

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1647
96TH GENERAL ASSEMBLY

5603S.03T

2012

AN ACT

To repeal sections 190.335, 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 321.460, 414.530, 414.560, 414.570, 475.375, 488.5026, 561.026, 565.081, 565.082, 565.083, 571.020, 571.030, 571.101, 571.111, 571.117, and 650.230, RSMo, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 190.335, 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 321.460, 414.530, 414.560, 414.570, 475.375, 488.5026, 561.026, 565.081, 565.082, 565.083, 571.020, 571.030, 571.101, 571.111, 571.117, and 650.230, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 190.335, 259.010, 259.020, 259.030, 259.040, 259.070, 260.373, 260.392, 292.606, 292.655, 301.010, 304.033, 320.106, 320.131, 320.136, 321.228, 321.460, 414.530, 414.560, 414.570, 488.650, 488.5026, 561.026, 565.081, 565.082, 565.083, 571.020, 571.030, 571.037, 571.092, 571.101, 571.111, 571.117, 610.140, 650.230, 701.550, and 1, to read as follows:

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone

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

5 services, which shall be collectively referred to herein as “emergency services”, and which may
6 also include the purchase and maintenance of communications and emergency equipment,
7 including the operational costs associated therein, in accordance with the provisions of this
8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
10 of the county, at a public election, a proposal to authorize the county commission to impose a
11 tax under the provisions of this section. If the residents of the county present a petition signed
12 by a number of residents equal to ten percent of those in the county who voted in the most recent
13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 county.

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of (insert name of county) impose a county
17 sales tax of (insert rate of percent) percent for the purpose of providing central
18 dispatching of fire protection, emergency ambulance service, including emergency telephone
19 services, and other emergency services?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
23 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
24 have no power to impose the tax authorized by this section unless and until the county
25 commission shall again have submitted another proposal to authorize the county commission to
26 impose the tax under the provisions of this section, and such proposal is approved by a majority
27 of the qualified voters voting thereon.

28 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
29 the sale at retail of all tangible personal property or taxable services at retail within any county
30 adopting such tax, if such property and services are subject to taxation by the state of Missouri
31 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
32 to thirty-six months before operation of the central dispatching of emergency services.

33 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
34 apply to the tax imposed under this section.

35 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
36 in which the tax imposed pursuant to this section for emergency services is certified by the board
37 to be fully operational. Any revenues collected from the tax authorized under section 190.305
38 shall be credited for the purposes for which they were intended.

39 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
40 amount authorized, that together with any surplus revenues carried forward will produce

41 sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess
42 of that necessary within a given year shall be carried forward to subsequent years. The board
43 shall make its determination of such tax rate each year no later than September first and shall fix
44 the new rate which shall be collected as provided in this act. Immediately upon making its
45 determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall
46 notify every retailer by mail of the new rate.

47 8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal
48 to establish a county sales tax pursuant to the provisions of this section, the county commission
49 shall appoint the initial members of a board to administer the funds and oversee the provision
50 of emergency services in the county. Beginning with the general election in 1994, all board
51 members shall be elected according to this section and other applicable laws of this state. At the
52 time of the appointment of the initial members of the board, the commission shall relinquish and
53 no longer exercise the duties prescribed in this chapter with regard to the provision of emergency
54 services and such duties shall be exercised by the board.

55 9. The initial board shall consist of seven members appointed without regard to political
56 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
57 ambulance districts, sheriff's department, municipalities, any other emergency services and the
58 general public. This initial board shall serve until its successor board is duly elected and installed
59 in office. The commission shall ensure geographic representation of the county by appointing
60 no more than four members from each district of the county commission.

61 10. Beginning in 1994, three members shall be elected from each district of the county
62 commission and one member shall be elected at large, such member to be the chairman of the
63 board. Of those first elected, four members from districts of the county commission shall be
64 elected for terms of two years and two members from districts of the county commission and the
65 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
66 office shall be four years.

67 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
68 in any county of the first classification with more than two hundred forty thousand three hundred
69 but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone
70 service 911 board appointed by the county under section 190.309 which is in existence on the
71 date the voters approve a sales tax under this section shall continue to exist and shall have the
72 powers set forth under section 190.339.

