regulations.

26 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
27 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
28 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
29 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.
30 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this
31 state may operate such vehicle intrastate at the age of eighteen years or older, except that any
32 person transporting hazardous material must be at least twenty-one years of age.

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

39 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
40 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any
41 vehicle owned or operated by any public utility, rural electric cooperative or other public service
42 organization, or to the driver of such vehicle, while providing restoration of essential utility
43 services during emergencies and operating intrastate. For the purposes of this subsection, the
44 term "essential utility services" means electric, gas, water, telephone and sewer services.

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

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

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

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

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

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

58 7.] Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts
59 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor
60 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight
61 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception
62 provided by this subsection shall not apply to:

63 **(1) Vehicles transporting hazardous materials [or to] and which are not covered farm**
64 **vehicles as provided in subdivision (3) of this subsection;**

65 **(2) Vehicles designed to transport sixteen or more passengers including the driver as**
66 **defined by Title 49 of the Code of Federal Regulations; or**

67 **(3) Vehicles which are defined as covered farm vehicles pursuant to federal laws**
68 **and regulations and are transporting hazardous materials that require a placard as**
69 **required by 49 CFR 100-180.**

70 Nothing in this subsection shall be construed to prohibit persons designated by the department
71 of public safety from inspecting vehicles defined in this subsection.

72 [8.] 6. Violation of any provision of this section or any rule promulgated as authorized
73 therein is a class B misdemeanor.

74 [9.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
75 created under the authority delegated in this section shall become effective only if it complies
76 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
77 This section and chapter 536 are nonseverable and if any of the powers vested with the general
78 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
79 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
80 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any
2 secondhand property shall keep a register containing a written or electronic record for each
3 purchase or trade in which each type of metal subject to the provisions of this section is obtained
4 for value. There shall be a separate record for each transaction involving any:

5 (1) Copper, brass, or bronze;

6 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener; [or]

7 (3) Material containing copper or aluminum that is knowingly used for farming purposes
8 as farming is defined in section 350.010; **or**

9 (4) **Catalytic converter;**

10

11 whatever may be the condition or length of such metal. The record shall contain the following
12 data: a copy of the driver's license or photo identification issued by the state or by the United
13 States government or agency thereof to the person from whom the material is obtained, which
14 shall contain a current address of the person from whom the material is obtained, and the date,
15 time, and place of and a full description of each such purchase or trade including the quantity by
16 weight thereof.

17 2. The records required under this section shall be maintained for a minimum of
18 twenty-four months from when such material is obtained and shall be available for inspection
19 by any law enforcement officer.

20 3. Anyone convicted of violating this section shall be guilty of a class A misdemeanor.

21 4. This section shall not apply to any of the following transactions:

22 (1) Any transaction for which the total amount paid for all regulated scrap metal
23 purchased or sold does not exceed fifty dollars, **unless the scrap metal is a catalytic converter;**

24 (2) Any transaction for which the seller, including a farm or farmer, has an existing
25 business relationship with the scrap metal dealer and is known to the scrap metal dealer making
26 the purchase to be an established business or political subdivision that operates a business with
27 a fixed location that can be reasonably expected to generate regulated scrap metal and can be
28 reasonably identified as such a business; or

29 (3) Any transaction for which the type of metal subject to subsection 1 of this section is
30 a minor part of a larger item, except for equipment used in the generation and transmission of
31 electrical power or telecommunications.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any
2 political subdivision of this state, any authorized agent of the department of conservation, any
3 commissioned member of the Missouri capitol police, **any college or university police officer,**
4 and any commissioned member of the Missouri state park rangers in fresh pursuit of a person
5 who is reasonably believed by such officer to have committed a felony in this state or who has

6 committed, or attempted to commit, in the presence of such officer or agent, any criminal offense
7 or violation of a municipal or county ordinance, or for whom such officer holds a warrant of
8 arrest for a criminal offense, shall have the authority to arrest and hold in custody such person
9 anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace
10 officer's, conservation agent's, capitol police officer's, **college or university police officer's**, or
11 state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside
12 of such officer's jurisdiction and has lost contact with the person being pursued. If the offense
13 is a traffic violation, the uniform traffic ticket shall be used as if the violator had been
14 apprehended in the municipality or county in which the offense occurred.

