

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1402

AN ACT

To repeal sections 21.795, 70.441, 142.932, 144.030, 226.500, 260.392, 301.010, 301.032, 301.069, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200, 304.120, 304.190, 306.127, 307.365, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, and to enact in lieu thereof fifty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 21.795, 70.441, 142.932, 144.030,  
2 226.500, 260.392, 301.010, 301.032, 301.069, 301.218, 301.260,  
3 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.010,  
4 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200,  
5 304.120, 304.190, 306.127, 307.365, 387.040, 387.050, 387.080,  
6 387.110, 387.207, 390.051, 390.061, 390.063, 390.116, 390.201,  
7 390.280, 544.046, and 643.320, RSMo, are repealed and fifty-three  
8 new sections enacted in lieu thereof, to be known as sections  
9 21.795, 70.441, 142.932, 144.030, 144.758, 226.500, 226.541,

1 260.392, 301.010, 301.032, 301.069, 301.216, 301.218, 301.260,  
2 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 301.580,  
3 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700,  
4 302.768, 303.200, 304.033, 304.120, 304.190, 306.127, 307.365,  
5 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207,  
6 387.355, 390.051, 390.054, 390.061, 390.063, 390.116, 390.201,  
7 390.280, 537.292, 544.046, and 643.320, to read as follows:

8 21.795. 1. There is established a permanent joint  
9 committee of the general assembly to be known as the "Joint  
10 Committee on Transportation Oversight" to be composed of seven  
11 members of the standing transportation committees of both the  
12 senate and the house of representatives and three nonvoting ex  
13 officio members. Of the fourteen members to be appointed to the  
14 joint committee, the seven senate members of the joint committee  
15 shall be appointed by the president pro tem of the senate and  
16 minority leader of the senate and the seven house members shall  
17 be appointed by the speaker of the house of representatives and  
18 the minority floor leader of the house of representatives. The  
19 seven senate members shall be composed, as nearly as may be, of  
20 majority and minority party members in the same proportion as the  
21 number of majority and minority party members in the senate bears  
22 to the total membership of the senate. No major party shall be  
23 represented by more than four members from the house of  
24 representatives [nor more than four members from the senate].  
25 The ex officio members shall be the state auditor, the director  
26 of the oversight division of the committee on legislative  
27 research, and the commissioner of the office of administration or  
28 the designee of such auditor, director or commissioner. The

1 joint committee shall be chaired jointly by both chairs of the  
2 senate and house transportation committees. A majority of the  
3 committee shall constitute a quorum, but the concurrence of a  
4 majority of the members, other than the ex officio members, shall  
5 be required for the determination of any matter within the  
6 committee's duties.

7 2. The department of transportation shall submit a written  
8 report prior to [~~November tenth~~] December thirty-first of each  
9 year to the governor[, ] and the lieutenant governor[, and every  
10 member of the senate and house of representatives]. The report  
11 shall be posted to the department's Internet website so that  
12 general assembly members may elect to access a copy of the report  
13 electronically. The written report shall contain the following:

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

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

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

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

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

13 (2) A detailed explanation of the methods or criteria  
14 employed to select construction projects, including a listing of  
15 any new or reprioritized projects not mentioned in a previous  
16 report, and an explanation as to how the new or reprioritized  
17 projects meet the selection methods or criteria;

18 (3) The proposed allocation and expenditure of moneys and  
19 the proposed work plan for the current fiscal year, at least the  
20 next four years, and for any period of time expressed in any  
21 public transportation plan approved by either the general  
22 assembly or by the voters of Missouri. This proposed allocation  
23 and expenditure of moneys shall include the amounts of proposed  
24 allocation and expenditure of moneys in each of the categories  
25 listed in subdivision (1) of this subsection;

26 (4) The amounts which were planned, estimated and expended  
27 for projects in the state highway and bridge construction program  
28 or any other projects relating to other modes of transportation

1 in the preceding state fiscal year and amounts which have been  
2 planned, estimated or expended by project for construction work  
3 in progress;

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

12 (6) The reasons for cost increases or decreases exceeding  
13 five million dollars or ten percent relative to cost estimates  
14 and final completed costs for projects in the state highway and  
15 bridge construction program or any other projects relating to  
16 other modes of transportation completed in the preceding state  
17 fiscal year. Cost increases or decreases shall be determined by  
18 comparing the cost estimate at the time the project was placed on  
19 the most recent five-year highway and bridge construction plan  
20 and the final completed cost by project. The reasons shall  
21 include the amounts resulting from inflation, department-wide  
22 design changes, changes in project scope, federal mandates, or  
23 other factors;

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

27 (8) An accounting of the total amount of state, federal and  
28 earmarked federal highway funds expended in each district of the

1 department of transportation; and

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

4 3. Prior to [~~December first~~] February fifteenth of each  
5 year, the committee shall hold an annual meeting and call before  
6 its members, officials or employees of the state highways and  
7 transportation commission or department of transportation, as  
8 determined by the committee, for the sole purpose of receiving  
9 and examining the report required pursuant to subsection 2 of  
10 this section. The committee shall not have the power to modify  
11 projects or priorities of the state highways and transportation  
12 commission or department of transportation. The committee may  
13 make recommendations to the state highways and transportation  
14 commission or the department of transportation. Disposition of  
15 those recommendations shall be reported by the commission or the  
16 department to the joint committee on transportation oversight.

17 4. In addition to the annual meeting required by subsection  
18 3 of this section, the committee shall meet two times each year.  
19 The co-chairs of the committee shall establish an agenda for each  
20 meeting that may include, but not be limited to, the following  
21 items to be discussed with the committee members throughout the  
22 year during the scheduled meeting:

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

25 (2) Discussion of department efficiencies and expenditure  
26 of cost-savings within the department;

27 (3) Presentation of a status report on department of  
28 transportation revenues and expenditures, including a detailed

1 summary of projects funded by new state revenue as provided in  
2 paragraph (a) of subdivision (1) of subsection 2 of this section;  
3 and

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

10 5. The committee shall also review all applications for the  
11 development of specialty plates submitted to it by the department  
12 of revenue. The committee shall approve such application by a  
13 majority vote. The committee shall approve any application  
14 unless the committee receives:

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

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

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

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

27 6. The committee shall submit records of its meetings to  
28 the secretary of the senate and the chief clerk of the house of

1 representatives in accordance with sections 610.020 and 610.023.

2 70.441. 1. As used in this section, the following terms  
3 have the following meanings:

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

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

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

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

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

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

26 (1) Any act otherwise prohibited by this section is lawful  
27 if specifically authorized by agreement, permit, license or other  
28 writing duly signed by an authorized officer of the agency or if



1 performed by an officer, employee or designated agent of the  
2 agency acting within the scope of his or her employment or  
3 agency;

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

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

12 3. (1) No person shall use or enter upon the light rail  
13 conveyances of the agency without payment of the fare or other  
14 lawful charges established by the agency. Any person on any such  
15 conveyance must have properly validated fare media in his  
16 possession. This ticket must be valid to or from the station the  
17 passenger is using, and must have been used for entry for the  
18 trip then being taken;

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

25 (3) No person shall enter upon parking lots designated by  
26 the agency as requiring payment to enter, either by electronic  
27 gate or parking meters, where the cost of such parking fee is  
28 visibly displayed at each location, without payment of such fees

1 or other lawful charges established by the agency;

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

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

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

21 (7) No person may perform any act which would interfere  
22 with the provision of transit service or obstruct the flow of  
23 traffic on facilities or conveyances or which would in any way  
24 interfere or tend to interfere with the safe and efficient  
25 operation of the facilities or conveyances of the agency;

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

28 (a) Comply with all lawful orders and directives of any

1 agency employee acting within the scope of his employment;

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

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

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

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

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

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

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

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

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

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

28 (g) Throw or cause to be propelled any stone, projectile or

1 other article at, from, upon or in a facility or conveyance;

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

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

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

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

28 (15) No person shall extend his hand, arm, leg, head or

1 other part of his or her person or extend any item, article or  
2 other substance outside of the window or door of a moving rapid  
3 transit car, bus or other conveyance operated by the agency;

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

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

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

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

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

24 4. (1) Unless a greater penalty is otherwise provided by  
25 the laws of the state, any violation of this section shall  
26 constitute a misdemeanor, and any person committing a violation  
27 thereof shall be subject to arrest and, upon conviction in a  
28 court of competent jurisdiction, shall pay a fine in an amount

1 not less than twenty-five dollars and no greater than two hundred  
2 fifty dollars per violation, in addition to court costs. Any  
3 default in the payment of a fine imposed pursuant to this section  
4 without good cause shall result in imprisonment for not more than  
5 thirty days;

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

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

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

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

24 5. Any person who is convicted, pleads guilty, or pleads  
25 nolo contendere for failing to pay the proper fare, fee, or other  
26 charge for the use of the facilities and conveyances of the bi-  
27 state development agency, as described in subdivision (3) of  
28 subsection 4 of this section, shall, in addition to the unpaid

1 fares or charges and any fines, penalties, or sentences imposed  
2 by law, be required to reimburse the reasonable costs  
3 attributable to the enforcement, investigation, and prosecution  
4 of such offense by the bi-state development agency. The court  
5 shall direct the reimbursement proceeds to the appropriate agency  
6 official.

7 6. (1) Stalled or disabled vehicles may be removed from  
8 the roadways of the agency property by the agency and parked or  
9 stored elsewhere at the risk and expense of the owner;

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

15 142.932. 1. No person shall operate or maintain a motor  
16 vehicle on any public highway in this state with motor fuel  
17 contained in the fuel supply tank for the motor vehicle that  
18 contains dye as provided pursuant to this chapter.

19 2. This section does not apply to:

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

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

28 (3) Persons operating motor vehicles during a state of

1 emergency declaration by the governor, when such motor vehicles  
2 are engaged in public safety matters or in restoration of utility  
3 services attributable to the state of emergency. This exception  
4 shall apply to public utility and rural electric cooperative  
5 motor vehicles and the motor vehicles of persons contracting with  
6 such entities for the purpose of restoring utility service  
7 attributable to the state of emergency.

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

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

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

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

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

27         144.030. 1. There is hereby specifically exempted from the  
28 provisions of sections 144.010 to 144.525 and from the



1 computation of the tax levied, assessed or payable pursuant to  
2 sections 144.010 to 144.525 such retail sales as may be made in  
3 commerce between this state and any other state of the United  
4 States, or between this state and any foreign country, and any  
5 retail sale which the state of Missouri is prohibited from taxing  
6 pursuant to the Constitution or laws of the United States of  
7 America, and such retail sales of tangible personal property  
8 which the general assembly of the state of Missouri is prohibited  
9 from taxing or further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions  
11 of the local sales tax law as defined in section 32.085, section  
12 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761  
13 and from the computation of the tax levied, assessed or payable  
14 pursuant to the local sales tax law as defined in section 32.085,  
15 section 238.235, and sections 144.010 to 144.525 and 144.600 to  
16 144.745:

17 (1) Motor fuel or special fuel subject to an excise tax of  
18 this state, unless all or part of such excise tax is refunded  
19 pursuant to section 142.824; or upon the sale at retail of fuel  
20 to be consumed in manufacturing or creating gas, power, steam,  
21 electrical current or in furnishing water to be sold ultimately  
22 at retail; or feed for livestock or poultry; or grain to be  
23 converted into foodstuffs which are to be sold ultimately in  
24 processed form at retail; or seed, limestone or fertilizer which  
25 is to be used for seeding, liming or fertilizing crops which when  
26 harvested will be sold at retail or will be fed to livestock or  
27 poultry to be sold ultimately in processed form at retail;  
28 economic poisons registered pursuant to the provisions of the

1 Missouri pesticide registration law (sections 281.220 to 281.310)  
2 which are to be used in connection with the growth or production  
3 of crops, fruit trees or orchards applied before, during, or  
4 after planting, the crop of which when harvested will be sold at  
5 retail or will be converted into foodstuffs which are to be sold  
6 ultimately in processed form at retail;

7 (2) Materials, manufactured goods, machinery and parts  
8 which when used in manufacturing, processing, compounding,  
9 mining, producing or fabricating become a component part or  
10 ingredient of the new personal property resulting from such  
11 manufacturing, processing, compounding, mining, producing or  
12 fabricating and which new personal property is intended to be  
13 sold ultimately for final use or consumption; and materials,  
14 including without limitation, gases and manufactured goods,  
15 including without limitation slagging materials and firebrick,  
16 which are ultimately consumed in the manufacturing process by  
17 blending, reacting or interacting with or by becoming, in whole  
18 or in part, component parts or ingredients of steel products  
19 intended to be sold ultimately for final use or consumption;

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

25 (4) Motor vehicles registered in excess of fifty-four  
26 thousand pounds, and the trailers pulled by such motor vehicles,  
27 that are actually used in the normal course of business to haul  
28 property on the public highways of the state, and that are

1 capable of hauling loads commensurate with the motor vehicle's  
2 registered weight; and the materials, replacement parts, and  
3 equipment purchased for use directly upon, and for the repair and  
4 maintenance or manufacture of such vehicles. For purposes of  
5 this subdivision "motor vehicle" and "public highway" shall have  
6 the meaning as ascribed in section 390.020;

7 (5) Replacement machinery, equipment, and parts and the  
8 materials and supplies solely required for the installation or  
9 construction of such replacement machinery, equipment, and parts,  
10 used directly in manufacturing, mining, fabricating or producing  
11 a product which is intended to be sold ultimately for final use  
12 or consumption; and machinery and equipment, and the materials  
13 and supplies required solely for the operation, installation or  
14 construction of such machinery and equipment, purchased and used  
15 to establish new, or to replace or expand existing, material  
16 recovery processing plants in this state. For the purposes of  
17 this subdivision, a "material recovery processing plant" means a  
18 facility that has as its primary purpose the recovery of  
19 materials into a useable product or a different form which is  
20 used in producing a new product and shall include a facility or  
21 equipment which are used exclusively for the collection of  
22 recovered materials for delivery to a material recovery  
23 processing plant but shall not include motor vehicles used on  
24 highways. For purposes of this section, the terms motor vehicle  
25 and highway shall have the same meaning pursuant to section  
26 301.010. Material recovery is not the reuse of materials within  
27 a manufacturing process or the use of a product previously  
28 recovered. The material recovery processing plant shall qualify

1 under the provisions of this section regardless of ownership of  
2 the material being recovered;

3 [(5)] (6) Machinery and equipment, and parts and the  
4 materials and supplies solely required for the installation or  
5 construction of such machinery and equipment, purchased and used  
6 to establish new or to expand existing manufacturing, mining or  
7 fabricating plants in the state if such machinery and equipment  
8 is used directly in manufacturing, mining or fabricating a  
9 product which is intended to be sold ultimately for final use or  
10 consumption;

11 [(6)] (7) Tangible personal property which is used  
12 exclusively in the manufacturing, processing, modification or  
13 assembling of products sold to the United States government or to  
14 any agency of the United States government;

15 [(7)] (8) Animals or poultry used for breeding or feeding  
16 purposes, or captive wildlife;

17 [(8)] (9) Newsprint, ink, computers, photosensitive paper  
18 and film, toner, printing plates and other machinery, equipment,  
19 replacement parts and supplies used in producing newspapers  
20 published for dissemination of news to the general public;

21 [(9)] (10) The rentals of films, records or any type of  
22 sound or picture transcriptions for public commercial display;

23 [(10)] (11) Pumping machinery and equipment used to propel  
24 products delivered by pipelines engaged as common carriers;

25 [(11)] (12) Railroad rolling stock for use in transporting  
26 persons or property in interstate commerce and motor vehicles  
27 licensed for a gross weight of twenty-four thousand pounds or  
28 more or trailers used by common carriers, as defined in section

1 390.020, in the transportation of persons or property;

2 [(12)] (13) Electrical energy used in the actual primary  
3 manufacture, processing, compounding, mining or producing of a  
4 product, or electrical energy used in the actual secondary  
5 processing or fabricating of the product, or a material recovery  
6 processing plant as defined in subdivision [(4)] (5) of this  
7 subsection, in facilities owned or leased by the taxpayer, if the  
8 total cost of electrical energy so used exceeds ten percent of  
9 the total cost of production, either primary or secondary,  
10 exclusive of the cost of electrical energy so used or if the raw  
11 materials used in such processing contain at least twenty-five  
12 percent recovered materials as defined in section 260.200. There  
13 shall be a rebuttable presumption that the raw materials used in  
14 the primary manufacture of automobiles contain at least  
15 twenty-five percent recovered materials. For purposes of this  
16 subdivision, "processing" means any mode of treatment, act or  
17 series of acts performed upon materials to transform and reduce  
18 them to a different state or thing, including treatment necessary  
19 to maintain or preserve such processing by the producer at the  
20 production facility;

21 [(13)] (14) Anodes which are used or consumed in  
22 manufacturing, processing, compounding, mining, producing or  
23 fabricating and which have a useful life of less than one year;

24 [(14)] (15) Machinery, equipment, appliances and devices  
25 purchased or leased and used solely for the purpose of  
26 preventing, abating or monitoring air pollution, and materials  
27 and supplies solely required for the installation, construction  
28 or reconstruction of such machinery, equipment, appliances and

1 devices;

2 [(15)] (16) Machinery, equipment, appliances and devices  
3 purchased or leased and used solely for the purpose of  
4 preventing, abating or monitoring water pollution, and materials  
5 and supplies solely required for the installation, construction  
6 or reconstruction of such machinery, equipment, appliances and  
7 devices;

8 [(16)] (17) Tangible personal property purchased by a rural  
9 water district;

10 [(17)] (18) All amounts paid or charged for admission or  
11 participation or other fees paid by or other charges to  
12 individuals in or for any place of amusement, entertainment or  
13 recreation, games or athletic events, including museums, fairs,  
14 zoos and planetariums, owned or operated by a municipality or  
15 other political subdivision where all the proceeds derived  
16 therefrom benefit the municipality or other political subdivision  
17 and do not inure to any private person, firm, or corporation;

18 [(18)] (19) All sales of insulin and prosthetic or  
19 orthopedic devices as defined on January 1, 1980, by the federal  
20 Medicare program pursuant to Title XVIII of the Social Security  
21 Act of 1965, including the items specified in Section 1862(a)(12)  
22 of that act, and also specifically including hearing aids and  
23 hearing aid supplies and all sales of drugs which may be legally  
24 dispensed by a licensed pharmacist only upon a lawful  
25 prescription of a practitioner licensed to administer those  
26 items, including samples and materials used to manufacture  
27 samples which may be dispensed by a practitioner authorized to  
28 dispense such samples and all sales or rental of medical oxygen,

1 home respiratory equipment and accessories, hospital beds and  
2 accessories and ambulatory aids, all sales or rental of manual  
3 and powered wheelchairs, stairway lifts, Braille writers,  
4 electronic Braille equipment and, if purchased or rented by or on  
5 behalf of a person with one or more physical or mental  
6 disabilities to enable them to function more independently, all  
7 sales or rental of scooters, reading machines, electronic print  
8 enlargers and magnifiers, electronic alternative and augmentative  
9 communication devices, and items used solely to modify motor  
10 vehicles to permit the use of such motor vehicles by individuals  
11 with disabilities or sales of over-the-counter or nonprescription  
12 drugs to individuals with disabilities, and drugs required by the  
13 Food and Drug Administration to meet the over-the-counter drug  
14 product labeling requirements in 21 CFR 201.66, or its successor,  
15 as prescribed by a health care practitioner licensed to  
16 prescribe;

17 [(19)] (20) All sales made by or to religious and  
18 charitable organizations and institutions in their religious,  
19 charitable or educational functions and activities and all sales  
20 made by or to all elementary and secondary schools operated at  
21 public expense in their educational functions and activities;

22 [(20)] (21) All sales of aircraft to common carriers for  
23 storage or for use in interstate commerce and all sales made by  
24 or to not-for-profit civic, social, service or fraternal  
25 organizations, including fraternal organizations which have been  
26 declared tax-exempt organizations pursuant to Section 501(c)(8)  
27 or (10) of the 1986 Internal Revenue Code, as amended, in their  
28 civic or charitable functions and activities and all sales made

1 to eleemosynary and penal institutions and industries of the  
2 state, and all sales made to any private not-for-profit  
3 institution of higher education not otherwise excluded pursuant  
4 to subdivision [(19)] (20) of this subsection or any institution  
5 of higher education supported by public funds, and all sales made  
6 to a state relief agency in the exercise of relief functions and  
7 activities;

8 [(21)] (22) All ticket sales made by benevolent, scientific  
9 and educational associations which are formed to foster,  
10 encourage, and promote progress and improvement in the science of  
11 agriculture and in the raising and breeding of animals, and by  
12 nonprofit summer theater organizations if such organizations are  
13 exempt from federal tax pursuant to the provisions of the  
14 Internal Revenue Code and all admission charges and entry fees to  
15 the Missouri state fair or any fair conducted by a county  
16 agricultural and mechanical society organized and operated  
17 pursuant to sections 262.290 to 262.530;

18 [(22)] (23) All sales made to any private not-for-profit  
19 elementary or secondary school, all sales of feed additives,  
20 medications or vaccines administered to livestock or poultry in  
21 the production of food or fiber, all sales of pesticides used in  
22 the production of crops, livestock or poultry for food or fiber,  
23 all sales of bedding used in the production of livestock or  
24 poultry for food or fiber, all sales of propane or natural gas,  
25 electricity or diesel fuel used exclusively for drying  
26 agricultural crops, natural gas used in the primary manufacture  
27 or processing of fuel ethanol as defined in section 142.028,  
28 natural gas, propane, and electricity used by an eligible new



1 generation cooperative or an eligible new generation processing  
2 entity as defined in section 348.432, and all sales of farm  
3 machinery and equipment, other than airplanes, motor vehicles and  
4 trailers, and any freight charges on any exempt item. As used in  
5 this subdivision, the term "feed additives" means tangible  
6 personal property which, when mixed with feed for livestock or  
7 poultry, is to be used in the feeding of livestock or poultry.  
8 As used in this subdivision, the term "pesticides" includes  
9 adjuvants such as crop oils, surfactants, wetting agents and  
10 other assorted pesticide carriers used to improve or enhance the  
11 effect of a pesticide and the foam used to mark the application  
12 of pesticides and herbicides for the production of crops,  
13 livestock or poultry. As used in this subdivision, the term  
14 "farm machinery and equipment" means new or used farm tractors  
15 and such other new or used farm machinery and equipment and  
16 repair or replacement parts thereon and any accessories for and  
17 upgrades to such farm machinery and equipment, rotary mowers used  
18 exclusively for agricultural purposes, and supplies and  
19 lubricants used exclusively, solely, and directly for producing  
20 crops, raising and feeding livestock, fish, poultry, pheasants,  
21 chukar, quail, or for producing milk for ultimate sale at retail,  
22 including field drain tile, and one-half of each purchaser's  
23 purchase of diesel fuel therefor which is:

24 (a) Used exclusively for agricultural purposes;

25 (b) Used on land owned or leased for the purpose of  
26 producing farm products; and

27 (c) Used directly in producing farm products to be sold  
28 ultimately in processed form or otherwise at retail or in

1 producing farm products to be fed to livestock or poultry to be  
2 sold ultimately in processed form at retail;

3 [(23)] (24) Except as otherwise provided in section  
4 144.032, all sales of metered water service, electricity,  
5 electrical current, natural, artificial or propane gas, wood,  
6 coal or home heating oil for domestic use and in any city not  
7 within a county, all sales of metered or unmetered water service  
8 for domestic use:

9 (a) "Domestic use" means that portion of metered water  
10 service, electricity, electrical current, natural, artificial or  
11 propane gas, wood, coal or home heating oil, and in any city not  
12 within a county, metered or unmetered water service, which an  
13 individual occupant of a residential premises uses for  
14 nonbusiness, noncommercial or nonindustrial purposes. Utility  
15 service through a single or master meter for residential  
16 apartments or condominiums, including service for common areas  
17 and facilities and vacant units, shall be deemed to be for  
18 domestic use. Each seller shall establish and maintain a system  
19 whereby individual purchases are determined as exempt or  
20 nonexempt;

21 (b) Regulated utility sellers shall determine whether  
22 individual purchases are exempt or nonexempt based upon the  
23 seller's utility service rate classifications as contained in  
24 tariffs on file with and approved by the Missouri public service  
25 commission. Sales and purchases made pursuant to the rate  
26 classification "residential" and sales to and purchases made by  
27 or on behalf of the occupants of residential apartments or  
28 condominiums through a single or master meter, including service

1 for common areas and facilities and vacant units, shall be  
2 considered as sales made for domestic use and such sales shall be  
3 exempt from sales tax. Sellers shall charge sales tax upon the  
4 entire amount of purchases classified as nondomestic use. The  
5 seller's utility service rate classification and the provision of  
6 service thereunder shall be conclusive as to whether or not the  
7 utility must charge sales tax;