73 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
74 contrary, in any county of the second classification with more than fifty-four thousand two
75 hundred but fewer than fifty-four thousand three hundred inhabitants **or any county of the first**
76 **classification with more than fifty thousand but fewer than seventy thousand inhabitants**

77 that has approved a sales tax under this section, the county commission shall appoint the
78 members of the board to administer the funds and oversee the provision of emergency services
79 in the county.

80 (2) The board shall consist of seven members appointed without regard to political
81 affiliation. **Except as provided in subdivision (4) of this subsection**, each member shall be one
82 of the following:

83 (a) The head of any of the county's fire protection districts, or a designee;

84 (b) The head of any of the county's ambulance districts, or a designee;

85 (c) The county sheriff, or a designee;

86 (d) The head of any of the police departments in the county, or a designee; and

87 (e) The head of any of the county's emergency management organizations, or a designee.

88 (3) Upon the appointment of the board under this subsection, the board shall have the
89 power provided in section 190.339 and shall exercise all powers and duties exercised by the
90 county commission under this chapter, and the commission shall relinquish all powers and duties
91 relating to the provision of emergency services under this chapter to the board.

92 **(4) In any county of the first classification with more than fifty thousand but fewer**
93 **than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this**
94 **subsection shall be represented on the board by at least one member.**

259.010. There shall be a "State Oil and Gas Council" composed of the following [state
2 agencies and two other persons as provided in] **members in accordance with the provisions**
3 **of section 259.020:**

4 (1) **One member from the** division of [geological survey and water resources] **geology**
5 **and land survey;**

6 (2) [Division of commerce and industrial] **One member from the department of**
7 **economic** development;

8 (3) **One member from the** Missouri public service commission;

9 (4) **One member from the** clean water commission;

10 (5) [University of] **One member from the Missouri University of Science and**
11 **Technology Petroleum Engineering Program;**

12 (6) **One member from the Missouri Independent Oil and Gas Association; and**

13 (7) **Two members from the public.**

259.020. The member [agencies] **entities in section 259.010** shall be represented on the
2 council by the executive head of [the agency] **each respective entity**, except that:

3 (1) The [University of] Missouri **University of Science and Technology** shall be
4 represented by a professor of petroleum engineering employed at the university [of Missouri] ;

5 **(2) The Missouri Independent Oil and Gas Association shall be represented by a**
6 **designated member of the association; and**

7 **(3) The public members shall be appointed to the council by the governor, with the**
8 **advice and consent of the senate. Both public members shall have an interest in and**
9 **knowledge of the oil and gas industry, both shall be residents of Missouri, and at least one**
10 **shall also be a resident of a county of the third or fourth classification.**

11

12 The executive head of any member state agency, **the professor of petroleum engineering at**
13 **the Missouri University of Science and Technology and the member from the Missouri**
14 **Independent Oil and Gas Association** may from time to time authorize any member of the
15 state agency's staff, **another professor of petroleum engineering at the Missouri University**
16 **of Science and Technology or another member of the Missouri Independent Oil and Gas**
17 **Association, respectively**, to represent it on the council and to fully exercise any of the powers
18 and duties of [an agency] **the member** representative. [Two other persons shall be appointed
19 to the council by the governor, with the advice and consent of the senate, who are residents of
20 Missouri and who shall have an interest in and knowledge of the oil and gas industry.]

259.030. 1. The council shall elect a chairman and vice chairman from the members of
2 the council other than the representative of the division of [geological survey and water
3 resources] **geology and land survey**. A chairman **and vice chairman** may serve more than
4 [one] **a one-year term, if so elected by the members of the council**.

5 2. The state geologist shall act as administrator for the council and shall be responsible
6 for enforcing the provisions of this chapter.

259.040. Representatives of the member state agencies shall not receive any additional
2 compensation for their services as representatives on the council and all expenses of **the state**
3 agency representatives shall be paid by their respective agency. [Members appointed because
4 of their interest in and knowledge of the oil and gas industry] **The professor of petroleum**
5 **engineering, the member from the Missouri Independent Oil and Gas Association and the**
6 **public members** shall not receive any compensation for their services **as representatives on the**
7 **council and all expenses of such representatives shall be paid by their respective entities**.