15 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall
16 be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic
17 ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;
18 if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court
19 with original criminal jurisdiction in the county wherein such arrest was made or before a
20 municipal judge thereof having original jurisdiction to try such offense, who may release the
21 person as provided in section 544.455, conditioned upon such person's appearance before the
22 court having jurisdiction to try the offense. The person so arrested need not be taken before a
23 judge as herein set out if given a summons by the arresting officer.

24 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as
25 defined by the common law and also the pursuit of a person who has committed a felony or is
26 reasonably suspected of having committed a felony in this state, or who has committed or
27 attempted to commit in this state a criminal offense or violation of municipal or county ordinance
28 in the presence of the arresting officer referred to in subsection 1 of this section or for whom
29 such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of
30 a person suspected of having committed a supposed felony in this state, though no felony has
31 actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used
32 herein shall imply instant pursuit.

33 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe
34 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum
35 standards:

36 (1) There shall be supervisory control of the pursuit;

37 (2) There shall be procedures for designating the primary pursuit vehicle and for
38 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

39 (3) There shall be procedures for coordinating operation with other jurisdictions; and

40 (4) There shall be guidelines for determining when the interests of public safety and
 41 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be
 42 initiated or should be terminated.

**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,
 2 grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in
 3 real property located in Taney County to the state highways and transportation
 4 commission. The property to be conveyed is more particularly described as follows:**

5 Tract One

6 Right of way for a Federal road 80 feet wide, except as noted.

**7 That part of the SE¹/₄ of the NW¹/₄ and also of the NE¹/₄ of SW¹/₄ and also of
 8 the NW¹/₄ of SE¹/₄ and also of the SW¹/₄ of SE¹/₄ and also of the SE¹/₄ of SW¹/₄
 9 all in Sec. 6, and also the NE¹/₄ of NW¹/₄ and also of the NW¹/₄ of NE¹/₄ in Sec.
 10 7, all in T21N, R21W lying within a strip of land 80 feet wide, except as
 11 noted, 40 feet thereof, except as noted, being on each side of, parallel to and
 12 measured from a surveyed center line which is described as follows:**

**13 Beginning on the north line of and 720 feet east of the north west corner of
 14 the SE¹/₄ of NW¹/₄ of Sec. 6, T21N, R21W; thence south easterly on a curve
 15 to the right with 1146.3 feet radius, the tangent to which bears S 31°56'E,
 16 243 feet; thence S 19°47'E a distance of 391 feet; thence continuing S
 17 19°47'E with 40 feet on the right side and 55 feet on the left side of the said
 18 center line, a distance of 200 feet; thence continuing S 19°47'E with 40 feet
 19 on each side of the said center line, a distance of 240 feet; thence continuing
 20 S 19°47'E with 60 feet on the right side of and 40 feet on the left side of the
 21 said center line, a distance of 110 feet; thence continuing S 19°47'E with 40
 22 feet on both sides of the center line, a distance of 1405.4 feet; thence on a
 23 curve to the right with 819 feet radius, a distance of 534.8 feet; thence S
 24 17°39'W a distance of 683.5 feet; thence on a curve to the left with 637.8 feet
 25 radius, a distance of 421.1 feet; thence S 20°15'E a distance of 560.3 feet;
 26 thence on a curve to the left with 955.4 feet radius, a distance of 366.7 feet;
 27 thence S 42°15'E with 40 feet on the right side of and 60 feet on the left side
 28 of the said center line, a distance of 118.3 feet; thence S 42°15'E with 40 feet
 29 on each side of the said center line, a distance of 230 feet, to the south line of
 30 and 270 feet more or less east of the south west corner of the said NW¹/₄ of
 31 NE¹/₄ of Sec. 7.**

32 Containing right of way old 4.60 acres, more or less

33 new 5.68 " "

34 total 10.28 " "

35 Tract Two

36 Right of way for a Federal road 80 feet wide, except as noted.

37 That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying on the west side
38 of the present road and included within a tract of land 80 feet wide, except
39 as noted, 40 feet of which, except as noted, is on each side of, parallel to and
40 measured from a surveyed center line which is described as follows:

41 Beginning on the north line of and 270 feet east of the north west corner of
42 the SW¼ of NE¼ of Sec. 7, T21N, R21W; thence S 42° 15'E a distance of 245
43 feet; thence continuing S 42°15'E with 40 feet on the right side of and 55 feet
44 on the left side of the said center line, a distance of 48.8 feet; thence on a
45 curve to the right with 716.8 feet radius and continuing 40 feet on the right
46 side of and 55 feet on the left side of the said center line, a distance of 76.2
47 feet; thence continuing on the same curve with 40 feet on both sides of the
48 said center line, a distance of 250 feet to the property line between W.R.
49 Carey and C.N. McElfresh, being approximately 540 feet south of and 570
50 feet east of the north west corner of the said SW¼ of NE¼ of Sec. 7.

51 Containing right of way old 0.16 acres, more or less

52 new 0.03 " "

53 total 0.21 " "

54 Tract Three

55 Right of way for a Federal road 80 feet wide, except as noted.

56 That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying on the east side
57 of the present road, and included within a tract of land 80 feet wide, except
58 as noted, 40 feet of which, except as noted, is on each side of, parallel to and
59 measured from a surveyed center line, which is described as follows:

60 Beginning on the north line of and 270 feet east of the north west corner of
61 the SW¼ of NE¼ of Sec. 7, T21N, R21W; thence S 42°15'E a distance of 245
62 feet; thence continuing S 42°15'E with 40 feet on the right side of and 55 feet
63 on the left side of the said center line a distance of 25 feet to a point on the
64 property line between V.T. Jones and C.N. McElfresh, being about 210 feet
65 south of and 420 feet east of the northwest corner of the said SW¼ of NE¼
66 of Sec. 7.

67 Containing right of way old 0.09 acres, more or less

68 new 0.30 " "

69 total 0.39 " "

106 both sides of the said center line, a distance of 512.1 feet; thence on a curve
 107 to the left with 1432.7 feet radius, a distance of 418.7 feet; thence S 10°37'E
 108 a distance of 70 feet; thence continuing S 10°37'E with 40 feet on the right
 109 side of and 50 feet on the left side of the said center line, a distance of 150
 110 feet; thence continuing S 10°37'E with 40 feet on each side of the said center
 111 line, a distance of 150 feet, to the south line of and 956 feet west of the south
 112 east corner of the said NW¼ of SE¼ of Sec. 7

113 Containing right of way old 1.00 acres, more or less

114 new 1.42 " "

115 total 2.42 " "

116 (2) Beginning on the west line of and 460 feet south of the north west corner
 117 of the NE¼ of NE¼ of Sec. 18, T21N, R21W; thence S 44°10'E a distance of
 118 155.9 feet; thence on a curve to the left with 1432.7 feet radius, a distance of
 119 517.5 feet; thence S 64°52'E a distance of 166.9 feet; thence on a curve to the
 120 right with 637.3 feet radius, a distance of 414.7 feet, to the south line of and
 121 890 feet east of the south west corner of the said NE¼ of NE¼ of Sec. 18.

122 Containing right of way old 0.14 acres, more or less

123 new 2.13 " "

124 total 2.27 " "

125 2. The commissioner of administration shall set the terms and conditions for the
 126 sale as the commissioner deems reasonable. Such terms and conditions may include, but
 127 not be limited to, the number of appraisals required, the time, place, and terms of the sale.

128 3. The attorney general shall approve the form of the instrument of conveyance.

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer,
 2 grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in
 3 real property located in St. Clair County, Appleton City, to the state highways and
 4 transportation commission. The property to be conveyed is more particularly described
 5 as follows:

6 All of Lots Nine (9), ten (10), eleven (11), twelve (12), Thirteen (13), Fourteen
 7 (14), fifteen (15) and Sixteen (16), Block two (2); also Lots three (3), four (4),
 8 five (5), six (6), seven (7), eight (8), twelve (12), thirteen (13), fourteen (14),
 9 fifteen (15), sixteen (16) and seventeen (17), Block three (3), Grantley's
 10 Addition to Appleton City, Missouri.

11 2. The commissioner of administration shall set the terms and conditions for the
 12 sale as the commissioner deems reasonable. Such terms and conditions may include, but
 13 not be limited to, the number of appraisals required, the time, place, and terms of the sale.