8 (c) Each person making domestic use purchases of services  
9 or property and who uses any portion of the services or property  
10 so purchased for a nondomestic use shall, by the fifteenth day of  
11 the fourth month following the year of purchase, and without  
12 assessment, notice or demand, file a return and pay sales tax on  
13 that portion of nondomestic purchases. Each person making  
14 nondomestic purchases of services or property and who uses any  
15 portion of the services or property so purchased for domestic  
16 use, and each person making domestic purchases on behalf of  
17 occupants of residential apartments or condominiums through a  
18 single or master meter, including service for common areas and  
19 facilities and vacant units, under a nonresidential utility  
20 service rate classification may, between the first day of the  
21 first month and the fifteenth day of the fourth month following  
22 the year of purchase, apply for credit or refund to the director  
23 of revenue and the director shall give credit or make refund for  
24 taxes paid on the domestic use portion of the purchase. The  
25 person making such purchases on behalf of occupants of  
26 residential apartments or condominiums shall have standing to  
27 apply to the director of revenue for such credit or refund;

28 [(24)] (25) All sales of handicraft items made by the

1 seller or the seller's spouse if the seller or the seller's  
2 spouse is at least sixty-five years of age, and if the total  
3 gross proceeds from such sales do not constitute a majority of  
4 the annual gross income of the seller;

5 [(25)] (26) Excise taxes, collected on sales at retail,  
6 imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181,  
7 4251, 4261 and 4271 of Title 26, United States Code. The  
8 director of revenue shall promulgate rules pursuant to chapter  
9 536 to eliminate all state and local sales taxes on such excise  
10 taxes;

11 [(26)] (27) Sales of fuel consumed or used in the operation  
12 of ships, barges, or waterborne vessels which are used primarily  
13 in or for the transportation of property or cargo, or the  
14 conveyance of persons for hire, on navigable rivers bordering on  
15 or located in part in this state, if such fuel is delivered by  
16 the seller to the purchaser's barge, ship, or waterborne vessel  
17 while it is afloat upon such river;

18 [(27)] (28) All sales made to an interstate compact agency  
19 created pursuant to sections 70.370 to 70.441 or sections 238.010  
20 to 238.100 in the exercise of the functions and activities of  
21 such agency as provided pursuant to the compact;

22 [(28)] (29) Computers, computer software and computer  
23 security systems purchased for use by architectural or  
24 engineering firms headquartered in this state. For the purposes  
25 of this subdivision, "headquartered in this state" means the  
26 office for the administrative management of at least four  
27 integrated facilities operated by the taxpayer is located in the  
28 state of Missouri;

1            [(29)] (30) All livestock sales when either the seller is  
2 engaged in the growing, producing or feeding of such livestock,  
3 or the seller is engaged in the business of buying and selling,  
4 bartering or leasing of such livestock;

5            [(30)] (31) All sales of barges which are to be used  
6 primarily in the transportation of property or cargo on  
7 interstate waterways;

8            [(31)] (32) Electrical energy or gas, whether natural,  
9 artificial or propane, water, or other utilities which are  
10 ultimately consumed in connection with the manufacturing of  
11 cellular glass products or in any material recovery processing  
12 plant as defined in subdivision [(4)] (5) of this subsection;

13           [(32)] (33) Notwithstanding other provisions of law to the  
14 contrary, all sales of pesticides or herbicides used in the  
15 production of crops, aquaculture, livestock or poultry;

16           [(33)] (34) Tangible personal property and utilities  
17 purchased for use or consumption directly or exclusively in the  
18 research and development of agricultural/biotechnology and plant  
19 genomics products and prescription pharmaceuticals consumed by  
20 humans or animals;

21           [(34)] (35) All sales of grain bins for storage of grain  
22 for resale;

23           [(35)] (36) All sales of feed which are developed for and  
24 used in the feeding of pets owned by a commercial breeder when  
25 such sales are made to a commercial breeder, as defined in  
26 section 273.325, and licensed pursuant to sections 273.325 to  
27 273.357;

28           [(36)] (37) All purchases by a contractor on behalf of an

1 entity located in another state, provided that the entity is  
2 authorized to issue a certificate of exemption for purchases to a  
3 contractor under the provisions of that state's laws. For  
4 purposes of this subdivision, the term "certificate of exemption"  
5 shall mean any document evidencing that the entity is exempt from  
6 sales and use taxes on purchases pursuant to the laws of the  
7 state in which the entity is located. Any contractor making  
8 purchases on behalf of such entity shall maintain a copy of the  
9 entity's exemption certificate as evidence of the exemption. If  
10 the exemption certificate issued by the exempt entity to the  
11 contractor is later determined by the director of revenue to be  
12 invalid for any reason and the contractor has accepted the  
13 certificate in good faith, neither the contractor or the exempt  
14 entity shall be liable for the payment of any taxes, interest and  
15 penalty due as the result of use of the invalid exemption  
16 certificate. Materials shall be exempt from all state and local  
17 sales and use taxes when purchased by a contractor for the  
18 purpose of fabricating tangible personal property which is used  
19 in fulfilling a contract for the purpose of constructing,  
20 repairing or remodeling facilities for the following:

21 (a) An exempt entity located in this state, if the entity  
22 is one of those entities able to issue project exemption  
23 certificates in accordance with the provisions of section  
24 144.062; or

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

1            [(37)] (38) All sales or other transfers of tangible  
2 personal property to a lessor who leases the property under a  
3 lease of one year or longer executed or in effect at the time of  
4 the sale or other transfer to an interstate compact agency  
5 created pursuant to sections 70.370 to 70.441 or sections 238.010  
6 to 238.100;

7            [(38)] (39) Sales of tickets to any collegiate athletic  
8 championship event that is held in a facility owned or operated  
9 by a governmental authority or commission, a quasi-governmental  
10 agency, a state university or college or by the state or any  
11 political subdivision thereof, including a municipality, and that  
12 is played on a neutral site and may reasonably be played at a  
13 site located outside the state of Missouri. For purposes of this  
14 subdivision, "neutral site" means any site that is not located on  
15 the campus of a conference member institution participating in  
16 the event;

17           [(39)] (40) All purchases by a sports complex authority  
18 created under section 64.920, and all sales of utilities by such  
19 authority at the authority's cost that are consumed in connection  
20 with the operation of a sports complex leased to a professional  
21 sports team;

22           [(40)] (41) Beginning January 1, 2009, but not after  
23 January 1, 2015, materials, replacement parts, and equipment  
24 purchased for use directly upon, and for the modification,  
25 replacement, repair, and maintenance of aircraft, aircraft power  
26 plants, and aircraft accessories;

27           [(41)] (42) Sales of sporting clays, wobble, skeet, and  
28 trap targets to any shooting range or similar places of business

1 for use in the normal course of business and money received by a  
2 shooting range or similar places of business from patrons and  
3 held by a shooting range or similar place of business for  
4 redistribution to patrons at the conclusion of a shooting event.

5 144.758. (1) Provided that a local use tax is not imposed  
6 under section 144.757, a county or municipality, by a majority  
7 vote of its governing body, may impose a local use tax on new and  
8 used motor vehicles, trailers, boats, and outboard motors, if a  
9 local sales tax is imposed as defined in section 32.085, at a  
10 rate equal to the rate of the local sales tax in effect in such  
11 county or municipality; provided, however, that no ordinance or  
12 order enacted pursuant to this section shall be effective unless  
13 the governing body of the county or municipality submits to the  
14 voters thereof at a municipal, county or state general, primary,  
15 or special election a proposal to authorize the governing body of  
16 the county or municipality to impose a local use tax pursuant to  
17 this section.

18 (2) The ballot submission shall contain substantially the  
19 following language:

20 Shall the ..... (county or municipality's name)  
21 impose a local use tax on new and used motors,  
22 trailers, boats, and outboard motors at the same rate  
23 as the total local sales tax rate, currently .....  
24 (insert percent), provided that if the local sales tax  
25 rate is reduced or raised by voter approval, the local  
26 use tax rate shall also be reduced or raised by the  
27 same action?

28  YES  NO



1 If you are in favor of the question, place an "X" in the box  
2 opposition "YES". If you are opposed to the question, place an  
3 "X" in the box opposite "NO".

4 (3) If a majority of the votes cast on the proposal by the  
5 qualified voters voting thereon are in favor of the proposal,  
6 then the ordinance or order and any amendments thereto shall be  
7 in effect on the first day of the calendar quarter which begins  
8 at least forty-five days after the director of revenue receives  
9 notice of adoption of the local use tax. If a majority of the  
10 votes cast by the qualified voters voting are opposed to the  
11 proposal, then the governing body of the county or municipality  
12 shall have no power to impose the local use tax as herein  
13 authorized unless and until the governing body of the county or  
14 municipality shall again have submitted another proposal to  
15 authorize the governing body of the county or municipality to  
16 impose the local use tax and such proposal is approved by a  
17 majority of the qualified voters voting thereon.

18 (4) The local use tax under this section may be imposed at  
19 the same rate as the local sales tax then currently in effect in  
20 the county or municipality upon all new and used motor vehicles,  
21 trailers, boats, and outboard motors within the county or  
22 municipality adopting such tax that are subject to the state tax  
23 imposed under this section; provided, however, that if any local  
24 sales tax is repealed or the rate thereof is reduced or raised by  
25 voter approval, the local use tax rate shall also be deemed to be  
26 repealed, reduced, or raised by the same action repealing,  
27 reducing, or raising the local sales tax.

28 (5) Notwithstanding any other provision of law, the

1 director shall distribute the tax imposed, less one percent for  
2 the cost of collection as provided in section 144.759, under this  
3 section in the same manner as though the motor vehicle, trailer,  
4 boat, or outboard motor had been sold at retail within the state.

5 226.500. The general assembly finds and declares that  
6 outdoor advertising is a legitimate commercial use of private  
7 property adjacent to the interstate and primary highway systems  
8 and that it is necessary to regulate and control same to promote  
9 highway safety, to promote convenience and enjoyment of highway  
10 travel, and to preserve the natural scenic beauty of highways and  
11 adjacent areas. The general assembly further declares it to be  
12 the policy of this state that the erection and maintenance of  
13 outdoor advertising in areas adjacent to the interstate and  
14 primary highway systems be regulated in accordance with sections  
15 226.500 to 226.600 and rules and regulations promulgated by the  
16 state highways and transportation commission pursuant thereto and  
17 may confer with the department of public safety regarding highway  
18 safety, the department of economic development and the state  
19 division of tourism with regard to promoting the convenience and  
20 enjoyment of highway travel, and the departments of conservation  
21 and natural resources regarding the preservation of the natural  
22 scenic beauty of adjacent areas.

23 226.541. 1. As used in this section, the following words  
24 or phrases mean:

25 (1) "Conforming out of standard signs", signs that fail to  
26 meet the current statutory and administrative rule requirements  
27 for outdoor advertising but currently comply with the terms of  
28 the federal/state agreement and meet the August 27, 1999,

1 statutory and administrative rule requirements that governed  
2 outdoor advertising and the highway beautification act of 1965;

3 (2) "Federal/state agreement", an agreement executed  
4 between the United States Department of Transportation and the  
5 state highways and transportation commission on February 22,  
6 1972, for carrying out national policy relative to control of  
7 outdoor advertising in areas adjacent to the national system of  
8 interstate and defense highways and the federal-aid primary  
9 system;

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

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

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

26 2. Subject to the provisions of this section, and if  
27 allowed by applicable local regulations, conforming out of  
28 standard signs shall be treated as conforming signs under

1 commission administrative rules, including new display  
2 technologies, lighting, cutouts, and extensions, except that such  
3 signs shall not be substantially rebuilt except in accordance  
4 with the provisions of this section. If allowed by applicable  
5 local regulations, new technologies, lighting, cutouts, and  
6 extensions may be utilized on conforming and conforming out of  
7 standard signs in accordance with Missouri department of  
8 transportation regulations.

9 3. If allowed by applicable local regulations, a conforming  
10 out of standard sign may be upgraded:

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

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

18 4. Notwithstanding any provision of the law to the  
19 contrary, a conforming out of standard sign may be unstacked by  
20 closing the gap between the signs or by replacing the aces with  
21 one display area. The resulting sign face square footage shall  
22 not exceed the square footage of the original stacked structure.  
23 A conforming out of standard sign structure height may be  
24 lowered.

25 5. On the date the commission approves funding for any  
26 phase or portion of construction or reconstruction of any street  
27 or highway, the rules in effect for outdoor advertising on August  
28 27, 1999, shall be reinstated for that section of highway

1 scheduled for construction and there shall immediately be a  
2 moratorium imposed on the issuance of state sign permits for new  
3 sign structures.

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

13 7. Owners of existing signs who elect to reset qualifying  
14 signs shall receive compensation from the state highways and  
15 transportation commission or in accordance with a cost sharing  
16 agreement representing the actual cost to reset the existing  
17 sign. Signs which have been reset under these provisions must be  
18 reconstructed of the same type materials and may not exceed the  
19 square footage of the original sign structure.

20 8. Sign owners may elect to reset existing qualifying signs  
21 by executing a partial waiver and reset agreement with the  
22 commission. Such agreement shall specify the size, type, and  
23 location of the rebuilt sign and the reset expenses to be paid to  
24 the owner by the commission. The commission may consider the  
25 impact of a potential reset upon scenic, natural, historic, or  
26 other features in the surrounding area in its determination of  
27 whether to enter into a reset agreement.

28 9. Immediately upon the completion of construction on any

1 section of highway, the moratorium on new permits shall be lifted  
2 and the rules for outdoor advertising in effect on the date the  
3 construction is completed shall apply to such section of highway.

4 10. Local zoning authorities may prohibit the resetting of  
5 qualifying signs which fail to comply with local regulations.

6 11. The state highways and transportation commission, in  
7 accordance with section 226.500, shall review its current rules  
8 and regulations and solicit industry, stakeholder, and public  
9 comments regarding digital technology upgrades, including but not  
10 limited to, ad copy duration, distance from interchanges,  
11 brightness controls, including light sensors and timers, and  
12 distance from other billboards prior to implementing the sign  
13 reset agreement program or digital upgrade regulations pursuant  
14 to this section.

15 12. All signs shall be subject to the biennial inspection  
16 fees under section 226.550.

17 260.392. 1. As used in sections 260.392 to 260.399, the  
18 following terms mean:

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

23 (2) "High-level radioactive waste", the highly radioactive  
24 material resulting from the reprocessing of spent nuclear fuel  
25 including liquid waste produced directly in reprocessing and any  
26 solid material derived from such liquid waste that contains  
27 fission products in sufficient concentrations, and other highly  
28 radioactive material that the United States Nuclear Regulatory

1 Commission has determined to be high-level radioactive waste  
2 requiring permanent isolation;

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

8 (4) "Low-level radioactive waste", any radioactive waste  
9 not classified as high-level radioactive waste, transuranic  
10 radioactive waste, or spent nuclear fuel by the United States  
11 Nuclear Regulatory Commission, consistent with existing law.  
12 Shipment of all sealed sources meeting the definition of  
13 low-level radioactive waste, shipments of low-level radioactive  
14 waste that are within a radius of no more than fifty miles from  
15 the point of origin, and all naturally occurring radioactive  
16 material given written approval for landfill disposal by the  
17 Missouri department of natural resources under 10 CSR 80-3.010  
18 are exempt from the provisions of this section. Any low-level  
19 radioactive waste that has a radioactive half-life equal to or  
20 less than one hundred twenty days is exempt from the provisions  
21 of this section;

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

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

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

4 (8) "Transuranic radioactive waste", defined in 40 CFR Part  
5 191.02, as amended, as waste containing more than one hundred  
6 nanocuries of alpha-emitting transuranic isotopes with half-lives  
7 greater than twenty years, per gram of waste. For the purposes  
8 of this section, transuranic waste shall not include:

9 (a) High-level radioactive wastes;

10 (b) Any waste determined by the Environmental Protection  
11 Agency with the concurrence of the Environmental Protection  
12 Agency administrator that does not need the degree of isolation  
13 required by this section; or

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

17 2. Any shipper that ships high-level radioactive waste,  
18 transuranic radioactive waste, highway route controlled quantity  
19 shipments, spent nuclear fuel, or low-level radioactive waste  
20 through or within the state shall be subject to the fees  
21 established in this subsection, provided that no state-funded  
22 institution of higher education that ships nuclear waste shall  
23 pay any such fee. These higher education institutions shall  
24 reimburse the Missouri state highway patrol directly for all  
25 costs related to shipment escorts. The fees for all other  
26 shipments shall be:

27 (1) One thousand eight hundred dollars for each [cask  
28 transported] truck transporting through or within the state [by



1 truck of] high-level radioactive waste, transuranic radioactive  
2 waste, spent nuclear fuel or highway route controlled quantity  
3 shipments. All [casks] truck shipments of high-level radioactive  
4 waste, transuranic radioactive waste, spent nuclear fuel, or  
5 highway route controlled quantity shipments [transported by  
6 truck] are subject to a surcharge of twenty-five dollars per mile  
7 for every mile over two hundred miles traveled within the state;

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

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

18 3. All revenue generated from the fees established in  
19 subsection 2 of this section shall be deposited into the  
20 environmental radiation monitoring fund established in section  
21 260.750 and shall be used by the department of natural resources  
22 to achieve the following objectives and for purposes related to  
23 the shipment of high-level radioactive waste, transuranic  
24 radioactive waste, highway route controlled quantity shipments,  
25 spent nuclear fuel, or low-level radioactive waste, including,  
26 but not limited to:

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

1 (2) Coordination of emergency response capability;

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

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

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

11 (6) Oversight of any environmental remediation necessary  
12 resulting from an incident involving a shipment of high-level  
13 radioactive waste, transuranic radioactive waste, highway route  
14 controlled quantity shipments, spent nuclear fuel, or low-level  
15 radioactive waste. Reimbursement for oversight of any such  
16 incident shall not reduce or eliminate the liability of any party  
17 responsible for the incident; such party may be liable for full  
18 reimbursement to the state or payment of any other costs  
19 associated with the cleanup of contamination related to a  
20 transportation incident;

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

26 4. Nothing in this section shall preclude any other state  
27 agency from receiving reimbursement from the department of  
28 natural resources and the environmental radiation monitoring fund

1 for services rendered that achieve the objectives and comply with  
2 the provisions of this section.

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

8 6. The department of natural resources, in coordination  
9 with the department of health and senior services and the  
10 department of public safety, may promulgate rules necessary to  
11 carry out the provisions of this section. Any rule or portion of  
12 a rule, as that term is defined in section 536.010, that is  
13 created under the authority delegated in this section shall  
14 become effective only if it complies with and is subject to all  
15 of the provisions of chapter 536 and, if applicable, section  
16 536.028. This section and chapter 536 are nonseverable and if  
17 any of the powers vested with the general assembly pursuant to  
18 chapter 536 to review, to delay the effective date, or to  
19 disapprove and annul a rule are subsequently held  
20 unconstitutional, then the grant of rulemaking authority and any  
21 rule proposed or adopted after August 28, 2009, shall be invalid  
22 and void.

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

1           8. All fees shall be paid to the department of natural  
2 resources prior to shipment.

3           9. Notice of any shipment of high-level radioactive waste,  
4 transuranic radioactive waste, highway route controlled quantity  
5 shipments, or spent nuclear fuel through or within the state  
6 shall be provided by the shipper to the governor's designee for  
7 advanced notification, as described in 10 CFR Parts 71 and 73, as  
8 amended, prior to such shipment entering the state. Notice of  
9 any shipment of low-level radioactive waste through or within the  
10 state shall be provided by the shipper to the Missouri department  
11 of natural resources before such shipment enters the state.

12          10. Any shipper who fails to pay a fee assessed under this  
13 section, or fails to provide notice of a shipment, shall be  
14 liable in a civil action for an amount not to exceed ten times  
15 the amount assessed and not paid. The action shall be brought by  
16 the attorney general at the request of the department of natural  
17 resources. If the action involves a facility domiciled in the  
18 state, the action shall be brought in the circuit court of the  
19 county in which the facility is located. If the action does not  
20 involve a facility domiciled in the state, the action shall be  
21 brought in the circuit court of Cole County.

22          11. Beginning on December 31, 2009, and every two years  
23 thereafter, the department of natural resources shall prepare and  
24 submit a report on activities of the environmental radiation  
25 monitoring fund to the general assembly. This report shall  
26 include information on fee income received and expenditures made  
27 by the state to enforce and administer the provisions of this  
28 section.

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

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

7           (1) The provisions of the new program authorized under this  
8 section shall automatically sunset six years after August 28,  
9 2009, unless reauthorized by an act of the general assembly; and

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

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

16          301.010. As used in this chapter and sections 304.010 to  
17 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the  
18 following terms mean:

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

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

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

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

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

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

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

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

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

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

27           (11) "Driveaway operation":

28           (a) The movement of a motor vehicle or trailer by any

1 person or motor carrier other than a dealer over any public  
2 highway, under its own power singly, or in a fixed combination of  
3 two or more vehicles, for the purpose of delivery for sale or for  
4 delivery either before or after sale;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (a) An area that extends not more than a radius of one  
28 hundred miles from its home base of operations when transporting



1 its owner's machinery, equipment, or auxiliary supplies to or  
2 from projects involving soil and water conservation, or to and  
3 from equipment dealers' maintenance facilities for maintenance  
4 purposes; or

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

12 (25) "Local commercial motor vehicle", a commercial motor  
13 vehicle whose operations are confined solely to a municipality  
14 and that area extending not more than fifty miles therefrom, or a  
15 commercial motor vehicle whose property-carrying operations are  
16 confined solely to the transportation of property owned by any  
17 person who is the owner or operator of such vehicle to or from a  
18 farm owned by such person or under the person's control by virtue  
19 of a landlord and tenant lease; provided that any such property  
20 transported to any such farm is for use in the operation of such  
21 farm;

22 (26) "Local log truck", a commercial motor vehicle which is  
23 registered pursuant to this chapter to operate as a motor vehicle  
24 on the public highways of this state, used exclusively in this  
25 state, used to transport harvested forest products, operated  
26 solely at a forested site and in an area extending not more than  
27 a one hundred-mile radius from such site, carries a load with  
28 dimensions not in excess of twenty-five cubic yards per two axles

1 with dual wheels, and when operated on the national system of  
2 interstate and defense highways described in Title 23, Section  
3 103(e) of the United States Code, such vehicle shall not exceed  
4 the weight limits of section 304.180, does not have more than  
5 four axles, and does not pull a trailer which has more than two  
6 axles. Harvesting equipment which is used specifically for  
7 cutting, felling, trimming, delimiting, debarking, chipping,  
8 skidding, loading, unloading, and stacking may be transported on  
9 a local log truck. A local log truck may not exceed the limits  
10 required by law, however, if the truck does exceed such limits as  
11 determined by the inspecting officer, then notwithstanding any  
12 other provisions of law to the contrary, such truck shall be  
13 subject to the weight limits required by such sections as  
14 licensed for eighty thousand pounds;

15 (27) "Local log truck tractor", a commercial motor vehicle  
16 which is registered under this chapter to operate as a motor  
17 vehicle on the public highways of this state, used exclusively in  
18 this state, used to transport harvested forest products, operated  
19 solely at a forested site and in an area extending not more than  
20 a one hundred-mile radius from such site, operates with a weight  
21 not exceeding twenty-two thousand four hundred pounds on one axle  
22 or with a weight not exceeding forty-four thousand eight hundred  
23 pounds on any tandem axle, and when operated on the national  
24 system of interstate and defense highways described in Title 23,  
25 Section 103(e) of the United States Code, such vehicle does not  
26 exceed the weight limits contained in section 304.180, and does  
27 not have more than three axles and does not pull a trailer which  
28 has more than two axles. Violations of axle weight limitations

1 shall be subject to the load limit penalty as described for in  
2 sections 304.180 to 304.220;

3 (28) "Local transit bus", a bus whose operations are  
4 confined wholly within a municipal corporation, or wholly within  
5 a municipal corporation and a commercial zone, as defined in  
6 section 390.020, adjacent thereto, forming a part of a public  
7 transportation system within such municipal corporation and such  
8 municipal corporation and adjacent commercial zone;

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

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

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

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

26 (33)] "Motor change vehicle", a vehicle manufactured prior  
27 to August, 1957, which receives a new, rebuilt or used engine,  
28 and which used the number stamped on the original engine as the

1 vehicle identification number;

2 [(34)] (33) "Motor vehicle", any self-propelled vehicle not  
3 operated exclusively upon tracks, except farm tractors;

4 [(35)] (34) "Motor vehicle primarily for business use", any  
5 vehicle other than a recreational motor vehicle, motorcycle,  
6 motortricycle, or any commercial motor vehicle licensed for over  
7 twelve thousand pounds:

8 (a) Offered for hire or lease; or

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

11 [(36)] (35) "Motorcycle", a motor vehicle operated on two  
12 wheels;

13 [(37)] (36) "Motorized bicycle", any two-wheeled or  
14 three-wheeled device having an automatic transmission and a motor  
15 with a cylinder capacity of not more than fifty cubic  
16 centimeters, which produces less than three gross brake  
17 horsepower, and is capable of propelling the device at a maximum  
18 speed of not more than thirty miles per hour on level ground;

19 [(38)] (37) "Motortricycle", a motor vehicle operated on  
20 three wheels, including a motorcycle while operated with any  
21 conveyance, temporary or otherwise, requiring the use of a third  
22 wheel. A motortricycle shall not be included in the definition  
23 of all-terrain vehicle;

24 [(39)] (38) "Municipality", any city, town or village,  
25 whether incorporated or not;

26 [(40)] (39) "Nonresident", a resident of a state or country  
27 other than the state of Missouri;

28 [(41)] (40) "Non-USA-std motor vehicle", a motor vehicle

1 not originally manufactured in compliance with United States  
2 emissions or safety standards;

3 [(42)] (41) "Operator", any person who operates or drives a  
4 motor vehicle;

5 [(43)] (42) "Owner", any person, firm, corporation or  
6 association, who holds the legal title to a vehicle or in the  
7 event a vehicle is the subject of an agreement for the  
8 conditional sale or lease thereof with the right of purchase upon  
9 performance of the conditions stated in the agreement and with an  
10 immediate right of possession vested in the conditional vendee or  
11 lessee, or in the event a mortgagor of a vehicle is entitled to  
12 possession, then such conditional vendee or lessee or mortgagor  
13 shall be deemed the owner for the purpose of this law;

14 [(44)] (43) "Public garage", a place of business where  
15 motor vehicles are housed, stored, repaired, reconstructed or  
16 repainted for persons other than the owners or operators of such  
17 place of business;

18 [(45)] (44) "Rebuilder", a business that repairs or  
19 rebuilds motor vehicles owned by the rebuilder, but does not  
20 include certificated common or contract carriers of persons or  
21 property;

22 [(46)] (45) "Reconstructed motor vehicle", a vehicle that  
23 is altered from its original construction by the addition or  
24 substitution of two or more new or used major component parts,  
25 excluding motor vehicles made from all new parts, and new  
26 multistage manufactured vehicles;

27 [(47)] (46) "Recreational motor vehicle", any motor vehicle  
28 designed, constructed or substantially modified so that it may be

1 used and is used for the purposes of temporary housing quarters,  
2 including therein sleeping and eating facilities which are either  
3 permanently attached to the motor vehicle or attached to a unit  
4 which is securely attached to the motor vehicle. Nothing herein  
5 shall prevent any motor vehicle from being registered as a  
6 commercial motor vehicle if the motor vehicle could otherwise be  
7 so registered;

8 [(48)] (47) "Recreational off-highway vehicle", any  
9 motorized vehicle manufactured and used exclusively for  
10 off-highway use which is [sixty] sixty-four inches or less in  
11 width, with an unladen dry weight of [one] two thousand [eight  
12 hundred fifty] pounds or less, traveling on four or more  
13 nonhighway tires, with a nonstraddle seat, and steering wheel,  
14 which may have access to ATV trails;

15 [(49)] (48) "Rollback or car carrier", any vehicle  
16 specifically designed to transport wrecked, disabled or otherwise  
17 inoperable vehicles, when the transportation is directly  
18 connected to a wrecker or towing service;

19 [(50)] (49) "Saddlemount combination", a combination of  
20 vehicles in which a truck or truck tractor tows one or more  
21 trucks or truck tractors, each connected by a saddle to the frame  
22 or fifth wheel of the vehicle in front of it. The "saddle" is a  
23 mechanism that connects the front axle of the towed vehicle to  
24 the frame or fifth wheel of the vehicle in front and functions  
25 like a fifth wheel kingpin connection. When two vehicles are  
26 towed in this manner the combination is called a "double  
27 saddlemount combination". When three vehicles are towed in this  
28 manner, the combination is called a "triple saddlemount

1 combination";

2 [(51)] (50) "Salvage dealer and dismantler", a business  
3 that dismantles used motor vehicles for the sale of the parts  
4 thereof, and buys and sells used motor vehicle parts and  
5 accessories;

6 [(52)] (51) "Salvage vehicle", a motor vehicle,  
7 semitrailer, or house trailer which:

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

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

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

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

22 (e) Is abandoned property which is titled pursuant to  
23 section 304.155 or section 304.157 and designated with the words  
24 "salvage/abandoned property". The total cost of repairs to  
25 rebuild or reconstruct the vehicle shall not include the cost of  
26 repairing, replacing, or reinstalling inflatable safety  
27 restraints, tires, sound systems, or damage as a result of hail,  
28 or any sales tax on parts or materials to rebuild or reconstruct

1 the vehicle. For purposes of this definition, "fair market  
2 value" means the retail value of a motor vehicle as:

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

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

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

13 [(53)] (52) "School bus", any motor vehicle used solely to  
14 transport students to or from school or to transport students to  
15 or from any place for educational purposes;

16 [(54)] (53) "Scrap processor", a business that, through  
17 the use of fixed or mobile equipment, flattens, crushes, or  
18 otherwise accepts motor vehicles and vehicle parts for processing  
19 or transportation to a shredder or scrap metal operator for  
20 recycling;

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

28 (55) "Special mobile equipment", every self-propelled



1 vehicle not designed or used primarily for the transportation of  
2 persons or property and incidentally operated or moved over the  
3 highways, including farm equipment, implements of husbandry, road  
4 construction or maintenance machinery, ditch-digging apparatus,  
5 stone crushers, air compressors, power shovels, cranes, graders,  
6 rollers, well-drillers and wood-sawing equipment used for hire,  
7 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
8 leveling graders, finished machines, motor graders, road rollers,  
9 scarifiers, earth-moving carryalls, scrapers, drag lines,  
10 concrete pump trucks, rock-drilling and earth-moving equipment.  
11 This enumeration shall be deemed partial and shall not operate to  
12 exclude other such vehicles which are within the general terms of  
13 this section;

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

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

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

26 (59) "Tractor", "truck tractor" or "truck-tractor", a  
27 self-propelled motor vehicle designed for drawing other vehicles,  
28 but not for the carriage of any load when operating

1 independently. When attached to a semitrailer, it supports a  
2 part of the weight thereof;

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

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

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

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

28 (64) "Used parts dealer", a business that buys and sells

1 used motor vehicle parts or accessories, but not including a  
2 business that sells only new, remanufactured or rebuilt parts.  
3 "Business" does not include isolated sales at a swap meet of less  
4 than three days;

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

11 (66) "Vanpool", any van or other motor vehicle used or  
12 maintained by any person, group, firm, corporation, association,  
13 city, county or state agency, or any member thereof, for the  
14 transportation of not less than eight nor more than forty-eight  
15 employees, per motor vehicle, to and from their place of  
16 employment; however, a vanpool shall not be included in the  
17 definition of the term bus or commercial motor vehicle as defined  
18 by subdivisions (6) and (7) of this section, nor shall a vanpool  
19 driver be deemed a chauffeur as that term is defined by section  
20 ~~[302.010]~~ 303.020; nor shall use of a vanpool vehicle for  
21 ride-sharing arrangements, recreational, personal, or maintenance  
22 uses constitute an unlicensed use of the motor vehicle, unless  
23 used for monetary profit other than for use in a ride-sharing  
24 arrangement;

25 (67) "Vehicle", any mechanical device on wheels, designed  
26 primarily for use, or used, on highways, except motorized  
27 bicycles, vehicles propelled or drawn by horses or human power,  
28 or vehicles used exclusively on fixed rails or tracks, or cotton

1 trailers or motorized wheelchairs operated by handicapped  
2 persons;

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

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

14 301.032. 1. Notwithstanding the provisions of sections  
15 301.030 and 301.035 to the contrary, the director of revenue  
16 shall establish a system of registration of all fleet vehicles  
17 owned or purchased by a fleet owner registered pursuant to this  
18 section. The director of revenue shall prescribe the forms for  
19 such fleet registration and the forms and procedures for the  
20 registration updates prescribed in this section. Any owner of  
21 ten or more motor vehicles which must be registered in accordance  
22 with this chapter may register as a fleet owner. All registered  
23 fleet owners may, at their option, register all motor vehicles  
24 included in the fleet on a calendar year or biennial basis  
25 pursuant to this section in lieu of the registration periods  
26 provided in sections 301.030, 301.035, and 301.147. The director  
27 shall issue an identification number to each registered owner of  
28 fleet vehicles.

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

23           3. At any time during the calendar year in which an owner  
24 of a fleet purchases or otherwise acquires a vehicle which is to  
25 be added to the fleet or transfers plates to a fleet vehicle, the  
26 owner shall present to the director of revenue the identification  
27 number as a fleet number and may register the vehicle for the  
28 partial year as provided in subsection 2 of this section. The

1 fleet owner shall also be charged a transfer fee of two dollars  
2 for each vehicle so transferred pursuant to this subsection.

3 4. Except as specifically provided in this subsection, all  
4 fleet vehicles registered pursuant to this section shall be  
5 issued a special license plate which shall have the words "Fleet  
6 Vehicle" in place of the words "Show-Me State" in the manner  
7 prescribed by the advisory committee established in section  
8 301.129. Alternatively, for a one-time additional five dollar  
9 per-vehicle fee beyond the regular registration fee, [owners of]  
10 a fleet owner of at least fifty fleet vehicles may apply for  
11 fleet license plates bearing a company name or logo, the size and  
12 design thereof subject to approval by the director. All fleet  
13 license plates shall be made with fully reflective material with  
14 a common color scheme and design, shall be clearly visible at  
15 night, and shall be aesthetically attractive, as prescribed by  
16 section 301.130. Fleet vehicles shall be issued multiyear  
17 license plates as provided in this section which shall not  
18 require issuance of a renewal tab. Upon payment of appropriate  
19 registration fees, the director of revenue shall issue a  
20 registration certificate or other suitable evidence of payment of  
21 the annual or biennial fee, and such evidence of payment shall be  
22 carried at all times in the vehicle for which it is issued. The  
23 director of revenue shall promulgate rules and regulations  
24 establishing the procedure for application and issuance of fleet  
25 vehicle license plates.

26 5. Notwithstanding the provisions of sections 307.350 to  
27 307.390 to the contrary, a fleet vehicle registered in Missouri  
28 is exempt from the requirements of sections 307.350 to 307.390 if

1 at the time of the annual fleet registration, such fleet vehicle  
2 is situated outside the state of Missouri.

3 301.069. 1. A driveaway license plate may not be used on a  
4 vehicle used or operated on a highway except for the purpose of  
5 transporting vehicles in transit. Driveaway license plates may  
6 not be used by tow truck operators transporting wrecked,  
7 disabled, abandoned, improperly parked, or burned vehicles.

8 Driveaway license plates shall only be used by owners, corporate  
9 officers, or employees of the business to which the plate was

10 issued. For each driveaway license there shall be paid an annual  
11 license fee of forty-four dollars and fifty cents for one set of  
12 plates or such insignia as the director may issue which shall be  
13 attached to the motor vehicle as prescribed in this chapter.

14 Applicants may choose to obtain biennial driveaway licenses. The  
15 fee for biennial driveaway licenses shall be eighty-nine dollars.  
16 For single trips the fee shall be four dollars, and descriptive  
17 insignia shall be prepared and issued at the discretion of the  
18 director who shall also prescribe the type of equipment used to  
19 attach such vehicles in combinations.

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

23 (1) The business name, business street address, and  
24 business telephone number of the applicant;

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

28 (3) The signature and printed name of the business owner or

1 authorized representative of the business presenting such  
2 application; and

3 (4) A statement explaining what the driveaway license plate  
4 or plates will be used for. The applicant shall provide  
5 certification of proof of financial responsibility, as defined in  
6 section 303.020, sufficient to cover each motor vehicle the  
7 applicant shall operate or otherwise move on the streets or  
8 highways, through use of the driveaway license plate, during the  
9 period of registration. The applicant shall provide such  
10 certification by affixing a copy of said certification to the  
11 application. The application shall include a photograph, not to  
12 exceed eight inches by ten inches but no less than five inches by  
13 seven inches, showing the business building and sign of the  
14 applicant's business. The applicant shall maintain a working,  
15 landline telephone at the applicant's place of business  
16 throughout the registration period. The applicant shall maintain  
17 certification of proof of financial responsibility as described  
18 herein throughout the registration period.

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

23 4. Any violation of this section or misrepresentation  
24 contained in an application for driveaway license plate shall  
25 result in the revocation of the applicant's driveaway license  
26 plate and any subsequent application for a driveaway license  
27 plate shall be denied for two years from the date of violation.

28 "Applicant" shall include any officer of a business or any



1 employee or agent thereof.

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

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

14 301.218. 1. No person shall, except as an incident to the  
15 sale, repair, rebuilding or servicing of vehicles by a licensed  
16 franchised motor vehicle dealer, carry on or conduct the  
17 following business unless licensed to do so by the department of  
18 revenue under sections 301.217 to 301.229:

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

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

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

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

1           2. Sales at a salvage pool or a salvage disposal sale shall  
2 be open only to and made to persons actually engaged in and  
3 holding a current license under sections 301.217 to 301.221 and  
4 301.550 to 301.573 or any person from another state or  
5 jurisdiction who is legally allowed in his or her state of  
6 domicile to purchase for resale, rebuild, dismantle, crush, or  
7 scrap either motor vehicles or salvage vehicles, and to persons  
8 who reside in a foreign country that are purchasing salvage  
9 vehicles for export outside of the United States. Operators of  
10 salvage pools or salvage disposal sales shall keep a record, for  
11 three years, of sales of salvage vehicles with the purchasers'  
12 name and address, and the year, make, and vehicle identification  
13 number for each vehicle. These records shall be open for  
14 inspection as provided in section 301.225. Such records shall be  
15 submitted to the department on a quarterly basis.

16           3. The operator of a salvage pool or salvage disposal sale,  
17 or subsequent purchaser, who sells a nonrepairable motor vehicle  
18 or a salvage motor vehicle to a person who is not a resident of  
19 the United States at a salvage pool or a salvage disposal sale  
20 shall:

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

24           (2) Stamp in each unused reassignment space on the back of  
25 the title the words "FOR EXPORT ONLY" and print the number of the  
26 dealer's salvage vehicle license, name of the salvage pool, or  
27 the name of the governmental entity, as applicable. The words  
28 "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this

1 subsection shall be at least two inches wide and clearly legible.  
2 Copies of the stamped titles shall be forwarded to the  
3 department.

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

9 301.260. 1. The director of revenue shall issue  
10 certificates for all cars owned by the state of Missouri and  
11 shall assign to each of such cars two plates bearing the words:  
12 "State of Missouri, official car number ....."  
13 (with the number inserted thereon), which plates shall be  
14 displayed on such cars when they are being used on the highways.  
15 No officer or employee or other person shall use such a motor  
16 vehicle for other than official use.

17 2. Motor vehicles used as ambulances, patrol wagons and  
18 fire apparatus, owned by any municipality of this state, shall be  
19 exempt from all of the provisions of sections 301.010 to 301.440  
20 while being operated within the limits of such municipality, but  
21 the municipality may regulate the speed and use of such motor  
22 vehicles owned by them; and all other motor vehicles owned by  
23 municipalities, counties and other political subdivisions of the  
24 state shall be exempt from the provisions of sections 301.010 to  
25 301.440 requiring registration, proof of ownership and display of  
26 number plates; provided, however, that there shall be [displayed]  
27 a plate or on each side of such motor vehicle, [in] letters not  
28 less than three inches in height with a stroke of not less than

1 three-eighths of an inch wide, to display the name of such  
2 municipality, county or political subdivision, the department  
3 thereof, and a distinguishing number. Provided, further, that  
4 when any motor vehicle is owned and operated exclusively by any  
5 school district and used solely for transportation of school  
6 children, the commissioner shall assign to each of such motor  
7 vehicles two plates bearing the words "School Bus, State of  
8 Missouri, car no. ...." (with the number inserted  
9 thereon), which plates shall be displayed on such motor vehicles  
10 when they are being used on the highways. No officer, or  
11 employee of the municipality, county or subdivision, or any other  
12 person shall operate such a motor vehicle unless the same is  
13 marked as herein provided, and no officer, employee or other  
14 person shall use such a motor vehicle for other than official  
15 purposes.

16 3. For registration purposes only, a public school or  
17 college shall be considered the temporary owner of a vehicle  
18 acquired from a new motor vehicle franchised dealer which is to  
19 be used as a courtesy vehicle or a driver training vehicle. The  
20 school or college shall present to the director of revenue a copy  
21 of a lease agreement with an option to purchase clause between  
22 the authorized new motor vehicle franchised dealer and the school  
23 or college and a photocopy of the front of the dealer's vehicle  
24 manufacturer's statement of origin, and shall make application  
25 for and be granted a nonnegotiable certificate of ownership and  
26 be issued the appropriate license plates. Registration plates  
27 are not necessary on a driver training vehicle when the motor  
28 vehicle is plainly marked as a driver training vehicle while

1 being used for such purpose and such vehicle can also be used in  
2 conjunction with the activities of the educational institution.

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

9 301.280. 1. Every motor vehicle dealer and boat dealer  
10 shall make a monthly report to the department of revenue, on  
11 blanks to be prescribed by the department of revenue, giving the  
12 following information: date of the sale of each motor vehicle,  
13 boat, trailer and all-terrain vehicle sold; the name and address  
14 of the buyer; the name of the manufacturer; year of manufacture;  
15 model of vehicle; vehicle identification number; style of  
16 vehicle; odometer setting; and it shall also state whether the  
17 motor vehicle, boat, trailer or all-terrain vehicle is new or  
18 secondhand. Each monthly sales report filed by a motor vehicle  
19 dealer who collects sales tax under subsection 8 of section  
20 144.070 shall also include the amount of state and local sales  
21 tax collected for each motor vehicle sold if sales tax was due.  
22 The odometer reading is not required when reporting the sale of  
23 any motor vehicle that is ten years old or older, any motor  
24 vehicle having a gross vehicle weight rating of more than sixteen  
25 thousand pounds, new vehicles that are transferred on a  
26 manufacturer's statement of origin between one franchised motor  
27 vehicle dealer and another, or boats, all-terrain vehicles or  
28 trailers. The sale of all thirty-day temporary permits, without

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

26 2. Every dealer and every person operating a public garage  
27 shall keep a correct record of the vehicle identification number,  
28 odometer setting, manufacturer's name of all motor vehicles or

1 trailers accepted by him for the purpose of sale, rental,  
2 storage, repair or repainting, together with the name and address  
3 of the person delivering such motor vehicle or trailer to the  
4 dealer or public garage keeper, and the person delivering such  
5 motor vehicle or trailer shall record such information in a file  
6 kept by the dealer or garage keeper. The record shall be kept  
7 for [~~three~~] five years and be open for inspection by law  
8 enforcement officials, members or authorized or designated  
9 employees of the Missouri highway patrol, and persons, agencies  
10 and officials designated by the director of revenue.

11 3. Every dealer and every person operating a public garage  
12 in which a motor vehicle remains unclaimed for a period of  
13 fifteen days shall, within five days after the expiration of that  
14 period, report the motor vehicle as unclaimed to the director of  
15 revenue. Such report shall be on a form prescribed by the  
16 director of revenue. A motor vehicle left by its owner whose  
17 name and address are known to the dealer or his employee or  
18 person operating a public garage or his employee is not  
19 considered unclaimed. Any dealer or person operating a public  
20 garage who fails to report a motor vehicle as unclaimed as herein  
21 required forfeits all claims and liens for its garaging, parking  
22 or storing.

23 4. The director of revenue shall maintain appropriately  
24 indexed cumulative records of unclaimed vehicles reported to the  
25 director. Such records shall be kept open to public inspection  
26 during reasonable business hours.

27 5. The alteration or obliteration of the vehicle  
28 identification number on any such motor vehicle shall be prima

1 facie evidence of larceny, and the dealer or person operating  
2 such public garage shall upon the discovery of such obliteration  
3 or alteration immediately notify the highway patrol, sheriff,  
4 marshal, constable or chief of police of the municipality where  
5 the dealer or garage keeper has his place of business, and shall  
6 hold such motor vehicle or trailer for a period of forty-eight  
7 hours for the purpose of an investigation by the officer so  
8 notified.

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

13 301.559. 1. It shall be unlawful for any person to engage  
14 in business as or act as a motor vehicle dealer, boat dealer,  
15 manufacturer, boat manufacturer, public motor vehicle auction,  
16 wholesale motor vehicle auction or wholesale motor vehicle dealer  
17 without first obtaining a license from the department as required  
18 in sections 301.550 to 301.573. Any person who maintains or  
19 operates any business wherein a license is required pursuant to  
20 the provisions of sections 301.550 to 301.573, without such  
21 license, is guilty of a class A misdemeanor. Any person  
22 committing a second violation of sections 301.550 to 301.573  
23 shall be guilty of a class D felony.

24 2. All dealer licenses shall expire on December  
25 thirty-first of [each year] the designated license period. The  
26 department shall notify each person licensed under sections  
27 301.550 to 301.573 of the date of license expiration and the  
28 amount of the fee required for renewal. The notice shall be



1 mailed at least ninety days before the date of license expiration  
2 to the licensee's last known business address. The director  
3 shall have the authority to issue licenses valid for a period of  
4 up to two years and to stagger the license periods for  
5 administrative efficiency and equalization of workload, at the  
6 sole discretion of the director.

7 3. Every manufacturer, boat manufacturer, motor vehicle  
8 dealer, wholesale motor vehicle dealer, wholesale motor vehicle  
9 auction, boat dealer or public motor vehicle auction shall make  
10 application to the department for issuance of a license. The  
11 application shall be on forms prescribed by the department and  
12 shall be issued under the terms and provisions of sections  
13 301.550 to 301.573 and require all applicants, as a condition  
14 precedent to the issuance of a license, to provide such  
15 information as the department may deem necessary to determine  
16 that the applicant is bona fide and of good moral character,  
17 except that every application for a license shall contain, in  
18 addition to such information as the department may require, a  
19 statement to the following facts:

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

1 application shall be verified by the oath or affirmation of the  
2 applicant, if an individual, or in the event an applicant is a  
3 partnership or corporation, then by a partner or officer;

4 (2) Whether the application is being made for registration  
5 as a manufacturer, boat manufacturer, new motor vehicle franchise  
6 dealer, used motor vehicle dealer, wholesale motor vehicle  
7 dealer, boat dealer, wholesale motor vehicle auction or a public  
8 motor vehicle auction;

9 (3) When the application is for a new motor vehicle  
10 franchise dealer, the application shall be accompanied by a copy  
11 of the franchise agreement in the registered name of the  
12 dealership setting out the appointment of the applicant as a  
13 franchise holder and it shall be signed by the manufacturer, or  
14 his authorized agent, or the distributor, or his authorized  
15 agent, and shall include a description of the make of all motor  
16 vehicles covered by the franchise. The department shall not  
17 require a copy of the franchise agreement to be submitted with  
18 each renewal application unless the applicant is now the holder  
19 of a franchise from a different manufacturer or distributor from  
20 that previously filed, or unless a new term of agreement has been  
21 entered into;

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

25 4. No insurance company, finance company, credit union,  
26 savings and loan association, bank or trust company shall be  
27 required to obtain a license from the department in order to sell  
28 any motor vehicle, trailer or vessel repossessed or purchased by

1 the company on the basis of total destruction or theft thereof  
2 when the sale of the motor vehicle, trailer or vessel is in  
3 conformance with applicable title and registration laws of this  
4 state.