14 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer,
2 **grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in**
3 **real property located in Osage County to the state highways and transportation**
4 **commission. The property to be conveyed is more particularly described as follows:**

5 **A strip of land 95 ft. wide being 40 ft. wide on the left or north side of, and**
6 **55 ft. wide on the right or south side of, parallel to and adjoining the**
7 **centerline of State Highway Route U.S. 50, leading from Kansas City to St.**
8 **Louis, Missouri beginning at the west property line of said first party or Sta.**
9 **503+50 and continuing to Sta. 512+00, a distance of 830.8 ft. thence**
10 **widening to a strip of land 100 ft. wide being 45 ft. wide on the left or north**
11 **side of and 55 ft. wide on the right or south side of said centerline from Sta.**
12 **512+00 to Sta. 516+00, a distance of 400 ft. thence narrowing to a strip of**
13 **land 80 ft. wide being 40 ft. wide on each side of said centerline from Sta.**
14 **516+00 to the south property line of said first party or Sta. 520+00 being a**
15 **distance of 400 ft., also a strip of land 50 ft. wide for connection of said**
16 **highway and the present road, said strip of land extending a distance of 75**
17 **ft. more or less in an easterly direction from said left or north right-of-way**
18 **line at or near Sta. 520+ and as shown on the plans for said highway, as**
19 **surveyed, located and platted by the State Highway Department thru the**
20 **S.½ of N.W.¼ of Sec. 7 T 43 N-R 8 W; as shown by a plat of said survey now**
21 **on file with the Clerk of the County Court of Osage County, Missouri.**

22 **2. The commissioner of administration shall set the terms and conditions for the**
23 **sale as the commissioner deems reasonable. Such terms and conditions may include, but**
24 **not be limited to, the number of appraisals required, the time, place, and terms of the sale.**

25 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer,
2 **grant, convey, remise, release, and forever quitclaim all in Madison County to the state**
3 **highways and transportation commission. The property to be conveyed is more**
4 **particularly described as follows:**

5 **Beginning at a point 114.7 feet south 82 1/2° east of the southwest corner of**
6 **U.S.P.S. 350, Township 33 north, Range 7 east, and on the centerline of the**
7 **survey made by the State Highway Commission for Route 67, Madison**
8 **County, and shown on the plan thereof – a copy of which is on file with the**
9 **Clerk of the County Court of Madison County – the said point being known**
10 **as Station 250+74 and on the arc of a 0° 30' curve to the right; the tangent**

11 of which bears north 0° 18' east at this point, thence along the said arc
 12 2041.6 feet thence north 10° 30' east, 1458.4 feet to a point on the said
 13 centerline known as Station 215+74 and there terminating.

14 A strip of land lying on each side of, and adjacent to the above described
 15 centerline as follows:

Station to Station	Distance	Width Right (East)	Width Left (West)
17 250+74 235+00	1574 Feet	50 Feet	
18 235+00 230+00	500 "	65 "	50 Feet
19 230+00 228+80	120 "	80 "	50 "
20 228+80 224+50	430 "	80 "	80 "
21 224+50 224+00	50 "	80 "	50 "
22 224+00 215+74	826 "	50 "	50 "

23 and all of U.S.P.S. 350 lying west of the said centerline from Station 250+74
 24 to Station 235+00.

25 Also strips of land 10 feet wide lying on each side of and adjacent to the
 26 above described right-of-way being on the right (east) side from Station
 27 224+00 to Station 217+00 and on the left (west) side from Station 220+50 to
 28 Station 218+00, upon which the parties of the first part grant_, convey_ and
 29 warrant_ for themselves, and their heirs, successors and assigns, unto the
 30 State, its agents, successors or assigns, the right, easement and privilege to
 31 construct and maintain on the land described in this paragraph all such
 32 extensions of any slopes from roadbed cuts or fills which may be necessary
 33 to taper out such slopes; only the above rights in, and not the fee title to,
 34 such land is hereby conveyed, and the grantors shall have the unrestricted
 35 right to fence, use and control such land in any way they desire, so long as
 36 the same does not interfere with the rights hereby granted.

37 Also 0.20 acre being a tract or parcel of land lying on the right (east) side of
 38 and adjacent to the right-of-way described above being 70 feet wide from
 39 Station 226+50 to Station 225+25, upon which the party of the second part
 40 is granted only the right to enter for the purpose of constructing and
 41 opening a channel and using the excavation therefrom in grading the State
 42 Highway. The said party of the second part is also granted the right to enter
 43 upon the said land of the parties of the first part as often as may be
 44 necessary for the purpose of maintaining and keeping open the said channel,
 45

46 the parties of the first part or their successors otherwise to have the free,
47 uninterrupted and absolute use of said land.

48 All lying in U.S.P.S. 350, Township 33 north, Range 7 east of the 5th P.M.
49 in Madison County, Missouri and containing 10.15 acres.

50 2. The commissioner of administration shall set the terms and conditions for the
51 sale as the commissioner deems reasonable. Such terms and conditions may include, but
52 not be limited to, the number of appraisals required, the time, place, and terms of the sale.

53 3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to sell, transfer,
2 grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in
3 real property located in Greene County to the state highways and transportation
4 commission. The property to be conveyed is more particularly described as follows:

5 Right of way for State Highway Route 60.

6 That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, Twp. 28N,
7 R23W, south and east of the Frisco Railroad right of way and southwest of
8 State Highway Route M, being in a tract of land 172 feet wide, except as
9 noted, 57 feet of which, except as noted, is on the left or northwesterly side,
10 and 115 feet, except as noted, on the right or southeasterly side of, adjacent
11 to, parallel with and measured from the surveyed center line of the survey
12 of the Missouri State Highway Department for said Route 60, which
13 surveyed center line is described as follows:

14 1. Beginning at a point approximately 47 feet south and 16 feet east of the
15 southwest corner of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, at survey station
16 178+50, thence N $56^{\circ}14'E$ 1635 feet to station 194+85, which station is
17 approximately 462 feet south and 30 feet east of the northeast corner of said
18 NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10.

19 Containing 5.74 acres, more or less, new right of way.

20 2. Also beginning on the left side of item 1, opposite station 191+28.3, thence
21 N $4^{\circ}02'E$ 255 feet, thence S $85^{\circ}43'W$ approximately 77.5 feet to the
22 southeasterly boundary of the railroad right of way, thence in a
23 southwesterly direction with said boundary to the south side of the said NE
24 $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Sec. 10, thence east approximately 20 feet to item 1, thence
25 N $56^{\circ}14'E$ with item 1, 1375 feet to the point of beginning.

26 Containing 3.04 acres, more or less, new right of way.

27 3. Also a tract beginning on the left side of item 1, opposite station 193+28.3,
28 thence northerly to the southwesterly right of way boundary of said Route

29 **M as it is now located and established, 30 feet from and opposite station**
 30 **3+98.7 of said route, thence southeasterly with Route M to the east boundary**
 31 **of the property, thence south with said east property boundary to item 1,**
 32 **thence southwesterly with item 1 to the point of beginning.**

33 **Containing 0.28 acre, more or less, new right of way.**

34 **4. Also a tract beginning on the right side of item 1, opposite station**
 35 **193+28.3, thence easterly approximately 35 feet to the east property**
 36 **boundary, thence north approximately 26 feet to item 1, thence**
 37 **southwesterly with item 1 approximately 40 feet to the point of beginning.**

38 **Containing 0.01 acre, more or less, new right of way.**

39 **Items 1, 2, 3 and 4 contain a total of 9.07 acres, more or less, new right of**
 40 **way.**

41 **2. The commissioner of administration shall set the terms and conditions for the**
 42 **sale as the commissioner deems reasonable. Such terms and conditions may include, but**
 43 **not be limited to, the number of appraisals required, the time, place, and terms of the sale.**

44 **3. The attorney general shall approve the form of the instrument of conveyance.**

Section 6. 1. The governor is hereby authorized and empowered to sell, transfer,
 2 **grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in**
 3 **real property located in Andrew County to the state highways and transportation**
 4 **commission. The property to be conveyed is more particularly described as follows:**