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

12 301.560. 1. In addition to the application forms  
13 prescribed by the department, each applicant shall submit the  
14 following to the department:

15 (1) Every application other than a renewal application for  
16 a motor vehicle franchise dealer shall include a certification  
17 that the applicant has a bona fide established place of business.  
18 Such application shall include an annual certification that the  
19 applicant has a bona fide established place of business for the  
20 first three years and only for every other year thereafter. The  
21 certification shall be performed by a uniformed member of the  
22 Missouri state highway patrol or authorized or designated  
23 employee stationed in the troop area in which the applicant's  
24 place of business is located; except that in counties of the  
25 first classification, certification may be performed by an  
26 officer of a metropolitan police department when the applicant's  
27 established place of business of distributing or selling motor  
28 vehicles or trailers is in the metropolitan area where the

1 certifying metropolitan police officer is employed. When the  
2 application is being made for licensure as a boat manufacturer or  
3 boat dealer, certification shall be performed by a uniformed  
4 member of the Missouri state water patrol stationed in the  
5 district area in which the applicant's place of business is  
6 located or by a uniformed member of the Missouri state highway  
7 patrol stationed in the troop area in which the applicant's place  
8 of business is located or, if the applicant's place of business  
9 is located within the jurisdiction of a metropolitan police  
10 department in a first class county, by an officer of such  
11 metropolitan police department. A bona fide established place of  
12 business for any new motor vehicle franchise dealer, used motor  
13 vehicle dealer, boat dealer, powersport dealer, wholesale motor  
14 vehicle dealer, trailer dealer, or wholesale or public auction  
15 shall be a permanent enclosed building or structure, either owned  
16 in fee or leased and actually occupied as a place of business by  
17 the applicant for the selling, bartering, trading, servicing, or  
18 exchanging of motor vehicles, boats, personal watercraft, or  
19 trailers and wherein the public may contact the owner or operator  
20 at any reasonable time, and wherein shall be kept and maintained  
21 the books, records, files and other matters required and  
22 necessary to conduct the business. The applicant's place of  
23 business shall contain a working telephone which shall be  
24 maintained during the entire registration year. In order to  
25 qualify as a bona fide established place of business for all  
26 applicants licensed pursuant to this section there shall be an  
27 exterior sign displayed carrying the name of the business set  
28 forth in letters at least six inches in height and clearly

1 visible to the public and there shall be an area or lot which  
2 shall not be a public street on which multiple vehicles, boats,  
3 personal watercraft, or trailers may be displayed. The sign  
4 shall contain the name of the dealership by which it is known to  
5 the public through advertising or otherwise, which need not be  
6 identical to the name appearing on the dealership's license so  
7 long as such name is registered as a fictitious name with the  
8 secretary of state, has been approved by its line-make  
9 manufacturer in writing in the case of a new motor vehicle  
10 franchise dealer and a copy of such fictitious name registration  
11 has been provided to the department. Dealers who sell only  
12 emergency vehicles as defined in section 301.550 are exempt from  
13 maintaining a bona fide place of business, including the related  
14 law enforcement certification requirements, and from meeting the  
15 minimum yearly sales;

16 (2) The initial application for licensure shall include a  
17 photograph, not to exceed eight inches by ten inches but no less  
18 than five inches by seven inches, showing the business building,  
19 lot, and sign. A new motor vehicle franchise dealer applicant  
20 who has purchased a currently licensed new motor vehicle  
21 franchised dealership shall be allowed to submit a photograph of  
22 the existing dealership building, lot and sign but shall be  
23 required to submit a new photograph upon the installation of the  
24 new dealership sign as required by sections 301.550 to 301.573.  
25 Applicants shall not be required to submit a photograph annually  
26 unless the business has moved from its previously licensed  
27 location, or unless the name of the business or address has  
28 changed, or unless the class of business has changed;

1           (3) Every applicant as a new motor vehicle franchise  
2 dealer, a used motor vehicle dealer, a powersport dealer, a  
3 wholesale motor vehicle dealer, trailer dealer, or boat dealer  
4 shall furnish with the application a corporate surety bond or an  
5 irrevocable letter of credit as defined in section [400.5-103]  
6 400.5-102, issued by any state or federal financial institution  
7 in the penal sum of twenty-five thousand dollars on a form  
8 approved by the department. The bond or irrevocable letter of  
9 credit shall be conditioned upon the dealer complying with the  
10 provisions of the statutes applicable to new motor vehicle  
11 franchise dealers, used motor vehicle dealers, powersport  
12 dealers, wholesale motor vehicle dealers, trailer dealers, and  
13 boat dealers, and the bond shall be an indemnity for any loss  
14 sustained by reason of the acts of the person bonded when such  
15 acts constitute grounds for the suspension or revocation of the  
16 dealer's license. The bond shall be executed in the name of the  
17 state of Missouri for the benefit of all aggrieved parties or the  
18 irrevocable letter of credit shall name the state of Missouri as  
19 the beneficiary; except, that the aggregate liability of the  
20 surety or financial institution to the aggrieved parties shall,  
21 in no event, exceed the amount of the bond or irrevocable letter  
22 of credit. The proceeds of the bond or irrevocable letter of  
23 credit shall be paid upon receipt by the department of a final  
24 judgment from a Missouri court of competent jurisdiction against  
25 the principal and in favor of an aggrieved party. Additionally,  
26 every applicant as a new motor vehicle franchise dealer, a used  
27 motor vehicle dealer, a powersport dealer, a wholesale motor  
28 vehicle dealer, or boat dealer shall furnish with the application

1 a copy of a current dealer garage policy bearing the policy  
2 number and name of the insurer and the insured;

3 (4) Payment of all necessary license fees as established by  
4 the department. In establishing the amount of the annual license  
5 fees, the department shall, as near as possible, produce  
6 sufficient total income to offset operational expenses of the  
7 department relating to the administration of sections 301.550 to  
8 301.573. All fees payable pursuant to the provisions of sections  
9 301.550 to ~~[301.573]~~ 301.580, other than those fees collected for  
10 the issuance of dealer plates or certificates of number collected  
11 pursuant to subsection 6 of this section, shall be collected by  
12 the department for deposit in the state treasury to the credit of  
13 the "Motor Vehicle Commission Fund", which is hereby created.  
14 The motor vehicle commission fund shall be administered by the  
15 Missouri department of revenue. The provisions of section 33.080  
16 to the contrary notwithstanding, money in such fund shall not be  
17 transferred and placed to the credit of the general revenue fund  
18 until the amount in the motor vehicle commission fund at the end  
19 of the biennium exceeds two times the amount of the appropriation  
20 from such fund for the preceding fiscal year or, if the  
21 department requires permit renewal less frequently than yearly,  
22 then three times the appropriation from such fund for the  
23 preceding fiscal year. The amount, if any, in the fund which  
24 shall lapse is that amount in the fund which exceeds the multiple  
25 of the appropriation from such fund for the preceding fiscal  
26 year.

27 2. In the event a new vehicle manufacturer, boat  
28 manufacturer, motor vehicle dealer, wholesale motor vehicle

1 dealer, boat dealer, powersport dealer, wholesale motor vehicle  
2 auction, trailer dealer, or a public motor vehicle auction  
3 submits an application for a license for a new business and the  
4 applicant has complied with all the provisions of this section,  
5 the department shall make a decision to grant or deny the license  
6 to the applicant within eight working hours after receipt of the  
7 dealer's application, notwithstanding any rule of the department.

8 3. Upon the initial issuance of a license by the  
9 department, the department shall assign a distinctive dealer  
10 license number or certificate of number to the applicant and the  
11 department shall issue one number plate or certificate bearing  
12 the distinctive dealer license number or certificate of number  
13 and two additional number plates or certificates of number within  
14 eight working hours after presentment of the application. Upon  
15 renewal, the department shall issue the distinctive dealer  
16 license number or certificate of number as quickly as possible.  
17 The issuance of such distinctive dealer license number or  
18 certificate of number shall be in lieu of registering each motor  
19 vehicle, trailer, vessel or vessel trailer dealt with by a boat  
20 dealer, boat manufacturer, manufacturer, public motor vehicle  
21 auction, wholesale motor vehicle dealer, wholesale motor vehicle  
22 auction or new or used motor vehicle dealer.

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

- 26 New motor vehicle franchise dealers . . . . . D-0 through D-999  
27 New powersport dealers and motorcycle  
28 franchise dealers . . . . . D-1000 through D-1999



1 Used motor vehicle, used powersport,  
 2 and used motorcycle dealers . . . . . D-2000 through D-9999  
 3 Wholesale motor vehicle dealers . . . . . W-0 through W-1999  
 4 Wholesale motor vehicle auctions . . . . . WA-0 through WA-999  
 5 New and used trailer dealers . . . . . T-0 through T-9999  
 6 Motor vehicle, trailer, and boat  
 7 manufacturers . . . . . DM-0 through DM-999  
 8 Public motor vehicle auctions . . . . . A-0 through A-1999  
 9 Boat dealers . . . . . M-0 through M-9999  
 10 New and used recreational motor vehicle  
 11 dealers . . . . . RV-0 through RV-999  
 12

13 For purposes of this subsection, qualified transactions shall  
 14 include the purchase of salvage titled vehicles by a licensed  
 15 salvage dealer. A used motor vehicle dealer who also holds a  
 16 salvage dealer's license shall be allowed one additional plate or  
 17 certificate number per fifty-unit qualified transactions  
 18 annually. In order for salvage dealers to obtain number plates  
 19 or certificates under this section, dealers shall submit to the  
 20 department of revenue on August first of each year a statement  
 21 certifying, under penalty of perjury, the dealer's number of  
 22 purchases during the reporting period of July first of the  
 23 immediately preceding year to June thirtieth of the present year.  
 24 The provisions of this subsection shall become effective on the  
 25 date the director of the department of revenue begins to reissue  
 26 new license plates under section 301.130, or on December 1, 2008,  
 27 whichever occurs first. If the director of revenue begins  
 28 reissuing new license plates under the authority granted under

1 section 301.130 prior to December 1, 2008, the director of the  
2 department of revenue shall notify the revisor of statutes of  
3 such fact.

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

9 6. In the case of new motor vehicle manufacturers, motor  
10 vehicle dealers, powersport dealers, recreational motor vehicle  
11 dealers, and trailer dealers, the department shall issue one  
12 number plate bearing the distinctive dealer license number and  
13 may issue two additional number plates to the applicant upon  
14 payment by the manufacturer or dealer of a fifty dollar fee for  
15 the number plate bearing the distinctive dealer license number  
16 and ten dollars and fifty cents for each additional number plate.  
17 Such license plates shall be made with fully reflective material  
18 with a common color scheme and design, shall be clearly visible  
19 at night, and shall be aesthetically attractive, as prescribed by  
20 section 301.130. Boat dealers and boat manufacturers shall be  
21 entitled to one certificate of number bearing such number upon  
22 the payment of a fifty dollar fee. Additional number plates and  
23 as many additional certificates of number may be obtained upon  
24 payment of a fee of ten dollars and fifty cents for each  
25 additional plate or certificate. New motor vehicle manufacturers  
26 shall not be issued or possess more than three hundred  
27 forty-seven additional number plates or certificates of number  
28 annually. New and used motor vehicle dealers, powersport

1 dealers, wholesale motor vehicle dealers, boat dealers, and  
2 trailer dealers are limited to one additional plate or  
3 certificate of number per ten-unit qualified transactions  
4 annually. New and used recreational motor vehicle dealers are  
5 limited to two additional plates or certificate of number per  
6 ten-unit qualified transactions annually for their first fifty  
7 transactions and one additional plate or certificate of number  
8 per ten-unit qualified transactions thereafter. An applicant  
9 seeking the issuance of an initial license shall indicate on his  
10 or her initial application the applicant's proposed annual number  
11 of sales in order for the director to issue the appropriate  
12 number of additional plates or certificates of number. A motor  
13 vehicle dealer, trailer dealer, boat dealer, powersport dealer,  
14 recreational motor vehicle dealer, motor vehicle manufacturer,  
15 boat manufacturer, or wholesale motor vehicle dealer obtaining a  
16 distinctive dealer license plate or certificate of number or  
17 additional license plate or additional certificate of number,  
18 throughout the calendar year, shall be required to pay a fee for  
19 such license plates or certificates of number computed on the  
20 basis of one-twelfth of the full fee prescribed for the original  
21 and duplicate number plates or certificates of number for such  
22 dealers' licenses, multiplied by the number of months remaining  
23 in the licensing period for which the dealer or manufacturers  
24 shall be required to be licensed. In the event of a renewing  
25 dealer, the fee due at the time of renewal shall not be prorated.  
26 Wholesale and public auctions shall be issued a certificate of  
27 dealer registration in lieu of a dealer number plate. In order  
28 for dealers to obtain number plates or certificates under this

1 section, dealers shall submit to the department of revenue on  
2 August first of each year a statement certifying, under penalty  
3 of perjury, the dealer's number of sales during the reporting  
4 period of July first of the immediately preceding year to June  
5 thirtieth of the present year.

6 7. The plates issued pursuant to subsection 3 or 6 of this  
7 section may be displayed on any motor vehicle owned by a new  
8 motor vehicle manufacturer. The plates issued pursuant to  
9 subsection 3 or 6 of this section may be displayed on any motor  
10 vehicle or trailer owned and held for resale by a motor vehicle  
11 dealer for use by a customer who is test driving the motor  
12 vehicle, for use and display purposes during, but not limited to,  
13 parades, private events, charitable events, or for use by an  
14 employee or officer, but shall not be displayed on any motor  
15 vehicle or trailer hired or loaned to others or upon any  
16 regularly used service or wrecker vehicle. Motor vehicle dealers  
17 may display their dealer plates on a tractor, truck or trailer to  
18 demonstrate a vehicle under a loaded condition. Trailer dealers  
19 may display their dealer license plates in like manner, except  
20 such plates may only be displayed on trailers owned and held for  
21 resale by the trailer dealer.

22 8. The certificates of number issued pursuant to subsection  
23 3 or 6 of this section may be displayed on any vessel or vessel  
24 trailer owned and held for resale by a boat manufacturer or a  
25 boat dealer, and used by a customer who is test driving the  
26 vessel or vessel trailer, or is used by an employee or officer on  
27 a vessel or vessel trailer only, but shall not be displayed on  
28 any motor vehicle owned by a boat manufacturer, boat dealer, or

1 trailer dealer, or vessel or vessel trailer hired or loaned to  
2 others or upon any regularly used service vessel or vessel  
3 trailer. Boat dealers and boat manufacturers may display their  
4 certificate of number on a vessel or vessel trailer when  
5 transporting a vessel or vessels to an exhibit or show.

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

12 10. (1) Every application for the issuance of a used motor  
13 vehicle dealer's license shall be accompanied by proof that the  
14 applicant, within the last twelve months, has completed an  
15 educational seminar course approved by the department as  
16 prescribed by subdivision (2) of this subsection. Wholesale and  
17 public auto auctions and applicants currently holding a new or  
18 used license for a separate dealership shall be exempt from the  
19 requirements of this subsection. The provisions of this  
20 subsection shall not apply to current new motor vehicle franchise  
21 dealers or motor vehicle leasing agencies or applicants for a new  
22 motor vehicle franchise or a motor vehicle leasing agency. The  
23 provisions of this subsection shall not apply to used motor  
24 vehicle dealers who were licensed prior to August 28, 2006.

25 (2) The educational seminar shall include, but is not  
26 limited to, the dealer requirements of sections 301.550 to  
27 301.573, the rules promulgated to implement, enforce, and  
28 administer sections 301.550 to 301.570, and any other rules and

1 regulations promulgated by the department.

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

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

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

21 (2) The applicant or license holder was previously a  
22 partner, stockholder, director or officer controlling or managing  
23 a partnership or corporation whose license issued under sections  
24 301.550 to 301.573 was revoked for cause and never reissued or  
25 was suspended for cause and the terms of suspension have not been  
26 fulfilled;

27 (3) The applicant or license holder has, within ten years  
28 prior to the date of the application, been finally adjudicated

1 and found guilty, or entered a plea of guilty or nolo contendere,  
2 in a prosecution under the laws of any state or of the United  
3 States, for any offense reasonably related to the qualifications,  
4 functions, or duties of any business licensed under sections  
5 301.550 to 301.573; for any offense, an essential element of  
6 which is fraud, dishonesty, or an act of violence; or for any  
7 offense involving moral turpitude, whether or not sentence is  
8 imposed;

9 (4) Use of fraud, deception, misrepresentation, or bribery  
10 in securing any license issued pursuant to sections 301.550 to  
11 301.573;

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

15 (6) Violation of, or assisting or enabling any person to  
16 violate any provisions of this chapter and chapters 143, 144,  
17 306, 307, 407, 578, and 643 or of any lawful rule or regulation  
18 adopted pursuant to this chapter and chapters 143, 144, 306, 307,  
19 407, 578, and 643;

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

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

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

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

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

8           (12) Violations of sections 407.511 to 407.556, section  
9 578.120, which resulted in a conviction or finding of guilt or  
10 violation of any federal motor vehicle laws which result in a  
11 conviction or finding of guilt.

12           3. Any such complaint shall be filed within one year of the  
13 date upon which the department receives notice of an alleged  
14 violation of an applicable statute or regulation. After the  
15 filing of such complaint, the proceedings shall, except for the  
16 matters set forth in subsection 5 of this section, be conducted  
17 in accordance with the provisions of chapter 621. Upon a finding  
18 by the administrative hearing commission that the grounds,  
19 provided in subsection 2 of this section, for disciplinary action  
20 are met, the department may, singly or in combination, refuse to  
21 issue the person a license, issue a license for a period of less  
22 than two years, issue a private reprimand, place the person on  
23 probation on such terms and conditions as the department deems  
24 appropriate for a period of one day to five years, suspend the  
25 person's license from one day to six days, or revoke the person's  
26 license for such period as the department deems appropriate. The  
27 applicant or licensee shall have the right to appeal the decision  
28 of the administrative hearing commission and department in the



1 manner provided in chapter 536.

2 4. Upon the suspension or revocation of any person's  
3 license issued under sections 301.550 to 301.573, the department  
4 shall recall any distinctive number plates that were issued to  
5 that licensee. If any licensee who has been suspended or revoked  
6 shall neglect or refuse to surrender his or her license or  
7 distinctive number license plates issued under sections 301.550  
8 to 301.580, the director shall direct any agent or employee of  
9 the department or any law enforcement officer, to secure  
10 possession thereof and return such items to the director. For  
11 purposes of this subsection, a "law enforcement officer" means  
12 any member of the highway patrol, any sheriff or deputy sheriff,  
13 or any peace officer certified under chapter 590 acting in his or  
14 her official capacity. Failure of the licensee to surrender his  
15 or her license or distinctive number license plates upon demand  
16 by the director, any agent or employee of the department, or any  
17 law enforcement officer shall be a class A misdemeanor.

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

25 (1) The expiration or revocation of any corporate surety  
26 bond or irrevocable letter of credit, as required by section  
27 301.560, without submission of a replacement bond or letter of  
28 credit which provides coverage for the entire period of

1 licensure;

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

4 (3) Criminal convictions as set forth in subdivision (3) of  
5 subsection 2 of this section; or

6 (4) Three or more occurrences of violations, which have  
7 been established following proceedings before the administrative  
8 hearing commission under subsection 3 of this section, or which  
9 have been established following proceedings before the director  
10 under subsection 6 of this section, of this chapter and chapters  
11 143, 144, 306, 307, 578, and 643 or of any lawful rule or  
12 regulation adopted under this chapter and chapters 143, 144, 306,  
13 307, 578, and 643, not previously set forth herein.

14 6. (1) Any license issued under sections 301.550 to  
15 301.580 shall be suspended or revoked, following an evidentiary  
16 hearing before the director or his or her designated hearing  
17 officer, if affidavits or sworn testimony by an authorized agent  
18 of the department alleges the occurrence of any of the events or  
19 acts described in subsection 5 of this section.

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

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

27 (b) Shall be based on affidavits or sworn testimony  
28 presented to the director, and shall notify the licensee that

1 such information presented therein constitutes cause to suspend  
2 or revoke the licensee's license;

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

5 (d) Shall specify the events or acts which may provide  
6 cause for suspension or revocation of the license, and shall  
7 include with the notice a copy of all affidavits, sworn testimony  
8 or other information presented to the director which support  
9 discipline of the license; and

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

16 (3) At any hearing before the director conducted under this  
17 subsection, the director or his or her designated hearing officer  
18 shall consider all evidence relevant to the issue of whether the  
19 license should be suspended or revoked due to the occurrence of  
20 any of the acts set forth in subsection 5 herein. Within twenty  
21 business days after such hearing, the director or his or her  
22 designated hearing officer shall issue a written order, with  
23 findings of fact and conclusions of law, which either grants or  
24 denies the issuance of an order of suspension or revocation. The  
25 suspension or revocation shall be effective ten days after the  
26 date of the order. The written order of the director or his or  
27 her hearing officer shall be the final decision of the director  
28 and shall be subject to judicial review under the provisions of

1 chapter 536.

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

6 301.567. 1. For purposes of this section, a violation of  
7 any of the following advertising standards shall be deemed an  
8 attempt by the advertising dealer to obtain a fee or other  
9 compensation by fraud, deception or misrepresentation in  
10 violation of section 301.562:

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

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

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

25 (4) The expiration date, if any, of an advertised sale or  
26 vehicle price shall be clearly and conspicuously disclosed. In  
27 the absence of such disclosure, the advertised sale or vehicle  
28 price shall be deemed effective so long as such vehicles remain

1 in the advertising dealership's inventory;

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

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

12 (7) When the price or financing terms of a motor vehicle  
13 are advertised, the vehicle shall be fully identified as to year,  
14 make, and model. In addition, in advertisements placed by  
15 individual dealers and not line-make marketing groups, the  
16 advertised price or credit terms shall include all charges which  
17 the buyer must pay to the dealer, except buyer-selected options  
18 and state and local taxes. If a processing fee or freight or  
19 destination charges are not included in the advertised price, the  
20 amount of any such processing fee and freight or destination  
21 charge must be clearly and conspicuously disclosed within the  
22 advertisement;

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

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

1 or service;

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

6 (a) Not having available for sale the advertised motor  
7 vehicles at the advertised prices. If a specific vehicle is  
8 advertised, the dealer shall be in possession of a reasonable  
9 supply of such vehicles, and they shall be available at the  
10 advertised price. If the advertised vehicle is available only in  
11 limited numbers or only by order, such limitations shall be  
12 stated in the advertisement;

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

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

22 (a) Whether the payment or other information relates to a  
23 financing or a lease transaction;

24 (b) If the payment or other information relates to a  
25 financing transaction, the minimum down payment, annual  
26 percentage interest rate, and number of payments necessary to  
27 obtain the advertised payment amount must be disclosed, in  
28 addition to any special qualifications required for obtaining the

1 advertised terms including, but not limited to, first-time buyer  
2 discounts, college graduate discounts, and a statement concerning  
3 whether the advertised terms are subject to credit approval;

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

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

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

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

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

28 3. Dealers shall clearly and conspicuously identify

1 themselves in each advertisement by use of a dealership name  
2 which complies with subsection 6 of section 301.560.

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

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

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

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

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

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

27 3. For the purposes of sections 301.550 to 301.573, the  
28 sale, barter, exchange, lease or rental with option to purchase



1 of six or more motor vehicles in a calendar year by any person,  
2 partnership, corporation, company or association, whether or not  
3 the motor vehicles are owned by them, shall be prima facie  
4 evidence of intent to make a profit or gain of money and such  
5 person, partnership, corporation, company or association shall be  
6 deemed to be acting as a motor vehicle dealer without a license.

7 4. Any person, partnership, corporation, company or  
8 association who violates subsection 1 of this section is guilty  
9 of a class A misdemeanor. A second or subsequent conviction  
10 shall be deemed a class D felony.

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

13 301.580. 1. The department of revenue may issue special  
14 event motor vehicle auction licenses under the provisions of this  
15 section. For purposes of this section, a "special event motor  
16 vehicle auction" is a motor vehicle auction which:

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

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

22 (3) The duration is no more than three consecutive calendar  
23 days and is held no more than two times in a calendar year by a  
24 licensee.

25 2. A special event motor vehicle auction shall be  
26 considered a public motor vehicle auction for purposes of  
27 sections 301.559 and 301.564.

28 3. Special event motor vehicle auction licensees shall be

1 exempt from the requirements of section 301.560, with the  
2 exception of subdivision (4) of subsection 1 of section 301.560.

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

6 5. Applicants for a special motor vehicle auction are  
7 limited to no more than two special event auctions in any  
8 calendar year. A separate application is required for each  
9 special event motor vehicle auction.

10 6. At least ninety percent of the vehicles being auctioned  
11 at a special event motor vehicle auction shall be ten years old  
12 or older. The licensee shall, within ten days of the conclusion  
13 of a special event motor vehicle auction, submit a report in the  
14 form approved by the director to the department that includes the  
15 make, model, year, and vehicle identification number of each  
16 vehicle included in the auction. Every vehicle included in the  
17 special event auction shall be listed, including those vehicles  
18 that were auctioned and sold and those vehicles that were  
19 auctioned but did not sell. Violation of this subsection is a  
20 class A misdemeanor.

21 7. The applicant for the special event motor vehicle  
22 auction shall be responsible for ensuring that a sales tax  
23 license or special event sales tax license is obtained for the  
24 event if one is required.

25 8. The fee for a special event motor vehicle auction  
26 license shall be one thousand dollars. For every vehicle  
27 auctioned in violation of subsection 6 of this section, an  
28 administrative fee of five hundred dollars shall be paid to the

1 department. Such fees shall be deposited in like manner as other  
2 license fees of this section.

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

6 10. A special motor vehicle auction shall last no more than  
7 three consecutive days.

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

10 12. Every applicant for a special event motor vehicle  
11 auction license shall furnish with the application a corporate  
12 surety bond or an irrevocable letter of credit as defined in  
13 section 400.5-102 issued by any state or federal financial  
14 institution in the penal sum of one hundred thousand dollars on a  
15 form approved by the department. The bond or irrevocable letter  
16 of credit shall be conditioned upon the applicant complying with  
17 the provisions of the statutes applicable to a special event  
18 auction license holder and the bond shall be an indemnity for any  
19 loss sustained by reason of the acts of the person bonded when  
20 such acts constitute grounds for the revocation or denial of a  
21 special event auction license. The bond shall be executed in the  
22 name of the state of Missouri for the benefit of all aggrieved  
23 parties or the irrevocable letter of credit shall name the state  
24 of Missouri as the beneficiary. The aggregate liability of the  
25 surety or financial institution to the aggrieved parties shall  
26 not exceed the amount of the bond or irrevocable letter of  
27 credit. The proceeds of the bond or irrevocable letter of credit  
28 shall be paid upon receipt by the department of a final judgment

1 from a Missouri court of competent jurisdiction against the  
2 principal and in favor of an aggrieved party.

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

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

10 15. Any rule or portion of a rule, as that term is defined  
11 in section 536.010, that is created under the authority delegated  
12 in this section shall become effective only if it complies with  
13 and is subject to all of the provisions of chapter 536 and, if  
14 applicable, section 536.028. This section and chapter 536 are  
15 nonseverable and if any of the powers vested with the general  
16 assembly pursuant to chapter 536 to review, to delay the  
17 effective date, or to disapprove and annul a rule are  
18 subsequently held unconstitutional, then the grant of rulemaking  
19 authority and any rule proposed or adopted after August 28, 2012,  
20 shall be invalid and void.

21 302.010. Except where otherwise provided, when used in this  
22 chapter, the following words and phrases mean:

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

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

27 (3) "Conviction", any final conviction; also a forfeiture  
28 of bail or collateral deposited to secure a defendant's

1 appearance in court, which forfeiture has not been vacated, shall  
2 be equivalent to a conviction, except that when any conviction as  
3 a result of which points are assessed pursuant to section 302.302  
4 is appealed, the term "conviction" means the original judgment of  
5 conviction for the purpose of determining the assessment of  
6 points, and the date of final judgment affirming the conviction  
7 shall be the date determining the beginning of any license  
8 suspension or revocation pursuant to section 302.304;

9 (4) "Criminal history check", a search of criminal records,  
10 including criminal history record information as defined in  
11 section 43.500, maintained by the Missouri state highway patrol  
12 in the Missouri criminal records repository or by the Federal  
13 Bureau of Investigation as part of its criminal history records,  
14 including, but not limited to, any record of conviction, plea of  
15 guilty or nolo contendere, or finding of guilty in any state for  
16 any offense related to alcohol, controlled substances, or drugs;

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

19 [(5)] (6) "Farm tractor", every motor vehicle designed and  
20 used primarily as a farm implement for drawing plows, mowing  
21 machines and other implements of husbandry;

22 [(6)] (7) "Highway", any public thoroughfare for vehicles,  
23 including state roads, county roads and public streets, avenues,  
24 boulevards, parkways, or alleys in any municipality;

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

1 capacity hearing of being incapacitated;

2 [(8)] (9) "License", a license issued by a state to a  
3 person which authorizes a person to operate a motor vehicle;

4 [(9)] (10) "Motor vehicle", any self-propelled vehicle not  
5 operated exclusively upon tracks except motorized bicycles, as  
6 defined in section 307.180;

7 [(10)] (11) "Motorcycle", a motor vehicle operated on two  
8 wheels; however, this definition shall not include motorized  
9 bicycles as defined in section 301.010;

10 [(11)] (12) "Motortricycle", a motor vehicle operated on  
11 three wheels, including a motorcycle operated with any  
12 conveyance, temporary or otherwise, requiring the use of a third  
13 wheel;

14 [(12)] (13) "Moving violation", that character of traffic  
15 violation where at the time of violation the motor vehicle  
16 involved is in motion, except that the term does not include the  
17 driving of a motor vehicle without a valid motor vehicle  
18 registration license, or violations of sections 304.170 to  
19 304.240, inclusive, relating to sizes and weights of vehicles;

20 [(13)] (14) "Municipal court", every division of the  
21 circuit court having original jurisdiction to try persons for  
22 violations of city ordinances;

23 [(14)] (15) "Nonresident", every person who is not a  
24 resident of this state;

25 [(15)] (16) "Operator", every person who is in actual  
26 physical control of a motor vehicle upon a highway;

27 [(16)] (17) "Owner", a person who holds the legal title of  
28 a vehicle or in the event a vehicle is the subject of an

1 agreement for the conditional sale or lease thereof with the  
2 right of purchase upon performance of the conditions stated in  
3 the agreement and with an immediate right of possession vested in  
4 the conditional vendee or lessee, or in the event a mortgagor of  
5 a vehicle is entitled to possession, then such conditional vendee  
6 or lessee or mortgagor shall be deemed the owner for the purpose  
7 of sections 302.010 to 302.540;

8 [(17)] (18) "Record" includes, but is not limited to,  
9 papers, documents, facsimile information, microphotographic  
10 process, electronically generated or electronically recorded  
11 information, digitized images, deposited or filed with the  
12 department of revenue;

13 [(18)] (19) "Residence address", "residence", or "resident  
14 address" shall be the location at which a person has been  
15 physically present, and that the person regards as home. A  
16 residence address is a person's true, fixed, principal, and  
17 permanent home, to which a person intends to return and remain,  
18 even though currently residing elsewhere;

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

26 [(20)] (21) "School bus", when used in sections 302.010 to  
27 302.540, means any motor vehicle, either publicly or privately  
28 owned, used to transport students to and from school, or to

1 transport pupils properly chaperoned to and from any place within  
2 the state for educational purposes. The term "school bus" shall  
3 not include a bus operated by a public utility, municipal  
4 corporation or common carrier authorized to conduct local or  
5 interstate transportation of passengers when such bus is not  
6 traveling a specific school bus route but is:

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

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

12 [(21)] (22) "School bus operator", an operator who operates  
13 a school bus as defined in subdivision [(20)] (21) of this  
14 section in the transportation of any schoolchildren and who  
15 receives compensation for such service. The term "school bus  
16 operator" shall not include any person who transports  
17 schoolchildren as an incident to employment with a school or  
18 school district, such as a teacher, coach, administrator,  
19 secretary, school nurse, or janitor unless such person is under  
20 contract with or employed by a school or school district as a  
21 school bus operator;

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

28 [(23)] (24) "Substance abuse traffic offender program", a



1 program certified by the division of alcohol and drug abuse of  
2 the department of mental health to provide education or  
3 rehabilitation services pursuant to a professional assessment  
4 screening to identify the individual needs of the person who has  
5 been referred to the program as the result of an alcohol- or  
6 drug-related traffic offense. Successful completion of such a  
7 program includes participation in any education or rehabilitation  
8 program required to meet the needs identified in the assessment  
9 screening. The assignment recommendations based upon such  
10 assessment shall be subject to judicial review as provided in  
11 subsection 14 of section 302.304 and subsections 1 and 5 of  
12 section 302.540;

13 [(24)] (25) "Vehicle", any mechanical device on wheels,  
14 designed primarily for use, or used on highways, except motorized  
15 bicycles, vehicles propelled or drawn by horses or human power,  
16 or vehicles used exclusively on fixed rails or tracks, or cotton  
17 trailers or motorized wheelchairs operated by handicapped  
18 persons.

19 302.060. 1. The director shall not issue any license and  
20 shall immediately deny any driving privilege:

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

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

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

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

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

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

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

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

17           (9) To any person who has been convicted more than twice of  
18 violating state law, or a county or municipal ordinance where the  
19 defendant was represented by or waived the right to an attorney  
20 in writing, relating to driving while intoxicated; except that,  
21 after the expiration of ten years from the date of conviction of  
22 the last offense of violating such law or ordinance relating to  
23 driving while intoxicated, a person who was so convicted may  
24 petition the circuit court of the county in which such last  
25 conviction was rendered and the court shall review the person's  
26 habits and conduct since such conviction, including the results  
27 of a criminal history check as defined in section 302.010. If  
28 the court finds that the petitioner has not been convicted [of],

1 pled guilty to or been found guilty of, and has no pending  
2 charges for any offense related to alcohol, controlled substances  
3 or drugs and has no other alcohol-related enforcement contacts as  
4 defined in section 302.525 during the preceding ten years and  
5 that the petitioner's habits and conduct show such petitioner to  
6 no longer pose a threat to the public safety of this state, the  
7 court may order the director to issue a license to the petitioner  
8 if the petitioner is otherwise qualified pursuant to the  
9 provisions of sections 302.010 to 302.540. No person may obtain  
10 a license pursuant to the provisions of this subdivision through  
11 court action more than one time;

12 (10) To any person who has [been convicted twice within a  
13 five-year period of violating state law, or a county or municipal  
14 ordinance, of driving while intoxicated, or any other  
15 intoxication-related traffic offense as defined in subdivision  
16 (4) of subsection 1 of section 577.023, or who has been convicted  
17 of the crime of involuntary manslaughter while operating a motor  
18 vehicle in an intoxicated condition. The director shall not  
19 issue a license to such person for five years from the date such  
20 person was convicted or pled guilty for involuntary manslaughter  
21 while operating a motor vehicle in an intoxicated condition or  
22 for driving while intoxicated or any other intoxication-related  
23 traffic offense as defined in subdivision (4) of subsection 1 of  
24 section 577.023 for the second time] pled guilty to or been  
25 convicted of the crime of involuntary manslaughter while  
26 operating a motor vehicle in an intoxicated condition, or to any  
27 person who has been convicted twice within a five-year period of  
28 violating state law, county or municipal ordinance of driving

1 while intoxicated, or any other intoxication-related traffic  
2 offense as defined in section 577.023, except that, after the  
3 expiration of five years from the date of conviction of the last  
4 offense of violating such law or ordinance, a person who was so  
5 convicted may petition the circuit court of the county in which  
6 such last conviction was rendered and the court shall review the  
7 person's habits and conduct since such conviction, including the  
8 results of a criminal history check as defined in section  
9 302.010. If the court finds that the petitioner has not been  
10 convicted, pled guilty to, or been found guilty of, and has no  
11 pending charges for any offense related to alcohol, controlled  
12 substances, or drugs and has no other alcohol-related enforcement  
13 contacts as defined in section 302.525 during the preceding five  
14 years, and that the petitioner's habits and conduct show such  
15 petitioner to no longer pose a threat to the public safety of  
16 this state, the court may order the director to issue a license  
17 to the petitioner if the petitioner is otherwise qualified  
18 pursuant to the provisions of sections 302.010 to 302.540;

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

22 (12) To any person who is under the age of eighteen years,  
23 if such person's parents or legal guardians file a certified  
24 document with the department of revenue stating that the director  
25 shall not issue such person a driver's license. Each document  
26 filed by the person's parents or legal guardians shall be made  
27 upon a form furnished by the director and shall include  
28 identifying information of the person for whom the parents or

1 legal guardians are denying the driver's license. The document  
2 shall also contain identifying information of the person's  
3 parents or legal guardians. The document shall be certified by  
4 the parents or legal guardians to be true and correct. This  
5 provision shall not apply to any person who is legally  
6 emancipated. The parents or legal guardians may later file an  
7 additional document with the department of revenue which  
8 reinstates the person's ability to receive a driver's license.

9 2. Any person whose license is reinstated under the  
10 provisions of subdivisions (9) and (10) of subsection 1 of this  
11 section shall be required to file proof with the director of  
12 revenue that any motor vehicle operated by the person is equipped  
13 with a functioning, certified ignition interlock device as a  
14 required condition of reinstatement. The ignition interlock  
15 device shall further be required to be maintained on all motor  
16 vehicles operated by the person for a period of not less than six  
17 months immediately following the date of reinstatement. If the  
18 person fails to maintain such proof with the director, the  
19 license shall be suspended for the remainder of the six-month  
20 period or until proof as required by this section is filed with  
21 the director. Upon the completion of the six-month period, the  
22 license shall be shown as reinstated, if the person is otherwise  
23 eligible.

24 3. Any person who petitions the court for reinstatement of  
25 his or her license pursuant to subdivision (9) or (10) of  
26 subsection 1 of this section shall make application with the  
27 Missouri state highway patrol as provided in section 43.540, and  
28 shall submit two sets of fingerprints collected pursuant to

1 standards as determined by the highway patrol. One set of  
2 fingerprints shall be used by the highway patrol to search the  
3 criminal history repository and the second set shall be forwarded  
4 to the Federal Bureau of Investigation for searching the federal  
5 criminal history files. At the time of application, the  
6 applicant shall supply to the highway patrol the court name and  
7 case number for the court where he or she has filed his or her  
8 petition for reinstatement. The applicant shall pay the fee for  
9 the state criminal history check pursuant to section 43.530 and  
10 pay the appropriate fee determined by the Federal Bureau of  
11 Investigation for the federal criminal history record. The  
12 Missouri highway patrol, upon receipt of the results of the  
13 criminal history check, shall forward a copy of the results to  
14 the circuit court designated by the applicant and to the  
15 department. Notwithstanding the provisions of section 610.120,  
16 all records related to any criminal history check shall be  
17 accessible and available to the director and the court.

18       302.130. 1. Any person at least fifteen years of age who,  
19 except for age or lack of instruction in operating a motor  
20 vehicle, would otherwise be qualified to obtain a license  
21 pursuant to sections 302.010 to 302.340 may apply for and the  
22 director shall issue a temporary instruction permit entitling the  
23 applicant, while having such permit in the applicant's immediate  
24 possession, to drive a motor vehicle of the appropriate class  
25 upon the highways for a period of twelve months, but any such  
26 person, except when operating a motorcycle or motortricycle, must  
27 be accompanied by a licensed operator for the type of motor  
28 vehicle being operated who is actually occupying a seat beside

1 the driver for the purpose of giving instruction in driving the  
2 motor vehicle, who is at least twenty-one years of age, and in  
3 the case of any driver under sixteen years of age, the licensed  
4 operator occupying the seat beside the driver shall be a  
5 grandparent, parent, guardian, a person who is at least twenty-  
6 five years of age who has been licensed for a minimum of three  
7 years and has received written permission from the parent or  
8 legal guardian to escort or accompany the driver, a driver  
9 training instructor holding a valid driver education endorsement  
10 on a teaching certificate issued by the department of elementary  
11 and secondary education or a qualified instructor of a private  
12 drivers' education program who has a valid driver's license. An  
13 applicant for a temporary instruction permit shall successfully  
14 complete a vision test and a test of the applicant's ability to  
15 understand highway signs which regulate, warn or direct traffic  
16 and practical knowledge of the traffic laws of this state,  
17 pursuant to section 302.173. In addition, beginning January 1,  
18 2007, no permit shall be granted pursuant to this subsection  
19 unless a parent or legal guardian gives written permission by  
20 signing the application and in so signing, state they, or their  
21 designee as set forth in subsection 2 of this section, will  
22 provide a minimum of forty hours of behind-the-wheel driving  
23 instruction, including a minimum of ten hours of behind-the-wheel  
24 driving instruction that occurs during the nighttime hours  
25 falling between sunset and sunrise. The forty hours of  
26 behind-the-wheel driving instruction that is completed pursuant  
27 to this subsection may include any time that the holder of an  
28 instruction permit has spent operating a motor vehicle in a

1 driver training program taught by a driver training instructor  
2 holding a valid driver education endorsement on a teaching  
3 certificate issued by the department of elementary and secondary  
4 education or by a qualified instructor of a private drivers'  
5 education program. If the applicant for a permit is enrolled in  
6 a federal residential job training program, the instructor, as  
7 defined in subsection 5 of this section, is authorized to sign  
8 the application stating that the applicant will receive the  
9 behind-the-wheel driving instruction required by this section.

10 2. In the event the parent, grandparent or guardian of the  
11 person under sixteen years of age has a physical disability which  
12 prohibits or disqualifies said parent, grandparent or guardian  
13 from being a qualified licensed operator pursuant to this  
14 section, said parent, grandparent or guardian may designate a  
15 maximum of two individuals authorized to accompany the applicant  
16 for the purpose of giving instruction in driving the motor  
17 vehicle. An authorized designee must be a licensed operator for  
18 the type of motor vehicle being operated and have attained  
19 twenty-one years of age. At least one of the designees must  
20 occupy the seat beside the applicant while giving instruction in  
21 driving the motor vehicle. The name of the authorized designees  
22 must be provided to the department of revenue by the parent,  
23 grandparent or guardian at the time of application for the  
24 temporary instruction permit. The name of each authorized  
25 designee shall be printed on the temporary instruction permit,  
26 however, the director may delay the time at which permits are  
27 printed bearing such names until the inventories of blank permits  
28 and related forms existing on August 28, 1998, are exhausted.



1           3. The director, upon proper application on a form  
2 prescribed by the director, in his or her discretion, may issue a  
3 restricted instruction permit effective for a school year or more  
4 restricted period to an applicant who is enrolled in a high  
5 school driver training program taught by a driver training  
6 instructor holding a valid driver education endorsement on a  
7 teaching certificate issued by the state department of elementary  
8 and secondary education even though the applicant has not reached  
9 the age of sixteen years but has passed the age of fifteen years.  
10 Such instruction permit shall entitle the applicant, when the  
11 applicant has such permit in his or her immediate possession, to  
12 operate a motor vehicle on the highways, but only when a driver  
13 training instructor holding a valid driver education endorsement  
14 on a teaching certificate issued by the state department of  
15 elementary and secondary education is occupying a seat beside the  
16 driver.

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

26           5. In the event that the applicant for a temporary  
27 instruction permit described in subsection 1 of this section is a  
28 participant in a federal residential job training program, the

1 permittee may operate a motor vehicle accompanied by a driver  
2 training instructor who holds a valid driver education  
3 endorsement issued by the department of elementary and secondary  
4 education and a valid driver's license.

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

11 7. Beginning January 1, 2003, the director shall issue with  
12 every temporary instruction permit issued pursuant to subsection  
13 1 of this section a sticker or sign bearing the words "PERMIT  
14 DRIVER". The design and size of such sticker or sign shall be  
15 determined by the director by regulation. Every applicant issued  
16 a temporary instruction permit and sticker on or after January 1,  
17 2003, may display or affix the sticker or sign on the rear window  
18 of the motor vehicle. Such sticker or sign may be displayed on  
19 the rear window of the motor vehicle whenever the holder of the  
20 instruction permit operates a motor vehicle during his or her  
21 temporary permit licensure period.

22 8. Beginning July 1, 2005, the director shall verify that  
23 an applicant for an instruction permit issued under this section  
24 is lawfully present in the United States before accepting the  
25 application. The director shall not issue an instruction permit  
26 for a period that exceeds an applicant's lawful presence in the  
27 United States. The director may establish procedures to verify  
28 the lawful presence of the applicant and establish the duration

1 of any permit issued under this section.

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

4 302.309. 1. Whenever any license is suspended pursuant to  
5 sections 302.302 to 302.309, the director of revenue shall return  
6 the license to the operator immediately upon the termination of  
7 the period of suspension and upon compliance with the  
8 requirements of chapter 303.

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

12 3. (1) All circuit courts, the director of revenue, or a  
13 commissioner operating under section 478.007 shall have  
14 jurisdiction to hear applications and make eligibility  
15 determinations granting limited driving privileges. Any  
16 application may be made in writing to the director of revenue and  
17 the person's reasons for requesting the limited driving privilege  
18 shall be made therein.

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

22 (a) A business, occupation, or employment;

23 (b) Seeking medical treatment for such operator;

24 (c) Attending school or other institution of higher  
25 education;

26 (d) Attending alcohol or drug treatment programs;

27 (e) Seeking the required services of a certified ignition  
28 interlock device provider; or

1           (f) Any other circumstance the court or director finds  
2 would create an undue hardship on the operator; the court or  
3 director may grant such limited driving privilege as the  
4 circumstances of the case justify if the court or director finds  
5 undue hardship would result to the individual, and while so  
6 operating a motor vehicle within the restrictions and limitations  
7 of the limited driving privilege the driver shall not be guilty  
8 of operating a motor vehicle without a valid license.

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

1 must state such restriction. When operating such vehicle under  
2 such restriction the person shall carry proof that the owner has  
3 complied with chapter 303 for that vehicle.

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

14 (5) The court order or the director's grant of the limited  
15 or restricted driving privilege shall indicate the termination  
16 date of the privilege, which shall be not later than the end of  
17 the period of suspension or revocation. A copy of any court  
18 order shall be sent by the clerk of the court to the director,  
19 and a copy shall be given to the driver which shall be carried by  
20 the driver whenever such driver operates a motor vehicle. The  
21 director of revenue upon granting a limited driving privilege  
22 shall give a copy of the limited driving privilege to the  
23 applicant. The applicant shall carry a copy of the limited  
24 driving privilege while operating a motor vehicle. A conviction  
25 which results in the assessment of points pursuant to section  
26 302.302, other than a violation of a municipal stop sign  
27 ordinance where no accident is involved, against a driver who is  
28 operating a vehicle pursuant to a limited driving privilege

1 terminates the privilege, as of the date the points are assessed  
2 to the person's driving record. If the date of arrest is prior  
3 to the issuance of the limited driving privilege, the privilege  
4 shall not be terminated. Failure of the driver to maintain proof  
5 of financial responsibility, as required by chapter 303, or to  
6 maintain proof of installation of a functioning, certified  
7 ignition interlock device, as applicable, shall terminate the  
8 privilege. The director shall notify by ordinary mail the driver  
9 whose privilege is so terminated.

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

16 (a) A conviction of violating the provisions of section  
17 577.010 or 577.012, or any similar provision of any federal or  
18 state law, or a municipal or county law where the judge in such  
19 case was an attorney and the defendant was represented by or  
20 waived the right to an attorney in writing, until the person has  
21 completed the first thirty days of a suspension or revocation  
22 imposed pursuant to this chapter;

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

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

28 (d) Because of operating a motor vehicle under the

1 influence of narcotic drugs, a controlled substance as defined in  
2 chapter 195, or having left the scene of an accident as provided  
3 in section 577.060;

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

9 (f) Violation more than once of the provisions of section  
10 577.041 or a similar implied consent law of any other state; or

11 (g) Due to a suspension pursuant to subsection 2 of section  
12 302.525 and who has not completed the first thirty days of such  
13 suspension, provided the person is not otherwise ineligible for a  
14 limited driving privilege; or due to a revocation pursuant to  
15 subsection 2 of section 302.525 if such person has not completed  
16 such revocation.

17 (7) No person who possesses a commercial driver's license  
18 shall receive a limited driving privilege issued for the purpose  
19 of operating a commercial motor vehicle if such person's driving  
20 privilege is suspended, revoked, canceled, denied, or  
21 disqualified. Nothing in this section shall prohibit the  
22 issuance of a limited driving privilege for the purpose of  
23 operating a noncommercial motor vehicle provided that pursuant to  
24 the provisions of this section, the applicant is not otherwise  
25 ineligible for a limited driving privilege.

26 (8) (a) Provided that pursuant to the provisions of this  
27 section, the applicant is not otherwise ineligible for a limited  
28 driving privilege, a circuit court or the director may, in the

1 manner prescribed in this subsection, allow a person who has had  
2 such person's license to operate a motor vehicle revoked where  
3 that person cannot obtain a new license for a period of ten  
4 years, as prescribed in subdivision (9) of subsection 1 of  
5 section 302.060, to apply for a limited driving privilege  
6 pursuant to this subsection if such person has served at least  
7 three years of such disqualification or revocation. Such person  
8 shall present evidence satisfactory to the court or the director  
9 that such person has not been convicted of any offense related to  
10 alcohol, controlled substances or drugs during the preceding  
11 three years and that the person's habits and conduct show that  
12 the person no longer poses a threat to the public safety of this  
13 state. The court or the director shall review the results of a  
14 criminal history check prior to granting any limited privilege  
15 under this subdivision. If the court or the director finds that  
16 the petitioner has been convicted, pled guilty to, or been found  
17 guilty of, or has a pending charge for any offense related to  
18 alcohol, controlled substances, or drugs, or has any other  
19 alcohol-related enforcement contact as defined in section 302.525  
20 during the preceding three years, the court or the director shall  
21 not grant a limited driving privilege to the applicant.