5 **Tract 1**

6 **A parcel of land bounded by a line beginning at a point on the centerline of**
 7 **the surveyed State highway at Station 195+98, said point also being two**
 8 **hundred thirty-five (235) feet north of the northeast corner of the southeast**
 9 **quarter of the southwest quarter of Section thirty-five (35), Township sixty-**
 10 **one (61) north, Range thirty-five (35) west, thence south fifty (50) feet,**
 11 **thence northeasterly on a curve having a radius of one thousand one**
 12 **hundred eight-six and twenty-eight hundredths (1186.28) feet, and extending**
 13 **two hundred twenty-eight (228) feet, thence north 47° 19' east one thousand**
 14 **twenty-nine and two tenths (1029.2) feet, thence easterly on a curve having**
 15 **a radius of one thousand one hundred six and twenty-eight hundredths**
 16 **(1106.28) feet, and extending eight hundred forty-eight and sixty-seven**
 17 **hundredths (848.67) feet, thence easterly twenty-five and thirteen**
 18 **hundredths (25.13) feet, thence north forty (40) feet, thence west three**
 19 **hundred fifty (350) feet, thence southwesterly on a curve having a radius of**
 20 **one thousand one hundred eighty-six and twenty-eight hundredths (1186.28)**

57 section corner center of said Section thirty-four (34), thence north three
58 hundred seventy (370) feet, to the south bank of 102 River, thence easterly
59 along the south bank of said River forty (40) feet, thence south 17°30' east
60 three hundred fifty (350) feet, thence west one hundred forty (140) feet to the
61 point of beginning and comprising fifty-nine hundredths (0.59) of an acre.

62 **Tract 4**

63 That part of the southeast quarter of Section thirty-five (35), Township
64 sixty-one (61) north, Range thirty-five (35) west, more particularly described
65 as

66 **Tract #1**, being bounded by a line beginning at a point on the centerline of
67 State Highway Route 48 at Station 212+71.2, which is approximately one
68 thousand three hundred fifty-seven and six tenths (1357.6) feet west of the
69 northeast corner of the southeast quarter of said Section thirty-five (35),
70 thence west fifty-four and five tenths (54.5) feet to this westerly right of way
71 line of said State Highway Route 48, thence south 47°11' west along said
72 westerly right of way line three hundred (300) feet, thence northeasterly to
73 the right on the arc of a curve having a radius of one thousand one hundred
74 ninety-one and twenty-eight hundredths (1191.28) feet, and extending a
75 distance of one hundred eighty (180) feet, thence southeasterly and at right
76 angles a distance of five (5) feet, thence northeasterly to right on the arc of
77 a curve having a radius of one thousand one hundred eight-six and twenty-
78 eight hundredths (1186.28) feet and extending a distance of two hundred
79 seventy (270) feet to a point on the north line of the southeast quarter of said
80 Section thirty-five (35), thence west to said point of beginning. Said tract is
81 for right of way and contains thirty-three hundredths (0.33) of an acre.

82 **Tract 5**

83 That part of the northeast quarter of Section thirty-five (35), Township
84 sixty-one (61), Range thirty-five (35) west, found by

85 Starting at a point on the centerline of State Highway Route 48, at Station
86 212+71.2, which is approximately one thousand three hundred fifty-seven
87 and six tenths (1357.6) feet west of the southeast corner of the northeast
88 quarter of said section thirty-five (35), thence following said centerline north
89 47°11' east one thousand twenty-eight and seven tenths (1028.7) feet to
90 Station 222+99.9, a P.C., thence northerly to the left on the arc of a 5° 00'
91 curve seven hundred sixty-two (762) feet to Station 250+61.9, a P.T. , thence
92 north 9° 05' east one thousand two hundred ninety-seven and one tenth

93 (1297.1) feet to Station 245+59, which is on defendants' north property line,
94 and is approximately forty (40) feet west of the northeast corner of said
95 Section thirty-five (35).

96 Tract #1, being all of defendants' land lying within forty (40) feet to each
97 side of the above described centerline from said Station 212+71.2 to Station
98 219+00, thence continuing with sixty (60) feet to left and widening uniformly
99 to fifty (50) feet to right of said centerline at Station 220+00, thence
100 continuing with sixty (60) feet to left and fifty (50) feet to right of said
101 centerline to Station 220+50, thence continuing with forty (40) feet to left
102 and narrowing uniformly to forty (40) feet to right of said centerline at
103 Station 221+50, thence continuing with forty (40) feet to each side of said
104 centerline to said Station 245+59, Said tract is for right of way and contains
105 five and seventy-seven hundredths (5.77) acres.