22 (b) Provided that pursuant to the provisions of this  
23 section, the applicant is not otherwise ineligible for a limited  
24 driving privilege or convicted of involuntary manslaughter while  
25 operating a motor vehicle in an intoxicated condition, a circuit  
26 court or the director may, in the manner prescribed in this  
27 subsection, allow a person who has had such person's license to  
28 operate a motor vehicle revoked where that person cannot obtain a



1 new license for a period of five years because of two convictions  
2 of driving while intoxicated, as prescribed in subdivision (10)  
3 of subsection 1 of section 302.060, to apply for a limited  
4 driving privilege pursuant to this subsection if such person has  
5 served at least two years of such disqualification or revocation.  
6 Such person shall present evidence satisfactory to the court or  
7 the director that such person has not been convicted of any  
8 offense related to alcohol, controlled substances or drugs during  
9 the preceding two years and that the person's habits and conduct  
10 show that the person no longer poses a threat to the public  
11 safety of this state. The court or the director shall review the  
12 results of a criminal history check prior to granting any limited  
13 privilege under this subdivision. If the court or director finds  
14 that the petitioner has been convicted, pled guilty to, or been  
15 found guilty of, or has a pending charge for any offense related  
16 to alcohol, controlled substances, or drugs, or has any other  
17 alcohol-related enforcement contact as defined in section 302.525  
18 during the preceding two years, the court or the director shall  
19 not grant a limited driving privilege to the applicant. Any  
20 person who is denied a license permanently in this state because  
21 of an alcohol-related conviction subsequent to a restoration of  
22 such person's driving privileges pursuant to subdivision (9) of  
23 section 302.060 shall not be eligible for limited driving  
24 privilege pursuant to the provisions of this subdivision.

25 (9) A DWI docket or court established under section 478.007  
26 may grant a limited driving privilege to a participant in or  
27 graduate of the program who would otherwise be ineligible for  
28 such privilege under another provision of law. The DWI docket or

1 court shall not grant a limited driving privilege to a  
2 participant during his or her initial forty-five days of  
3 participation.

4 4. Any person who has received notice of denial of a  
5 request of limited driving privilege by the director of revenue  
6 may make a request for a review of the director's determination  
7 in the circuit court of the county in which the person resides or  
8 the county in which is located the person's principal place of  
9 business or employment within thirty days of the date of mailing  
10 of the notice of denial. Such review shall be based upon the  
11 records of the department of revenue and other competent evidence  
12 and shall be limited to a review of whether the applicant was  
13 statutorily entitled to the limited driving privilege.

14 5. Any person who petitions a court or makes application  
15 with the director for a limited driving privilege pursuant to  
16 paragraphs (a) or (b) of subdivision (8) of subsection 3 of this  
17 section shall make application with the Missouri state highway  
18 patrol as provided in section 43.540 and shall submit two sets of  
19 fingerprints collected pursuant to standards as determined by the  
20 highway patrol. One set of fingerprints shall be used by the  
21 highway patrol to search the criminal history repository and the  
22 second set shall be forwarded to the Federal Bureau of  
23 Investigation for searching the federal criminal history files.  
24 At the time of application, the applicant shall supply to the  
25 highway patrol the court name and case number for the court where  
26 he or she has filed his or her petition for limited driving  
27 privileges. The applicant shall pay the fee for the state  
28 criminal history record information pursuant to section 43.530

1 and pay the appropriate fee determined by the Federal Bureau of  
2 Investigation for the federal criminal history record. The  
3 Missouri highway patrol, upon receipt of the results of the  
4 criminal history check, shall forward the results to the circuit  
5 court designated by the applicant and to the department.  
6 Notwithstanding the provisions of section 610.120, all records  
7 related to any criminal history check shall be accessible and  
8 available to the director and the court.

9 6. The director of revenue shall promulgate rules and  
10 regulations necessary to carry out the provisions of this  
11 section. Any rule or portion of a rule, as that term is defined  
12 in section 536.010, that is created under the authority delegated  
13 in this section shall become effective only if it complies with  
14 and is subject to all of the provisions of chapter 536 and, if  
15 applicable, section 536.028. This section and chapter 536 are  
16 nonseverable and if any of the powers vested with the general  
17 assembly pursuant to chapter 536 to review, to delay the  
18 effective date or to disapprove and annul a rule are subsequently  
19 held unconstitutional, then the grant of rulemaking authority and  
20 any rule proposed or adopted after August 28, 2001, shall be  
21 invalid and void.

22 302.341. 1. If a Missouri resident charged with a moving  
23 traffic violation of this state or any county or municipality of  
24 this state fails to dispose of the charges of which the resident  
25 is accused through authorized prepayment of fine and court costs  
26 and fails to appear on the return date or at any subsequent date  
27 to which the case has been continued, or without good cause fails  
28 to pay any fine or court costs assessed against the resident for

1 any such violation within the period of time specified or in such  
2 installments as approved by the court or as otherwise provided by  
3 law, any court having jurisdiction over the charges shall within  
4 ten days of the failure to comply inform the defendant by  
5 ordinary mail at the last address shown on the court records that  
6 the court will order the director of revenue to suspend the  
7 defendant's driving privileges if the charges are not disposed of  
8 and fully paid within thirty days from the date of mailing.  
9 Thereafter, if the defendant fails to timely act to dispose of  
10 the charges and fully pay any applicable fines and court costs,  
11 the court shall notify the director of revenue of such failure  
12 and of the pending charges against the defendant. Upon receipt  
13 of this notification, the director shall suspend the license of  
14 the driver, effective immediately, and provide notice of the  
15 suspension to the driver at the last address for the driver shown  
16 on the records of the department of revenue. Such suspension  
17 shall remain in effect until the court with the subject pending  
18 charge requests setting aside the noncompliance suspension  
19 pending final disposition, or satisfactory evidence of  
20 disposition of pending charges and payment of fine and court  
21 costs, if applicable, is furnished to the director by the  
22 individual. Upon proof of disposition of charges and payment of  
23 fine and court costs, if applicable, and payment of the  
24 reinstatement fee as set forth in section 302.304, the director  
25 shall return the license and remove the suspension from the  
26 individual's driving record if the individual was not operating a  
27 commercial motor vehicle or a commercial driver's license holder  
28 at the time of the offense. The filing of financial

1 responsibility with the bureau of safety responsibility,  
2 department of revenue, shall not be required as a condition of  
3 reinstatement of a driver's license suspended solely under the  
4 provisions of this section.

5 2. If any city, town or village receives more than  
6 thirty-five percent of its annual general operating revenue from  
7 fines and court costs for traffic violations occurring on state  
8 highways, all revenues from such violations in excess of  
9 thirty-five percent of the annual general operating revenue of  
10 the city, town or village shall be sent to the director of the  
11 department of revenue and shall be distributed annually to the  
12 schools of the county in the same manner that proceeds of all  
13 penalties, forfeitures and fines collected for any breach of the  
14 penal laws of the state are distributed. For the purpose of this  
15 section the words "state highways" shall mean any state or  
16 federal highway, including any such highway continuing through  
17 the boundaries of a city, town or village with a designated  
18 street name other than the state highway number. The director of  
19 the department of revenue shall set forth by rule a procedure  
20 whereby excess revenues as set forth above shall be sent to the  
21 department of revenue. If any city, town, or village disputes a  
22 determination that it has received excess revenues required to be  
23 sent to the department of revenue, such city, town, or village  
24 may submit to an annual audit by the state auditor under the  
25 authority of article IV, section 13 of the Missouri Constitution.  
26 Any rule or portion of a rule, as that term is defined in section  
27 536.010, that is created under the authority delegated in this  
28 section shall become effective only if it complies with and is

1 subject to all of the provisions of chapter 536 and, if  
2 applicable, section 536.028. This section and chapter 536 are  
3 nonseverable and if any of the powers vested with the general  
4 assembly under chapter 536 to review, to delay the effective  
5 date, or to disapprove and annul a rule are subsequently held  
6 unconstitutional, then the grant of rulemaking authority and any  
7 rule proposed or adopted after August 28, 2009, shall be invalid  
8 and void.

9 302.530. 1. Any person who has received a notice of  
10 suspension or revocation may make a request within fifteen days  
11 of receipt of the notice for a review of the department's  
12 determination at a hearing. If the person's driver's license has  
13 not been previously surrendered, it may be surrendered at the  
14 time the request for a hearing is made.

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

24 3. The hearing may be held by telephone, or if requested by  
25 the person, such person's attorney or representative, [in the  
26 county where the arrest was made] at a regional location as  
27 designated by the director. The hearing shall be conducted by  
28 examiners who are licensed to practice law in the state of

1 Missouri and who are employed by the department on a part-time or  
2 full-time basis as the department may determine.

3 4. The sole issue at the hearing shall be whether by a  
4 preponderance of the evidence the person was driving a vehicle  
5 pursuant to the circumstances set out in section 302.505. The  
6 burden of proof shall be on the state to adduce such evidence.  
7 If the department finds the affirmative of this issue, the  
8 suspension or revocation order shall be sustained. If the  
9 department finds the negative of the issue, the suspension or  
10 revocation order shall be rescinded.

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

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

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

28 8. The director may adopt any rules and regulations

1 necessary to carry out the provisions of this section.

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

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

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

9 (2) "Alcohol concentration", the number of grams of alcohol  
10 per one hundred milliliters of blood or the number of grams of  
11 alcohol per two hundred ten liters of breath or the number of  
12 grams of alcohol per sixty-seven milliliters of urine;

13 (3) "CDLIS driver record", the electronic record of the  
14 individual commercial driver's status and history stored by the  
15 state of record as part of the Commercial Driver's License  
16 Information System (CDLIS) established under 49 U.S.C. Section  
17 31309, et seq.;

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

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

26 [(4)] (6) "Commercial driver's license", a license issued  
27 by this state to an individual which authorizes the individual to  
28 operate a commercial motor vehicle;



1            [(5)] (7) "Commercial driver's license downgrade", occurs  
2 when:

3            (a) A driver changes the self-certification to interstate,  
4 but operates exclusively in transportation or operation excepted  
5 from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2,  
6 391.68, or 398.3;

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

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

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

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

21           [(6)] (9) "Commercial motor vehicle", a motor vehicle  
22 designed or used to transport passengers or property:

23           (a) If the vehicle has a gross combination weight rating of  
24 twenty-six thousand one or more pounds inclusive of a towed unit  
25 which has a gross vehicle weight rating of ten thousand one  
26 pounds or more;

27           (b) If the vehicle has a gross vehicle weight rating of  
28 twenty-six thousand one or more pounds or such lesser rating as

1 determined by federal regulation;

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

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

7 [(7)] (10) "Controlled substance", any substance so  
8 classified under Section 102(6) of the Controlled Substances Act  
9 (21 U.S.C. 802(6)), and includes all substances listed in  
10 schedules I through V of 21 CFR part 1308, as they may be revised  
11 from time to time;

12 [(8)] (11) "Conviction", an unvacated adjudication of  
13 guilt, including pleas of guilt and nolo contendere, or a  
14 determination that a person has violated or failed to comply with  
15 the law in a court of original jurisdiction or an authorized  
16 administrative proceeding, an unvacated forfeiture of bail or  
17 collateral deposited to secure the person's appearance in court,  
18 the payment of a fine or court cost, or violation of a condition  
19 of release without bail, regardless of whether the penalty is  
20 rebated, suspended or prorated, including an offense for failure  
21 to appear or pay;

22 [(9)] (12) "Director", the director of revenue or his  
23 authorized representative;

24 [(10)] (13) "Disqualification", any of the following three  
25 actions:

26 (a) The suspension, revocation, or cancellation of a  
27 commercial driver's license;

28 (b) Any withdrawal of a person's privileges to drive a

1 commercial motor vehicle by a state, Canada, or Mexico as the  
2 result of a violation of federal, state, county, municipal, or  
3 local law relating to motor vehicle traffic control or violations  
4 committed through the operation of motor vehicles, other than  
5 parking, vehicle weight, or vehicle defect violations;

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

9 [(11)] (14) "Drive", to drive, operate or be in physical  
10 control of a commercial motor vehicle;

11 [(12)] (15) "Driver", any person who drives, operates, or  
12 is in physical control of a motor vehicle, or who is required to  
13 hold a commercial driver's license;

14 (16) "Driver applicant", an individual who applies to  
15 obtain, transfer, upgrade, or renew a commercial driver's license  
16 in this state;

17 [(13)] (17) "Driving under the influence of alcohol", the  
18 commission of any one or more of the following acts:

19 (a) Driving a commercial motor vehicle with the alcohol  
20 concentration of four one-hundredths of a percent or more as  
21 prescribed by the secretary or such other alcohol concentration  
22 as may be later determined by the secretary by regulation;

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

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

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

4 (e) Having any state, county or municipal alcohol-related  
5 enforcement contact, as defined in subsection 3 of section  
6 302.525; provided that any suspension or revocation pursuant to  
7 section 302.505, committed in a noncommercial motor vehicle by an  
8 individual twenty-one years of age or older shall have been  
9 committed by the person with an alcohol concentration of at least  
10 eight-hundredths of one percent or more, or in the case of an  
11 individual who is less than twenty-one years of age, shall have  
12 been committed by the person with an alcohol concentration of at  
13 least two-hundredths of one percent or more, and if committed in  
14 a commercial motor vehicle, a concentration of four-hundredths of  
15 one percent or more;

16 [(14)] (18) "Driving under the influence of a controlled  
17 substance", the commission of any one or more of the following  
18 acts in a commercial or noncommercial motor vehicle:

19 (a) Driving a commercial or noncommercial motor vehicle  
20 while under the influence of any substance so classified under  
21 Section 102(6) of the Controlled Substances Act (21 U.S.C.  
22 802(6)), including any substance listed in schedules I through V  
23 of 21 CFR Part 1308, as they may be revised from time to time;

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

27 (c) Refusing to submit to a chemical test in violation of  
28 section 577.041, section 302.750, any federal or state law, or a

1 county or municipal ordinance;

2 [(15)] (19) "Employer", any person, including the United  
3 States, a state, or a political subdivision of a state, who owns  
4 or leases a commercial motor vehicle or assigns a driver to  
5 operate such a vehicle;

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

9 [(16)] (21) "Farm vehicle", a commercial motor vehicle  
10 controlled and operated by a farmer used exclusively for the  
11 transportation of agricultural products, farm machinery, farm  
12 supplies, or a combination of these, within one hundred fifty  
13 miles of the farm, other than one which requires placarding for  
14 hazardous materials as defined in this section, or used in the  
15 operation of a common or contract motor carrier, except that a  
16 farm vehicle shall not be a commercial motor vehicle when the  
17 total combined gross weight rating does not exceed twenty-six  
18 thousand one pounds when transporting fertilizers as defined in  
19 subdivision [(21)] (27) of this subsection;

20 [(17)] (22) "Fatality", the death of a person as a result  
21 of a motor vehicle accident;

22 [(18)] (23) "Felony", any offense under state or federal  
23 law that is punishable by death or imprisonment for a term  
24 exceeding one year;

25 (24) "Foreign", outside the fifty states of the United  
26 States and the District of Columbia;

27 [(19)] (25) "Gross combination weight rating" or "GCWR",  
28 the value specified by the manufacturer as the loaded weight of a

1 combination (articulated) vehicle.

2 In the absence of a value specified by the manufacturer, GCWR  
3 will be determined by adding the GVWR of the power unit and the  
4 total weight of the towed unit and any load thereon;

5 [(20)] (26) "Gross vehicle weight rating" or "GVWR", the  
6 value specified by the manufacturer as the loaded weight of a  
7 single vehicle;

8 [(21)] (27) "Hazardous materials", any material that has  
9 been designated as hazardous under 49 U.S.C. 5103 and is required  
10 to be placarded under subpart F of CFR Part 172 or any quantity  
11 of a material listed as a select agent or toxin in 42 CFR Part  
12 73. Fertilizers, including but not limited to ammonium nitrate,  
13 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel  
14 or special fuel, shall not be considered hazardous materials when  
15 transported by a farm vehicle provided all other provisions of  
16 this definition are followed;

17 [(22)] (28) "Imminent hazard", the existence of a condition  
18 that presents a substantial likelihood that death, serious  
19 illness, severe personal injury, or a substantial endangerment to  
20 health, property, or the environment may occur before the  
21 reasonably foreseeable completion date of a formal proceeding  
22 begins to lessen the risk of that death, illness, injury, or  
23 endangerment;

24 [(23)] (29) "Issuance", the initial licensure, license  
25 transfers, license renewals, and license upgrades;

26 (30) "Medical examiner", a person who is licensed,  
27 certified, or registered, in accordance with applicable state  
28 laws and regulations, to perform physical examinations. The term

1 includes, but is not limited to, doctors of medicine, doctors of  
2 osteopathy, physician assistants, advanced practice nurses, and  
3 doctors of chiropractic;

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

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

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

12 [(24)] (32) "Motor vehicle", any self-propelled vehicle not  
13 operated exclusively upon tracks;

14 [(25)] (33) "Noncommercial motor vehicle", a motor vehicle  
15 or combination of motor vehicles not defined by the term  
16 "commercial motor vehicle" in this section;

17 [(26)] (34) "Out of service", a temporary prohibition  
18 against the operation of a commercial motor vehicle by a  
19 particular driver, or the operation of a particular commercial  
20 motor vehicle, or the operation of a particular motor carrier;

21 [(27)] (35) "Out-of-service order", a declaration by [the  
22 Federal Highway Administration, or any] an authorized enforcement  
23 officer of a federal, state, [Commonwealth of Puerto Rico,]  
24 Canadian, Mexican or any local jurisdiction, that a driver, or a  
25 commercial motor vehicle, or a motor carrier operation, is out of  
26 service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or  
27 396.9, or comparable laws, or the North American Standard Out-of-  
28 Service Criteria;

1            [(28)] (36) "School bus", a commercial motor vehicle used  
2 to transport preprimary, primary, or secondary school students  
3 from home to school, from school to home, or to and from  
4 school-sponsored events. School bus does not include a bus used  
5 as a common carrier as defined by the Secretary;

6            [(29)] (37) "Secretary", the Secretary of Transportation of  
7 the United States;

8            [(30)] (38) "Serious traffic violation", driving a  
9 commercial motor vehicle in such a manner that the driver  
10 receives a conviction for the following offenses or driving a  
11 noncommercial motor vehicle when the driver receives a conviction  
12 for the following offenses and the conviction results in the  
13 suspension or revocation of the driver's license or noncommercial  
14 motor vehicle driving privilege:

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

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

26            (c) A violation of any federal or state law or county or  
27 municipal ordinance regulating the operation of motor vehicles  
28 arising out of an accident or collision which resulted in death



1 to any person, other than a parking violation;

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

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

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

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

21 [(31)] (39) "State", a state[, territory or possession] of  
22 the United States[, the District of Columbia, the Commonwealth of  
23 Puerto Rico, Mexico, and any province of Canada];

24 [(32)] (40) "United States", the fifty states and the  
25 District of Columbia.

26 302.768. 1. Any applicant for a commercial driver's  
27 license or commercial driver's instruction permit shall comply  
28 with the Federal Motor Carrier Safety Administration application

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

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

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

14 (3) Nonexcepted intrastate: Certifies the applicant is a  
15 driver operating only in intrastate commerce and is subject to  
16 Missouri driver qualifications;

17 (4) Excepted intrastate: Certifies the applicant operates  
18 or expects to operate only in intrastate commerce, and engaging  
19 only in operations excepted from all parts of the Missouri driver  
20 qualification requirements.

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

25 3. An applicant certifying to operation in nonexcepted  
26 interstate or nonexcepted intrastate commerce shall provide the  
27 state with an original or copy of a current medical examiners  
28 certificate or a medical examiners certificate accompanied by a

1 medical variance or waiver. The state shall retain the original  
2 or copy of the documentation of physical qualification for a  
3 minimum of three years beyond the date the certificate was  
4 issued.

5 4. Applicants certifying to operation in nonexcepted  
6 interstate commerce or nonexcepted intrastate commerce shall  
7 provide an updated medical certificate or variance documents to  
8 maintain a certified status during the term of the commercial  
9 driver's license or commercial driver's instruction permit in  
10 order to retain commercial privileges.

11 5. The director shall post the medical examiners  
12 certificate of information, medical variance if applicable, the  
13 applicant's self-certification and certification status to the  
14 Missouri driver record within ten calendar days and such  
15 information will become part of the CDLIS driver record.

16 6. Applicants certifying to operation in nonexcepted  
17 interstate commerce or nonexcepted intrastate commerce who fail  
18 to provide or maintain a current medical examiners certificate,  
19 or if the state has received notice of a medical variance or  
20 waiver expiring or being rescinded, the state shall, within ten  
21 calendar days, update the driver's medical certification status  
22 to "not certified". The state shall notify the driver of the  
23 change in certification status and require the driver to annually  
24 comply with requirements for a commercial driver's license  
25 downgrade within sixty days of the expiration of the applicant  
26 certification.

27 7. The department of revenue may, by rule, establish the  
28 cost and criteria for submission of updated medical certification

1 status information as required under this section.

2 8. Any person who falsifies any information in an  
3 application for or update of medical certification status  
4 information for a commercial driver's license shall not be  
5 licensed to operate a commercial motor vehicle, or the person's  
6 commercial driver's license shall be canceled for a period of one  
7 year after the director discovers such falsification.

8 9. The director may promulgate rules and regulations  
9 necessary to administer and enforce this section. Any rule or  
10 portion of a rule, as that term is defined in section 536.010,  
11 that is created under the authority delegated in this section  
12 shall become effective only if it complies with and is subject to  
13 all of the provisions of chapter 536 and, if applicable, section  
14 536.028. This section and chapter 536 are nonseverable and if  
15 any of the powers vested with the general assembly pursuant to  
16 chapter 536 to review, to delay the effective date, or to  
17 disapprove and annul a rule are subsequently held  
18 unconstitutional, then the grant of rulemaking authority and any  
19 rule proposed or adopted after August 28, 2012, shall be invalid  
20 and void.

21 303.200. After consultation with insurance companies  
22 authorized to issue automobile liability policies in this state,  
23 the director of the department of insurance, financial  
24 institutions and professional registration shall approve a  
25 reasonable plan or plans for the equitable apportionment among  
26 such companies of applicants for such policies and for motor  
27 vehicle liability policies who are in good faith entitled to but  
28 are unable to procure such policies through ordinary methods.

1 When any such plan has been approved, all such insurance  
2 companies shall subscribe thereto and participate therein. Any  
3 such plan shall contract with an entity or entities to accept and  
4 service applicants and policies for any company that does not  
5 elect to accept and service applicants and policies. By October  
6 1 of each year any company that elects to accept and service  
7 applicants and policies for the next calendar year for any such  
8 plan shall so notify the plan. Any company that does not so  
9 notify a plan shall be excused from accepting and servicing  
10 applicants and policies for the next calendar year for such plan  
11 and shall pay a fee to the plan or servicing entity for providing  
12 such services. The fee shall be based on the company's market  
13 share on the kinds of insurance offered by the plan. Any  
14 applicant for any such policy, any person insured under any such  
15 plan, and any insurance company affected, may appeal to the  
16 director from any ruling or decision of the manager or committee  
17 designated to operate such plan. Any person aggrieved hereunder  
18 by any order or act of the director may, within ten days after  
19 notice thereof, file a petition in the circuit court of the  
20 county of Cole for a review thereof. The court shall summarily  
21 hear the petition and may make any appropriate order or decree.

22 304.033. 1. No person shall operate a recreational  
23 off-highway vehicle, as defined in section 301.010, upon the  
24 highways of this state, except as follows:

25 (1) Recreational off-highway vehicles owned and operated by  
26 a governmental entity for official use;

27 (2) Recreational off-highway vehicles operated for  
28 agricultural purposes or industrial on-premises purposes;

1 (3) Recreational off-highway vehicles operated within three  
2 miles of the operator's primary residence. The provisions of  
3 this subdivision shall not authorize the operation of a  
4 recreational off-highway vehicle in a municipality unless such  
5 operation is authorized by such municipality as provided for in  
6 subdivision (5) of this subsection;

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

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

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

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

1 of this state and its political subdivisions or department of  
2 conservation agents or department of natural resources park  
3 rangers shall enforce the provisions of this subsection within  
4 the geographic area of their jurisdiction.

5 3. A person operating a recreational off-highway vehicle on  
6 a highway pursuant to an exception covered in this section shall  
7 have a valid operator's or chauffeur's license, except that a  
8 handicapped person operating such vehicle pursuant to subdivision  
9 (4) of subsection 1 of this section, but shall not be required to  
10 have passed an examination for the operation of a motorcycle. An  
11 individual shall not operate a recreational off-highway vehicle  
12 upon on a highway in this state without displaying a lighted  
13 headlamp and a lighted tail lamp. A person may not operate a  
14 recreational off-highway vehicle upon a highway of this state  
15 unless such person wears a seat belt. When operated on a  
16 highway, a recreational off-highway vehicle shall be equipped  
17 with a roll bar or roll cage construction to reduce the risk of  
18 injury to an occupant of the vehicle in case of the vehicle's  
19 rollover.

20 304.120. 1. Municipalities, by ordinance, may establish  
21 reasonable speed regulations for motor vehicles within the limits  
22 of such municipalities. No person who is not a resident of such  
23 municipality and who has not been within the limits thereof for a  
24 continuous period of more than forty-eight hours, shall be  
25 convicted of a violation of such ordinances, unless it is shown  
26 by competent evidence that there was posted at the place where  
27 the boundary of such municipality joins or crosses any highway a  
28 sign displaying in black letters not less than four inches high

1 and one inch wide on a white background the speed fixed by such  
2 municipality so that such sign may be clearly seen by operators  
3 and drivers from their vehicles upon entering such municipality.

4 2. Municipalities, by ordinance, may:

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

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

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

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

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

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

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

28 (8) Prohibit sound producing warning devices, except horns



1 directed forward.

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

5 4. No ordinance shall impose liability on the owner-lessor  
6 of a motor vehicle when the vehicle is being permissively used by  
7 a lessee and is illegally parked or operated if the registered  
8 owner-lessor of such vehicle furnishes the name, address and  
9 operator's license number of the person renting or leasing the  
10 vehicle at the time the violation occurred to the proper  
11 municipal authority within three working days from the time of  
12 receipt of written request for such information. Any registered  
13 owner-lessor who fails or refuses to provide such information  
14 within the period required by this subsection shall be liable for  
15 the imposition of any fine established by municipal ordinance for  
16 the violation. Provided, however, if a leased motor vehicle is  
17 illegally parked due to a defect in such vehicle, which renders  
18 it inoperable, not caused by the fault or neglect of the lessee,  
19 then the lessor shall be liable on any violation for illegal  
20 parking of such vehicle.

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

25 304.190. 1. No motor vehicle, unladen or with load,  
26 operating exclusively within the corporate limits of cities  
27 containing seventy-five thousand inhabitants or more or within  
28 two miles of the corporate limits of the city or within the

1 commercial zone of the city shall exceed fifteen feet in height.

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

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

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

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

1 and shall extend north from the intersection of said freeway and  
2 multilane undivided highway along the multilane undivided highway  
3 to the city limits of a city with a population of at least four  
4 hundred thousand inhabitants but not more than four hundred fifty  
5 thousand inhabitants, and shall extend east from the city limits  
6 of a special charter city with more than two hundred seventy-five  
7 but fewer than three hundred seventy-five inhabitants along state  
8 route 210 and northwest from the intersection of state route 210  
9 and state route 10 to include the boundaries of any city of the  
10 third classification with more than ten thousand eight hundred  
11 but fewer than ten thousand nine hundred inhabitants and located  
12 in more than one county[; further provided, however,]. The  
13 commercial zone described in this subdivision shall be extended  
14 to also include the stretch of state route 45 from its  
15 intersection with Interstate 29 extending northwest to the city  
16 limits of any village with more than forty but fewer than fifty  
17 inhabitants and located in any county of the first classification  
18 with more than eighty-three thousand but fewer than ninety-two  
19 thousand inhabitants and with a city of the fourth classification  
20 with more than four thousand five hundred but fewer than five  
21 thousand inhabitants as the county seat;

22 (3) The commercial zone of a city of the third  
23 classification with more than nine thousand six hundred fifty but  
24 fewer than nine thousand eight hundred inhabitants shall extend  
25 south from the city limits along U.S. Highway 61 to the  
26 intersection of state route 00 in a county of the third  
27 classification without a township form of government and with  
28 more than seventeen thousand eight hundred but fewer than

1     seventeen thousand nine hundred inhabitants.

2           4. In no case shall the commercial zone of a city be  
3 reduced due to a loss of population. The provisions of this  
4 section shall not apply to motor vehicles operating on the  
5 interstate highways in the area beyond two miles of a corporate  
6 limit of the city unless the United States Department of  
7 Transportation increases the allowable weight limits on the  
8 interstate highway system within commercial zones. In such case,  
9 the mileage limits established in this section shall be  
10 automatically increased only in the commercial zones to conform  
11 with those authorized by the United States Department of  
12 Transportation.

13           [4.] 5. Nothing in this section shall prevent a city,  
14 county, or municipality, by ordinance, from designating the  
15 routes over which such vehicles may be operated.

16           [5.] 6. No motor vehicle engaged in interstate commerce,  
17 whether unladen or with load, whose operations in the state of  
18 Missouri are limited exclusively to the commercial zone of a  
19 first class home rule municipality located in a county with a  
20 population between eighty thousand and ninety-five thousand  
21 inhabitants which has a portion of its corporate limits  
22 contiguous with a portion of the boundary between the states of  
23 Missouri and Kansas, shall have a greater weight than twenty-two  
24 thousand four hundred pounds on one axle, nor shall exceed  
25 fifteen feet in height.

26           306.127. 1. Beginning January 1, 2005, every person born  
27 after January 1, 1984, or as required pursuant to section  
28 306.128, who operates a vessel on the lakes of this state shall

1 possess, on the vessel, a boating safety identification card  
2 issued by the Missouri state water patrol or its agent which  
3 shows that he or she has:

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

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

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

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

26 3. The Missouri state water patrol may charge a fee for  
27 such card or any replacement card that does not substantially  
28 exceed the costs of administrating this section. The Missouri

1 state water patrol or its designated agent shall collect such  
2 fees. These funds shall be forwarded to general revenue.

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

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

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

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

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

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

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

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

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

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

26 6. No individual shall be detained or stopped strictly for  
27 the purpose of checking whether the individual possesses a  
28 boating safety identification card or a temporary boater

1 education permit.

2 7. [Beginning January 1, 2006, any nonresident born after  
3 January 1, 1984, desiring to operate a rental vessel on the lakes  
4 of this state, may obtain a temporary boater education permit by  
5 completing and passing a written examination developed by the  
6 Missouri state water patrol, provided the person meets the  
7 minimum age requirements for operating a vessel in this state.  
8 The Missouri state water patrol is authorized to promulgate rules  
9 for developing the examination and any requirements necessary for  
10 issuance of the temporary boater education permit. The temporary  
11 boater education permit shall expire when the nonresident obtains  
12 a permanent identification card pursuant to subsection 2 of this  
13 section or thirty days after issuance, whichever occurs first.  
14 The Missouri state water patrol may charge a fee not to exceed  
15 ten dollars for such temporary permit. Upon successful  
16 completion of an examination and prior to renting a vessel, the  
17 business entity responsible for giving the examination shall  
18 collect such fee and forward all collected fees to the Missouri  
19 state water patrol on a monthly basis for deposit in the state  
20 general revenue fund. Such business entity shall incur no  
21 additional liability in accepting the responsibility for  
22 administering the examination. This subsection shall terminate  
23 on December 31, 2010.] Any person or company that rents or sells  
24 vessels may issue a temporary boating safety identification card  
25 to a nonresident of the state to operate a rented vessel or a  
26 vessel being considered for sale, for a period of up to seven  
27 days, provided that the individual meets the minimum age  
28 requirements for operating a vessel in this state. In order to

1 qualify for the temporary boating safety identification card, the  
2 applicant shall provide a valid driver's license establishing  
3 that the applicant is a nonresident and shall sign an affidavit  
4 that he or she has reviewed the Missouri State Highway Patrol  
5 Handbook of Missouri Boating Laws and Responsibilities. Any  
6 nonresident holding a valid temporary boating safety  
7 identification card shall be deemed in compliance with the  
8 requirements of this section. The Missouri state highway patrol  
9 shall charge a fee of nine dollars for such temporary boating  
10 safety identification card. Nonresidents shall not be eligible  
11 for more than one temporary boating safety identification card.  
12 No person or company may issue a temporary boating safety  
13 identification card to a nonresident under the provisions of this  
14 subsection unless such person or company is capable of submitting  
15 the applicant's temporary boating safety identification card  
16 information and payment in an electronic format as prescribed by  
17 the Missouri state highway patrol. The business entity issuing a  
18 temporary boating safety identification card to a nonresident  
19 under the provisions of this subsection shall transmit the  
20 applicant's temporary boating safety identification card  
21 information electronically to the Missouri state highway patrol,  
22 in a manner and format prescribed by the superintendent, using an  
23 electronic online registration process developed and provided by  
24 the Missouri state highway patrol. The electronic online process  
25 developed and provided by the Missouri state highway patrol shall  
26 allow the applicant to pay the temporary boating safety  
27 identification card fee by credit card or debit card.  
28 Notwithstanding any provision in section 306.185 to the contrary,



1 all fees collected under the authority of this subsection shall  
2 be deposited in the water patrol division fund. The Missouri  
3 state highway patrol shall promulgate rules for developing the  
4 temporary boating safety identification card and any requirements  
5 necessary to the issuance, processing, and payment of the  
6 temporary boating safety identification card. The Missouri state  
7 highway patrol shall, by rule, develop a boating safety checklist  
8 for each applicant seeking a temporary boating safety  
9 identification card. The provisions of this subsection shall  
10 expire on December 31, 2022.

11       307.365. 1. No permit for an official inspection station  
12 shall be assigned or transferred or used at any location other  
13 than therein designated and every permit shall be posted in a  
14 conspicuous place at the location designated. The superintendent  
15 of the Missouri state highway patrol shall design and furnish  
16 each official inspection station, at no cost, one official sign  
17 made of metal or other durable material to be displayed in a  
18 conspicuous location to designate the station as an official  
19 inspection station. Additional signs may be obtained by an  
20 official inspection station for a fee equal to the cost to the  
21 state. Each inspection station shall also be supplied with one  
22 or more posters which must be displayed in a conspicuous location  
23 at the place of inspection and which informs the public that  
24 required repairs or corrections need not be made at the  
25 inspection station.

26       2. No person operating an official inspection station  
27 pursuant to the provisions of sections 307.350 to 307.390 may  
28 issue a certificate of inspection and approval for any vehicle

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

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

27           4. If, upon inspection, defects or unsafe conditions are  
28    found, the owner may correct them or shall have them corrected at

1 any place the owner chooses within twenty days after the defect  
2 or unsafe condition is found, and shall have the right to remove  
3 the vehicle to such place for correction, but before the vehicle  
4 is operated thereafter upon the public highways of this state, a  
5 certificate of inspection and approval must be obtained. The  
6 inspecting personnel of the official inspection station must  
7 inform the owner that the corrections need not be made at the  
8 inspection station.

9 5. A fee, not to exceed twelve dollars, as determined by  
10 each official inspection station, may be charged by an official  
11 inspection station for each official inspection including the  
12 issuance of the certificate of inspection and approval, sticker,  
13 seal or other device and a total fee, not to exceed ten dollars,  
14 as determined by each official inspection station, may be charged  
15 for an official inspection of a trailer or motorcycle, which  
16 shall include the issuance of the certificate of inspection and  
17 approval, sticker, seal or other device. Such fee shall be  
18 conspicuously posted on the premises of each such official  
19 inspection station. No owner shall be charged an additional  
20 inspection fee upon having corrected defects or unsafe conditions  
21 found in an inspection completed within the previous twenty  
22 consecutive days, excluding Saturdays, Sundays and holidays, if  
23 such follow-up inspection is made by the station making the  
24 initial inspection. Every inspection for which a fee is charged  
25 shall be a complete inspection, and upon completion of the  
26 inspection, if any defects are found the owner of the vehicle  
27 shall be furnished a list of the defects and a receipt for the  
28 fee paid for the inspection. If the owner of a vehicle decides

1 to have any necessary repairs or corrections made at the official  
2 inspection station, the owner shall be furnished a written  
3 estimate of the cost of such repairs before such repairs or  
4 corrections are made by the official inspection station. The  
5 written estimate shall have plainly written upon it that the  
6 owner understands that the corrections need not be made by the  
7 official inspection station and shall have a signature line for  
8 the owner. The owner must sign below the statement on the  
9 signature line before any repairs are made.

10 6. Certificates of inspection and approval, sticker, seal  
11 or other device shall be purchased by the official inspection  
12 stations from the superintendent of the Missouri state highway  
13 patrol. The superintendent of the Missouri state highway patrol  
14 shall collect a fee of one dollar and fifty cents for each  
15 certificate of inspection, sticker, seal or other device issued  
16 to the official inspection stations, except that no charge shall  
17 be made for certificates of inspection, sticker, seal or other  
18 device issued to official inspection stations operated by  
19 governmental entities. All fees collected shall be deposited in  
20 the state treasury with one dollar of each fee collected credited  
21 to the state highway fund and, for the purpose of administering  
22 and enforcing the state motor vehicle laws and traffic  
23 regulations, fifty cents credited to the "Highway Patrol  
24 Inspection Fund" which is hereby created. The moneys collected  
25 and deposited in the highway patrol inspection fund shall be  
26 expended subject to appropriations by the general assembly for  
27 the administration and enforcement of sections 307.350 to 307.390  
28 by the Missouri state highway patrol. The unexpended balance in

1 the fund at the end of each biennium exceeding the amount of the  
2 appropriations from the fund for the first two fiscal years shall  
3 be transferred to the state road fund, and the provisions of  
4 section 33.080, relating to the transfer of funds to the general  
5 revenue fund at the end of the biennium, shall not apply to the  
6 fund.

7 7. The owner or operator of any inspection station who  
8 discontinues operation during the period that a station permit is  
9 valid or whose station permit is suspended or revoked shall  
10 return all official signs and posters and any current unused  
11 inspection stickers, seals or other devices to the superintendent  
12 of the Missouri state highway patrol and shall receive a full  
13 refund on request except for official signs and posters, provided  
14 the request is made during the calendar year or within sixty days  
15 thereafter in the manner prescribed by the superintendent of the  
16 Missouri state highway patrol. Stations which have a valid  
17 permit shall exchange unused previous year issue inspection  
18 stickers and/or decals for an identical number of current year  
19 issue, provided the unused stickers and/or decals are submitted  
20 for exchange not later than April thirtieth of the current  
21 calendar year, in the manner prescribed by the superintendent of  
22 the Missouri state highway patrol.

23 8. Notwithstanding the provisions of section 307.390 to the  
24 contrary, a violation of this section shall be a class C  
25 misdemeanor.

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

1           387.040. 1. No motor carrier subject to the provisions of  
2 this chapter shall engage or participate in the transportation of  
3 passengers [or household goods], between points within this  
4 state, until its schedules of rates, fares and charges shall have  
5 been filed with the state highways and transportation commission  
6 and published in accordance with the provisions of this chapter.  
7 Any motor carrier, which shall undertake to perform any service  
8 or furnish any product or commodity unless or until the rates,  
9 tolls, fares, charges, classifications and rules and regulations  
10 relating thereto, applicable to such service, product or  
11 commodity, have been filed with the highways and transportation  
12 commission and published in accordance with the provisions of  
13 this chapter, shall be subject to forfeiture to the state  
14 pursuant to the provisions of sections 390.156 to 390.176.

15           2. [Notwithstanding subsection 1 of this section, a motor  
16 carrier shall not be required to file its schedules of rates,  
17 fares, and charges for shipments of household goods that are  
18 transported wholly or exclusively within a commercial zone as  
19 defined in 390.020 or within a commercial zone established by the  
20 highways and transportation commission pursuant to the provisions  
21 of subdivision (4) of section 390.041.] Notwithstanding any  
22 provision of this chapter or chapter 390 to the contrary, a motor  
23 carrier transporting household goods in intrastate commerce shall  
24 not be required to file its schedule of rates, fares, and charges  
25 with the state highways and transportation commission. In lieu  
26 of filing its schedules of rates, fares, charges, rules, or tolls  
27 with the state highways and transportation commission, a motor  
28 carrier transporting household goods in intrastate commerce shall

1 maintain and publish its schedules of rates, fares, charges,  
2 rules, and tolls in every station or office as described in  
3 subsection 3 of section 387.050 and such rates shall be available  
4 for inspection by the state highways and transportation  
5 commission, shippers, and the public upon request. Any motor  
6 carrier transporting household goods in intrastate commerce that  
7 fails to comply with the provisions of this subsection shall be  
8 subject to forfeiture to the state pursuant to the provisions of  
9 sections 390.156 to 390.176.

10       387.050. 1. Every motor carrier shall file with the  
11 [division of motor carrier and railroad safety] state highways  
12 and transportation commission and shall print and keep open to  
13 public inspection schedules showing the rates, fares and charges  
14 for the transportation of passengers and household goods within  
15 this state between each point upon its route and all other points  
16 thereon and between each point upon its route and all points upon  
17 every route leased, operated or controlled by it and between each  
18 point on its route or upon any route leased, operated or  
19 controlled by it and all points upon the route of any other motor  
20 carrier, whenever a through route and joint rate shall have been  
21 established or ordered between any two such points. If no joint  
22 rate over a through route has been established, the several  
23 carriers in such through route shall file, print and keep open to  
24 public inspection, as aforesaid, the separately established  
25 rates, fares and charges applied to the through transportation.  
26 Beginning August 28, 2012, motor carriers shall not be required  
27 to file their schedules showing the rates, fares, rules, and  
28 charges for the transportation of household goods within this

1 state but shall print and keep open for public inspection such  
2 schedules in accordance with this section and section 387.040.

3 2. The schedules printed as aforesaid shall plainly state  
4 the places between which household goods and passengers will be  
5 carried, and shall also contain the classification of passengers  
6 or household goods in force, and shall also state separately all  
7 terminal charges, storage charges, icing charges and all other  
8 charges which the [division] state highways and transportation  
9 commission may require to be stated, all privileges or facilities  
10 granted or allowed, and any rules or regulations which may in any  
11 way change, affect or determine any part or the aggregate of such  
12 aforesaid rates, fares and charges, or the value of the service  
13 rendered to the passenger, shipper or consignee.

14 3. Such schedules shall be plainly printed in large type,  
15 and a copy thereof shall be kept by every such carrier readily  
16 accessible to and for convenient inspection by the public in  
17 every station or office of such carrier where passengers or  
18 household goods are respectively received for transportation,  
19 when such station or office is in charge of an agent, and in  
20 every station or office of such carrier where passenger tickets  
21 for transportation or tickets covering bills of lading or  
22 receipts for household goods are issued. All or any of such  
23 schedules kept as aforesaid shall be immediately produced by such  
24 carrier for inspection upon the demand of any person.

25 4. A notice printed in bold type and stating that such  
26 schedules are on file with the agent and open to inspection by  
27 any person and that the agent will assist any such person to  
28 determine from such schedules any transportation rates or fares



1 or rules or regulations which are in force shall be kept posted  
2 by the carrier in two public and conspicuous places in every such  
3 station or office.

4 5. The form of every such schedule shall be prescribed by  
5 the [division] state highways and transportation commission.

6 6. The [division] state highways and transportation  
7 commission shall have power, from time to time, in its  
8 discretion, to determine and prescribe by order such changes in  
9 the form of such schedules as may be found expedient, and to  
10 modify the requirements of this section in respect to publishing,  
11 posting and filing of schedules either in particular instances or  
12 by general order applicable to special or peculiar circumstances  
13 or conditions.

14 387.080. 1. The names of the several carriers which are  
15 parties to any joint tariff shall be specified therein, and each  
16 of the parties thereto, other than the one filing the same, shall  
17 file with the [division of motor carrier and railroad safety]  
18 state highways and transportation commission such evidence of  
19 concurrence therein or acceptance thereof as may be required or  
20 approved by the [division] state highways and transportation  
21 commission; and where such evidence of concurrence or acceptance  
22 is filed, it shall not be necessary for the carriers filing the  
23 same also to file copies of the tariffs in which they are named  
24 as parties. The provisions of this subsection shall not apply to  
25 motor carriers of household goods. Carriers of household goods  
26 participating in through routes or interline service shall  
27 publish joint tariffs and evidence of concurrence or acceptance  
28 thereof or individual tariffs for each participating carrier in

1 accordance with sections 387.040 and 387.050.

2       2. Every motor carrier shall file with the [division] state  
3 highways and transportation commission sworn copies of every  
4 contract, agreement or arrangement with any other motor carrier  
5 or motor carriers relating in any way to the transportation of  
6 passengers [or property].

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

13       387.110. [1.] No motor carrier shall make or give any  
14 undue or unreasonable preference or advantage to any person or  
15 corporation or to any locality or to any particular description  
16 of traffic in any respect whatsoever, or subject any particular  
17 person or corporation or locality or any particular description  
18 of traffic, to any undue or unreasonable prejudice or  
19 disadvantage in any respect whatsoever.

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

27       387.137. The state highways and transportation commission  
28 shall establish consumer protection requirements for motor

1 carriers transporting household goods in intrastate commerce and  
2 establish a system for filing, logging, and responding to  
3 consumer complaints.

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

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

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

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

13 (4) Any other relevant information.

14 2. If a written complaint is filed with the division that  
15 is within the division's jurisdiction, the division, at least as  
16 frequently as quarterly and until final disposition of the  
17 complaint, shall notify the complainant of the status of the  
18 complaint unless the notice would jeopardize an ongoing  
19 investigation.

20 3. The state highways and transportation commission shall  
21 adopt by rule a form to standardize information concerning  
22 complaints made to the division of motor carrier services  
23 regarding the transportation of household goods. The commission  
24 shall prescribe by rule information to be provided to a person  
25 when the person files a complaint with the division of motor  
26 carrier services.

27 4. The state highways and transportation commission shall  
28 promulgate rules and regulations for the implementation and

1 administration of this section. Any rule or portion of a rule,  
2 as that term is defined in section 536.010 that is created under  
3 the authority delegated in this section shall become effective  
4 only if it complies with and is subject to all of the provisions  
5 of chapter 536, and, if applicable, section 536.028. This  
6 section and chapter 536 are nonseverable and if any of the powers  
7 vested with the general assembly pursuant to chapter 536, to  
8 review, to delay the effective date, or to disapprove and annul a  
9 rule are subsequently held unconstitutional, then the grant of  
10 rulemaking authority and any rule proposed or adopted after  
11 August 28, 2012, shall be invalid and void.

12 387.207. 1. All rates, tolls, charges, schedules and joint  
13 rates fixed by the [division] state highways and transportation  
14 commission with reference to the transportation of passengers [or  
15 household goods] by motor carrier shall be in force and shall be  
16 prima facie lawful, and all regulations, practices and services  
17 prescribed by the [division] commission shall be in force and  
18 shall be prima facie lawful and reasonable until found otherwise  
19 in a suit brought for that purpose pursuant to the provisions of  
20 this chapter.

21 2. All rates, tolls, charges, schedules, and joint rates  
22 published in accordance with subsection 3 of section 387.050 with  
23 reference to the transportation of household goods by motor  
24 carrier shall be in force and shall be prima facie lawful, and  
25 all regulations, practices and services prescribed by the state  
26 highways and transportation commission shall be in force and  
27 shall be prima facie lawful and reasonable until found otherwise  
28 in a suit brought for that purpose pursuant to the provisions of

1 this chapter.

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

13 390.051. 1. Except as otherwise provided in section  
14 390.030, no person shall engage in the business of a common  
15 carrier of household goods or passengers in intrastate commerce  
16 on any public highway in this state unless there is in force with  
17 respect to such carrier a certificate issued by the [division]  
18 state highways and transportation commission authorizing such  
19 operations.

20 2. Application for a certificate shall be made in writing  
21 to the [division] state highways and transportation commission  
22 and shall contain such information as the [division] state  
23 highways and transportation commission shall, by rule, require  
24 and shall include:

25 (1) Full information concerning the ownership, financial  
26 [condition] status of applicant through the submission of  
27 documentation describing assets, liabilities, and capital,  
28 equipment to be used and a statement listing the physical

1 equipment of applicant and the reasonable value thereof;

2 (2) The complete route or routes over which the applicant  
3 desires to operate, or territory to be served; except that the  
4 state highways and transportation commission shall not restrict  
5 any certificate or permit authorizing the transportation of  
6 household goods or passengers with reference to any route or  
7 routes; except that the state highways and transportation  
8 commission shall restrict the applicant's registration against  
9 the transportation of any hazardous material as designated in  
10 Title 49, Code of Federal Regulations, if the state highways and  
11 transportation commission finds that the applicant has not shown  
12 it is qualified to safely transport that hazardous material in  
13 compliance with all registration, liability insurance, and safety  
14 requirements applicable to the transportation of that hazardous  
15 material pursuant to Title 49, Code of Federal Regulations;

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

18 3. [Except as provided for in subsection 4 of this section,  
19 if the division] If the state highways and transportation  
20 commission finds that an applicant seeking to transport [general  
21 and specialized commodities in truckload lots, agricultural  
22 commodities in bulk in dump trucks] household goods or passengers  
23 [in charter service] is fit, willing and able to properly perform  
24 the service proposed and to conform to the provisions of this  
25 chapter and the requirements, rules and regulations of the  
26 [division] state highways and transportation commission  
27 established thereunder, a certificate therefor shall be issued.