106 Tract #2, being thirty (30) feet wide by one hundred (100) feet long to left of
107 the above described right of way (or Tract #1) from opposite Station 235+00
108 to opposite Station 254+00, at an angle of 90 ° from said centerline. Said
109 tract contains seven hundredths (0.07) of an acre, and is for changing the
110 channel of a stream and providing for drainage ditches necessary for the
111 proper construction and maintenance of said State Highway. Plaintiff only
112 seeks the right to enter upon said tract of land for the purpose of
113 constructing and opening said drainage ditches and channel change, using
114 the excavation therefrom in grading said highway and for filling portions of
115 the old channel; also the right to enter upon said parcel of land when
116 necessary to maintain and keep open said ditches; the defendants, their
117 successors or assigns to otherwise have the free, uninterrupted and absolute
118 use of said Tract #2.

119 2. The commissioner of administration shall set the terms and conditions for the
120 sale as the commissioner deems reasonable. Such terms and conditions may include, but
121 not be limited to, the number of appraisals required, the time, place, and terms of the sale.

122 3. The attorney general shall approve the form of the instrument of conveyance.

Section 7. 1. The governor is hereby authorized and empowered to sell, transfer,
2 grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in
3 real property located in Ozark County to the state highways and transportation
4 commission. The property to be conveyed is more particularly described as follows:

5 Tract 1

6 All that part of the following tract:

7 Northwest quarter of the southeast quarter (NW¼ SE¼)
8 Of Section 15, Township 22 North, Range 16 West
9 Which lies within a distance of 40 feet on each side of the centerline of State
10 highway designated as Route SC, leading from Route 5, west of Gainesville,
11 westerly to the Ozark-Taney County line, as the same was located, surveyed
12 and platted by the State Highway Department, as shown on plans duly
13 approved by the State Highway Commission, a copy of which is now on file
14 with the Clerk of the County Court in and for Ozark County.

15 Said centerline being described as follows:

16 Beginning at a point on the west boundary of said tract, distant 650 feet,
17 more or less, north of the southwest corner thereof, at or near Station
18 201+60; thence run north 49° 14' east, 526.9 feet; thence deflect to the right
19 on a 4° curve, (delta angle 40° 22') 1009.2 feet; thence on tangent to said
20 curve north 89° 36' east, 18.9 feet, more or less, to a point on the east
21 boundary of said tract, distant 5 feet, more or less, south of the northeast
22 corner thereof, and there terminating at or near Station 217+15.

23 Containing 2.86 acres, more or less.

24 2. Also the following parcel of land adjoining the above described right of
25 way tract, extending between the stations indicated to the widths shown
26 below:

27 Left: Station 202+01 to 202+27, 26 feet long by 30 feet wide on a 40° skew
28 to the right

29 3. Also all that part of said tract lying northerly of the above described
30 strip, and easterly of a line described as follows:

31 Beginning at a point on the left or northerly line of said above described
32 strip, opposite Station 211+00; thence run northwesterly normal to said
33 centerline to its intersection with the northerly boundary of said tract, and
34 there terminating.

35 Item 2 has an area of 0.02 acre, more or less, and is for the purpose of a
36 ditch outlet, to which the State Highway Department only seeks the right to
37 enter upon land of said owners for the purpose of constructing and opening
38 said ditch, using excavation therefrom in grading said highway, and
39 entering upon the said parcel of land as often as may be necessary to
40 maintain and keep open said ditch; providing the owners shall otherwise
41 have the free, absolute and uninterrupted use of said land.

78 **3. The attorney general shall approve the form of the instrument of conveyance.**

 Section B. Because of the need to ensure that motorists who were issued valid special
2 license plates are legally registered within the state of Missouri and because of the need to avoid
3 unnecessary administrative license plate recalls, the repeal and reenactment of section 301.449
4 of this act is deemed necessary for the immediate preservation of the public health, welfare,
5 peace and safety, and is hereby declared to be an emergency act within the meaning of the
6 constitution, and the repeal and reenactment of section 301.449 of this act shall be in full force
7 and effect upon its passage and approval.

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