28 4. [If the division finds that an applicant seeking to

1 transport:

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

4 (2) Commodities in bulk in dump trucks, other than  
5 agricultural commodities in bulk in dump trucks, as defined in  
6 section 390.020;

7 (3) Mobile homes;

8 (4) Household goods;

9 (5) Passengers other than in charter service;

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

11 (7) Boats; is fit, willing and able to properly perform the  
12 service proposed, and to conform to the provisions of this  
13 chapter and the requirement, rules and regulations of the  
14 division, and that the service proposed will serve a useful  
15 present or future public purpose, a certificate therefor  
16 specifying the service authorized shall be issued, unless the  
17 division finds on the basis of evidence presented by persons  
18 objecting to the issuance of a certificate that the  
19 transportation to be authorized by the certificate will be  
20 inconsistent with the public convenience and necessity.

21 5. In making findings under subsection 4 of this section,  
22 the division shall consider the testimony of the applicant, the  
23 proposed users of the service contemplated by the applicant, and  
24 any other relevant testimony or evidence, and the division shall  
25 consider, and to the extent applicable, make findings on at least  
26 the following:

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

28 (2) The criteria set forth in this subsection. In cases

1 where persons object to the issuance of a certificate, the  
2 diversion of revenue or traffic from existing carriers shall be  
3 considered.

4 6.] The [division] state highways and transportation  
5 commission shall streamline and simplify to the maximum extent  
6 practicable the process for issuance of certificates to which the  
7 provisions of this section apply. The state highways and  
8 transportation commission is authorized to enter into interagency  
9 agreements with any entity created and operating under the  
10 provisions of section 67.1800 to 67.1822 to deal with any public  
11 safety issues that may arise as a result of the provisions of  
12 this section.

13 [7.] 5. The [division] state highways and transportation  
14 commission shall dismiss on its motion any application for  
15 substantially the same common [or contract] authority that has  
16 been previously denied within six months of filing the subsequent  
17 application.

18 390.054. Beginning August 28, 2012, and continuing  
19 thereafter, no certificate or permit to transport household goods  
20 in intrastate commerce shall be issued or renewed unless the  
21 applicant demonstrates that the applicant has workers'  
22 compensation insurance coverage that complies with chapter 287,  
23 for all employees. If any household goods carrier subject to the  
24 provisions of this chapter or chapter 387 is found by the  
25 division of workers' compensation to be out of compliance with  
26 chapter 287, the division shall report such fact to the state  
27 highways and transportation commission. The commission shall  
28 suspend the household goods carrier's certificate or permit



1 pursuant to section 390.106 until such time as the carrier  
2 demonstrates that it has procured workers' compensation insurance  
3 coverage that complies with chapter 287.

4 390.061. 1. Except as otherwise provided in section  
5 390.030, no person shall engage in the business of a contract  
6 carrier of household goods or passengers in intrastate commerce  
7 on any public highway in this state unless there is in force with  
8 respect to such carrier a permit issued by the [division of motor  
9 carrier and railroad safety] state highways and transportation  
10 commission authorizing such operations.

11 2. Applications for such permits shall be made to the  
12 [division] state highways and transportation commission in  
13 writing and shall contain such information as the [division]  
14 state highways and transportation commission shall, by rule,  
15 require and shall include:

16 (1) Full information concerning the ownership, financial  
17 [condition] status of applicant through the submission of  
18 documentation describing assets, liabilities, and capital,  
19 equipment to be used and a statement listing the physical  
20 equipment of applicant and the reasonable value thereof;

21 (2) The complete route or routes over which the applicant  
22 desires to operate, or territory to be served; except that the  
23 state highways and transportation commission shall not restrict  
24 any certificate or permit authorizing the transportation of  
25 household goods or passengers with reference to any route or  
26 routes; except that the state highways and transportation  
27 commission shall restrict the applicant's registration against  
28 the transportation of any hazardous material as designated in

1 Title 49, Code of Federal Regulations, if the state highways and  
2 transportation commission finds that the applicant has not shown  
3 it is qualified to safely transport that hazardous material in  
4 compliance with all registration, liability insurance, and safety  
5 requirements applicable to the transportation of that hazardous  
6 material pursuant to Title 49, Code of Federal Regulations.

7 3. If the [division] state highways and transportation  
8 commission shall find that the applicant is seeking to transport  
9 [general and specialized commodities in truckload lots,  
10 agricultural commodities in bulk,] household goods or passengers  
11 [in charter service], and is fit, willing and able to properly  
12 perform the service proposed and to conform to the provisions of  
13 this chapter and the requirements, rules and regulations of the  
14 [division] state highways and transportation commission  
15 thereunder, a permit therefor shall be issued.

16 4. [If the division finds that an applicant seeking to  
17 transport commodities or passengers as described in subsection 4  
18 of section 390.051 is fit, willing and able to properly perform  
19 the service proposed, and to conform to the provisions of this  
20 chapter and the requirements, rules and regulations of the  
21 division, and that the service proposed will serve a useful  
22 present or future purpose, a permit therefor specifying the  
23 service authorized shall be issued, unless the division finds on  
24 the basis of evidence presented by persons objecting to the  
25 issuance of a permit that the transportation to be authorized by  
26 the permit will be inconsistent with the public convenience and  
27 necessity.

28 5.] Any permit issued under this section shall specify the

1 service to be rendered, the contracting parties, and the points  
2 or area to be served.

3 [6.] 5. The [division] state highways and transportation  
4 commission will not have jurisdiction over contract rates. A  
5 copy of the original contract must be filed with the [division]  
6 state highways and transportation commission prior to issuance of  
7 a permit. In the event the applicant chooses not to disclose  
8 contract rates in the application, the contract shall contain in  
9 lieu of rates a specific provision which incorporates by  
10 reference a schedule of rates, in writing, to be effective  
11 between carrier and shipper. Current contracts and rate  
12 schedules must be maintained by the carrier and contracting  
13 shippers. A contract permit, authorizing the transportation of  
14 [commodities] household goods or passengers [other than as  
15 described in subsection 4 of section 390.051], may be amended to  
16 include additional contracting parties by the filing of said  
17 contracts with the [division] state highways and transportation  
18 commission and acknowledgment by the [division] state highways  
19 and transportation commission.

20 6. The state highways and transportation commission is  
21 authorized to enter into interagency agreements with any entity  
22 created and operating under the provisions of section 67.1800 to  
23 67.1822 to deal with any public safety issues that may arise as a  
24 result of the provisions of this section.

25 390.063. 1. As used in this chapter, the following terms  
26 mean:

27 (1) "Elderly", any person who is sixty years of age or  
28 older;

1           (2) "Handicapped", any person having a physical or mental  
2 condition, either permanent or temporary, which would  
3 substantially impair ability to operate or utilize available  
4 transportation; and

5           (3) "Urbanized area", an area so designated by the United  
6 States Bureau of Census as provided under section 12(c)(11) of  
7 the Urban Mass Transportation Act of 1964, as amended, and which  
8 has a population of more than fifty thousand persons.

9           2. Notwithstanding any provisions of this chapter to the  
10 contrary, the division shall issue a certificate or permit in  
11 accordance with the provisions of this section to a  
12 not-for-profit corporation seeking to transport by motor vehicle,  
13 as a common carrier or contract carrier in intrastate commerce,  
14 exclusively passengers other than in charter service who are:

15           (1) Elderly;

16           (2) Handicapped;

17           (3) Preschool disadvantaged children transported for the  
18 purpose of participating in a federal Head Start program; or

19           (4) Transported in areas other than urbanized areas as  
20 defined in this section, for which the motor carrier is  
21 authorized to be subsidized or reimbursed under section 18 of the  
22 Urban Mass Transportation Act of 1964, as amended, section 1614  
23 of Title 49, United States Code, with federal funds administered  
24 by the Missouri transportation department, except that priority  
25 shall be given to serving passengers who are elderly, handicapped  
26 or preschool disadvantaged children under the certificate or  
27 permit issued under this section.

28           3. A not-for-profit corporation seeking a certificate or

1 permit under this section shall make a written application to the  
2 division, in the form and containing the information which the  
3 division shall require by rule. The application shall include at  
4 least a complete description of the routes or territory to be  
5 served, and a list of the equipment to be used by the applicant  
6 in providing the proposed service. If the division finds that an  
7 applicant seeking to transport passengers as described in  
8 subsection 2 of this section is willing and able to properly  
9 perform the service proposed and to conform to the applicable  
10 provisions of this chapter, and the applicable rules and orders  
11 of the division, a certificate or permit authorizing such  
12 transportation shall be issued. The division may, by rule, make  
13 reasonable requirements to prevent the unauthorized  
14 transportation of passengers other than as described in  
15 subsection 2 of this section, by motor carriers to whom a  
16 certificate or permit is issued under this section.

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

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

28 [6. Notwithstanding any provisions of subsection 3 of

1 section 390.030 to the contrary, it is unlawful for any person to  
2 operate any motor vehicle having a capacity of more than five  
3 passengers, exclusive of the driver, in intrastate commerce or  
4 operate any motor vehicle designed to transport more than fifteen  
5 passengers, including the driver, in interstate commerce, unless  
6 the vehicle is equipped and operated as required by parts 390  
7 through 397, Title 49, Code of Federal Regulations, as those  
8 regulations have been and may periodically be amended. Those  
9 regulations are hereby made applicable to all passenger-carrying  
10 motor vehicles having a capacity of more than five passengers,  
11 exclusive of the driver, when operated in intrastate commerce,  
12 and to all motor vehicles designed to transport more than fifteen  
13 passengers, including the driver, when operated in interstate  
14 commerce, and the division shall have power and authority to  
15 enforce those regulations wholly within terminals, as they apply  
16 to those motor vehicles and drivers.]

17 390.116. 1. Common carriers of **[property]** household goods  
18 may establish reasonable through routes or interline service and  
19 joint rates, charges and classifications with other such carriers  
20 or with common carriers by railroad or express; and common  
21 carriers of passengers may establish reasonable through routes  
22 and joint rates, fares or charges with other such carriers or  
23 with common carriers by railroad. In case of such joint rates,  
24 fares, charges or classifications, it shall be the duty of the  
25 participating carriers[, parties thereto,] to establish just and  
26 reasonable regulations and practices in connection therewith, and  
27 just, reasonable and equitable divisions thereof as between the  
28 carriers participating therein which shall not unduly prefer or

1 prejudice any of such participating carriers and shall not result  
2 in any rate, fare, charge, classification, regulation, or  
3 practice that is unjust or unreasonable to the shipper or  
4 receiver of the household goods. Carriers of household goods  
5 participating in through routes or interline service shall  
6 publish joint tariffs and evidence of concurrence or acceptance  
7 thereof, in accordance with section 387.080, or individual  
8 tariffs for each participating carrier, which shall set forth the  
9 joint or individual rates, fares, charges, classifications,  
10 regulations, practices, and division of rates applicable to such  
11 through routes or interline service, all in accordance with the  
12 applicable provisions in chapter 387.

13         2. The [division] state highways and transportation  
14 commission may, whenever deemed by it to be necessary or  
15 desirable in the public interest, after hearing, upon complaint  
16 or upon its own motion, order the establishment of just and  
17 reasonable through routes and joint rates, fares, charges,  
18 regulations or practices, applicable to the transportation of  
19 passengers [or property] by common carriers.

20         390.201. Subject to any exceptions which are applicable  
21 under section 307.400 [or subsection 6 of section 390.063], the  
22 officers and commercial motor vehicle inspectors of the state  
23 highway patrol, the enforcement personnel of the division of  
24 motor carrier and railroad safety, and other authorized peace  
25 officers of this state and any civil subdivision of this state,  
26 may enforce any of the provisions of Parts 350 through 399 of  
27 Title 49, Code of Federal Regulations, as those regulations have  
28 been and may periodically be amended, as they apply to motor

1 vehicles and drivers operating in interstate or intrastate  
2 commerce within this state; except that the enforcement personnel  
3 of the division of motor carrier and railroad safety shall be  
4 authorized to enforce those regulations wholly within the  
5 terminals of motor carriers and private carriers by motor  
6 vehicle.

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

17 2. Persons who owned certificates or permits, or both, that  
18 were in active status with the division on December 31, 1994, and  
19 persons to whom the division issued certificates and permits  
20 after December 31, 1994, pursuant to emergency rules adopted by  
21 the division, are deemed to be qualified as registered property  
22 carriers, unless the person's certificate or permit has been  
23 suspended, revoked or transferred to another person as provided  
24 by law. A person deemed qualified pursuant to this subsection is  
25 not required to file an application pursuant to section 390.290  
26 to continue providing intrastate transportation as a registered  
27 property carrier, but rather, upon such person's compliance with  
28 the licensing and insurance requirements of the division the



1 person is deemed to have a property carrier registration in force  
2 as required pursuant to section 390.270, authorizing the person  
3 to transport property except household goods in intrastate  
4 commerce on the public highways, unless the person's property  
5 carrier registration is suspended, revoked or transferred to  
6 another person as provided by law. Within a reasonable time  
7 after August 28, 1996, the division shall issue property carrier  
8 registrations to all persons who are deemed to be qualified as  
9 registered property carriers and deemed to have property carrier  
10 registrations in force pursuant to this subsection.

11 3. Notwithstanding any provision of this section to the  
12 contrary, this section shall not be construed as authorizing any  
13 person to transport any hazardous material as designated in Title  
14 49, Code of Federal Regulations, except hazardous materials which  
15 that person was expressly authorized to transport in intrastate  
16 commerce within this state on August 28, 1996. A person may file  
17 an application for property carrier registration pursuant to  
18 section 390.290 to transport additional hazardous materials.  
19 Nothing in this section shall be construed to conflict with  
20 chapter 260, or of relieving an applicant of any duty to obtain a  
21 license pursuant to chapter 260.

22 4. Notwithstanding any provision of the law to the  
23 contrary, any geographic restriction or provision limiting the  
24 carrier's scope of authority to particular routes within this  
25 state contained in a certificate or permit, or both, authorizing  
26 the transportation of household goods in intrastate commerce,  
27 which was issued prior to August 28, 2012, and any similar  
28 provision contained in a carrier's tariff schedule filed prior to

1 such date, shall be deemed void. In lieu of the geographic  
2 restrictions expressed in such certificates, permits, or tariff  
3 schedules, a motor carrier shall be authorized to provide  
4 intrastate transportation of household goods between all points  
5 and destinations within the state until such time as the  
6 certificates, permits, and tariff schedules are reissued or  
7 amended to reflect the motor carrier's statewide operating  
8 authority. Nothing contained in the provisions of sections  
9 390.051 to 390.116 shall be construed to exempt or to alter the  
10 obligation of compliance by carriers transporting passengers  
11 point-to-point within the jurisdiction described in 67.1802 from  
12 the provisions of sections 67.1800 to 67.1822.

13 537.292. 1. Notwithstanding any other provision of law to  
14 the contrary, the use of motor vehicles on a public street or  
15 highway in a manner which is legal under state and local law  
16 shall not constitute a public or private nuisance, and shall not  
17 be the basis of a civil action for public or private nuisance.

18 2. No individual or business entity shall be subject to any  
19 civil action in law or equity for a public or private nuisance on  
20 the basis of such individual or business entity legally using  
21 motor vehicles on a public street or highway. Any actions by a  
22 court in this state to enjoin the use of a public street or  
23 highway in violation of this section and any damages awarded or  
24 imposed by a court, or assessed by a jury, against an individual  
25 or business entity for public or private nuisance in violation of  
26 this section shall be null and void.

27 3. Notwithstanding any other provision of law to the  
28 contrary, nothing in this section shall be construed to limit

1 civil liability for compensatory damages arising from physical  
2 injury to another human being.

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

7 Article I

8 (a) The party jurisdictions find that:

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

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

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

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

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

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

26 (4) A motorist receiving a traffic citation in his home  
27 jurisdiction is permitted, except for certain violations, to  
28 accept the citation from the officer at the scene of the

1 violation and to immediately continue on his way after promising  
2 or being instructed to comply with the terms of the citation.

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

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

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

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

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

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

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

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

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

28 (1) Provide a means through which the party jurisdictions

1 may participate in a reciprocal program to effectuate the  
2 policies enumerated in paragraph (b) above in a uniform and  
3 orderly manner.

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

## 8 Article II

9 (a) In the Nonresident Violator Compact, the following  
10 words have the meaning indicated, unless the context requires  
11 otherwise.

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

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

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

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

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

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

27 (7) "Jurisdiction" means a state, territory, or possession  
28 of the United States, the District of Columbia, or the

1 Commonwealth of Puerto Rico.

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

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

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

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

12 Article III

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

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

24 (c) Upon failure of a motorist to comply with the terms of  
25 a traffic citation, the appropriate official shall report the  
26 failure to comply to the licensing authority of the jurisdiction  
27 in which the traffic citation was issued. The report shall be  
28 made in accordance with procedures specified by the issuing

1 jurisdiction and shall contain information as specified in the  
2 Compact Manual as minimum requirements for effective processing  
3 by the home jurisdiction.

4 (d) Upon receipt of the report, the licensing authority of  
5 the issuing jurisdiction shall transmit to the licensing  
6 authority in the home jurisdiction of the motorist the  
7 information in a form and content as contained in the Compact  
8 Manual.

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

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

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

#### 22 Article IV

23 (a) Upon receipt of a report of a failure to comply from  
24 the licensing authority of the issuing jurisdiction, the  
25 licensing authority of the home jurisdiction shall notify the  
26 motorist and initiate a suspension action, in accordance with the  
27 home jurisdiction's procedures, to suspend the motorist's  
28 driver's license until satisfactory evidence of compliance with

1 the terms of the traffic citation has been furnished to the home  
2 jurisdiction licensing authority. Due process safeguards will be  
3 accorded.

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

#### 7 Article V

8 Except as expressly required by provisions of this compact,  
9 nothing contained herein shall be construed to affect the right  
10 of any party jurisdiction to apply any of its other laws relating  
11 to licenses to drive to any person or circumstance, or to  
12 invalidate or prevent any driver license agreement or other  
13 cooperative arrangement between a party jurisdiction and a  
14 nonparty jurisdiction.

#### 15 Article VI

16 (a) For the purpose of administering the provisions of this  
17 compact and to serve as a governing body for the resolution of  
18 all matters relating to the operation of this compact, a Board of  
19 Compact Administrators is established. The board shall be  
20 composed of one representative from each party jurisdiction to be  
21 known as the compact administrator. The compact administrator  
22 shall be appointed by the jurisdiction executive and will serve  
23 and be subject to removal in accordance with the laws of the  
24 jurisdiction he represents. A compact administrator may provide  
25 for the discharge of his duties and the performance of his  
26 functions as a board member by an alternate. An alternate may  
27 not be entitled to serve unless written notification of his  
28 identity has been given to the board.





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

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

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

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

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

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

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

22           (c) A party jurisdiction may withdraw from this compact by  
23 official written notice to the other party jurisdictions, but a  
24 withdrawal shall not take effect until 90 days after notice of  
25 withdrawal is given. The notice shall be directed to the compact  
26 administrator of each member jurisdiction. No withdrawal shall  
27 affect the validity of this compact as to the remaining party  
28 jurisdictions.

1 Article VIII

2 The provisions of this compact shall not apply to parking or  
3 standing violations, highway weight limit violations, and  
4 violations of law governing the transportation of hazardous  
5 materials.

6 Article IX

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

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

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

17 Article X

18 This compact shall be liberally construed so as to  
19 effectuate the purposes stated herein. The provisions of this  
20 compact shall be severable and if any phrase, clause, sentence,  
21 or provision of this compact is declared to be contrary to the  
22 constitution of any party jurisdiction or of the United States or  
23 the applicability thereof to any government, agency, person, or  
24 circumstance, the compact shall not be affected thereby. If this  
25 compact shall be held contrary to the constitution of any  
26 jurisdiction party thereto, the compact shall remain in full  
27 force and effect as to the remaining jurisdictions and in full  
28 force and effect as to the jurisdiction affected as to all

1 severable matters.

2 Article XI

3 This compact shall be known as the Nonresident Violator  
4 Compact.

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

21 2. The application for a certificate of authorization to  
22 operate as an official emissions inspection station shall be made  
23 to the commission on a form furnished by the commission. The  
24 application shall be accompanied by a fee established by the  
25 commission by rule, but in no case shall the fee exceed one  
26 hundred dollars. The certificate of authorization shall be  
27 renewed annually on the date of issue. All fees shall be payable  
28 to the director of revenue and shall be deposited by the director

1 of revenue in the state treasury to the credit of the Missouri  
2 air emission reduction fund established under section 643.350.

3 3. The commission or its designee shall cause unannounced  
4 inspections to be made of the operation of each emissions  
5 inspection station at least once during each calendar year. The  
6 inspection may include submitting a known high emission vehicle  
7 for inspection without prior disclosure to the inspection  
8 station. At any time the commission or its designee shall have  
9 reason to believe that any person has violated any provisions of  
10 the provisions of sections 643.300 to 643.355 or the rules  
11 promulgated thereunder, the commission or its designee shall  
12 refuse to issue or shall revoke or suspend any certificate of  
13 authority under this section. The suspension or revocation of a  
14 certificate of authority shall be in writing to the operator,  
15 inspector, or the person in charge of the emissions inspection  
16 station. Before suspending or revoking the certificate of  
17 authority to conduct emissions inspections, the commission or its  
18 designee shall serve notice in writing by certified mail or by  
19 personal service to the inspection station at the operator's  
20 address of record giving the permittee the opportunity to appear  
21 in the office of the commission on a stated date, not less than  
22 ten nor more than thirty days after the mailing or service of the  
23 notice, for a hearing to show cause why the inspection station's  
24 certificate of authority should not be suspended or revoked. An  
25 inspection station owner or an inspector may appear in person or  
26 by counsel in the office of the commission or its designee to  
27 show cause why the proposed suspension or revocation is in error,  
28 or to present any other facts or testimony that would bear on the

1 final decision of the commission or its designee. If the  
2 operator, owner, or inspector does not appear on the stated day  
3 after receipt of notice, it shall be presumed that such party  
4 admits the allegations of fact contained in the hearing  
5 notification letter. The decision of the commission or its  
6 designee may in such case be based upon the written reports  
7 submitted by the commission's officers. The order of the  
8 commission, specifying his findings of fact and conclusions of  
9 law, shall be considered final immediately after receipt of  
10 notice thereof by the inspection station.

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

15 5. The commission may impose alternative administrative  
16 enforcement mechanisms in lieu of suspending or revoking a  
17 certificate of authority. Such alternative administrative  
18 enforcement mechanisms may include, but not be limited to,  
19 requiring inspectors to successfully complete a  
20 commission-approved retraining program. The commission also may  
21 require any individual who has his or her certificate of  
22 authority suspended to undergo remedial retraining as a condition  
23 of removing such suspension.

24 6. The commission shall design and furnish each official  
25 emissions inspection station, at no cost, one official sign made  
26 of metal or other durable material to be displayed in a  
27 conspicuous location to designate the station as an official  
28 emissions inspection station. Additional signs may be obtained

1 by an official inspection station for a fee equal to the cost to  
2 the state. Each official emissions inspection station shall also  
3 be supplied with one or more posters which must be displayed in a  
4 conspicuous location at the place of inspection and which informs  
5 the public that required repairs or corrections need not be made  
6 at the inspection station.

7 Section B. Because of the need to ensure that out-of-state  
8 residents are knowledgeable in the safe operation of vessels and  
9 because of the need of local governments to raise revenue to meet  
10 their public needs, the enactment of section 144.758 and the  
11 repeal and reenactment of section 306.127 of this act are deemed  
12 necessary for the immediate preservation of the public health,  
13 welfare, peace and safety, and is hereby declared to be an  
14 emergency act within the meaning of the constitution, and the  
15 enactment of section 144.758 and the repeal and reenactment of  
16 section 306.127 of this act shall be in full force and effect  
17 upon its passage and approval.

18 Section C. The repeal and reenactment of section 302.700  
19 and the enactment of section 302.768 of this act shall become  
20 effective on the date the director of the department of revenue  
21 begins accepting commercial driver license medical certifications  
22 under sections 302.700 and 302.768, or on May 1, 2013, whichever  
23 occurs first. If the director of revenue begins accepting  
24 commercial driver license medical certifications under sections  
25 302.700 and 302.768 prior to May 1, 2013, the director of the  
26 department of revenue shall notify the revisor of statutes of  
27 such fact.