259.070. 1. The council has the duty of administering the provisions of this chapter.
2 **The council shall meet at least once each calendar quarter of the year and upon the call of**
3 **the chairperson**.

4 2. **The council shall conduct a review of the statutes and rules and regulations**
5 **under this chapter on a biennial basis. Based on such review, the council, if necessary,**
6 **shall recommend changes to the statutes under this chapter and shall amend rules and**
7 **regulations accordingly.**

8 **3. (1) The council shall have the power and duty to form an advisory committee**
9 **to the council for the purpose of reviewing the statutes and rules and regulations under**
10 **subsection 2 of this section. The advisory committee shall make recommendations to the**
11 **council when necessary to amend current statutes and rules and regulations under this**
12 **chapter and shall review any proposed new or amended statute or regulation before such**
13 **proposed statute or regulation is considered by the council.**

14 **(2) The advisory committee shall be made up of representatives from the division**
15 **of geology and land survey, the oil and gas industry and any council member desiring to**
16 **be on such advisory committee. The advisory committee shall meet prior to each calendar**
17 **quarter meeting of the council, if necessary for the purposes set forth under this subsection,**
18 **and present any recommendations to the council at such calendar quarter meeting. The**
19 **council shall designate one of its members to serve as the chairperson of the advisory**
20 **committee.**

21 **(3) The advisory committee may make recommendations to the council on**
22 **appropriate fees or other funding mechanisms to support the oil and gas program efforts**
23 **of the division of geology and land survey.**

24 **4.** The council has the duty and authority to make such investigations as it deems proper
25 to determine whether waste exists or is imminent or whether other facts exist which justify
26 action.

27 **5.** The council acting through the office of the state geologist has the authority:

28 (1) To require:

29 (a) Identification of ownership of oil or gas wells, producing leases, tanks, plants,
30 structures, and facilities for the refining or intrastate transportation of oil and gas;

31 (b) The making and filing of all mechanical well logs and the filing of directional
32 surveys if taken, and the filing of reports on well location, drilling and production, and the filing
33 free of charge of samples and core chips and of complete cores less tested sections, when
34 requested in the office of the state geologist within six months after the completion or
35 abandonment of the well;

36 (c) The drilling, casing, operation, and plugging of wells in such manner as to prevent
37 the escape of oil or gas out of one stratum into another; the intrusion of water into oil or gas
38 stratum; the pollution of fresh water supplies by oil, gas, or highly mineralized water; to prevent
39 blowouts, cavings, seepages, and fires; and to prevent the escape of oil, gas, or water into
40 workable coal or other mineral deposits;

41 (d) The furnishing of a reasonable bond with good and sufficient surety, conditioned
42 upon the full compliance with the provisions of this chapter, and the rules and regulations of the
43 council prescribed to govern the production of oil and gas on state and private lands within the

44 state of Missouri; provided that, in lieu of a bond with a surety, an applicant may furnish to the
45 council his own personal bond, on conditions as described in this paragraph , secured by a
46 certificate of deposit or an irrevocable letter of credit in an amount equal to that of the required
47 surety bond or secured by some other financial instrument on conditions as above described or
48 as provided by council regulations;

49 (e) That the production from wells be separated into gaseous and liquid hydrocarbons,
50 and that each be accurately measured by such means and upon such standards as may be
51 prescribed by the council;

52 (f) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these
53 ratios;

54 (g) Certificates of clearance in connection with the transportation or delivery of any
55 native and indigenous Missouri produced crude oil, gas, or any product;

56 (h) Metering or other measuring of any native and indigenous Missouri-produced crude
57 oil, gas, or product in pipelines, gathering systems, barge terminals, loading racks, refineries, or
58 other places; and

59 (i) That every person who produces, sells, purchases, acquires, stores, transports, refines,
60 or processes native and indigenous Missouri-produced crude oil or gas in this state shall keep
61 and maintain within this state complete and accurate records of the quantities thereof, which
62 records shall be available for examination by the council or its agents at all reasonable times and
63 that every such person file with the council such reports as it may prescribe with respect to such
64 oil or gas or the products thereof;

65 (2) To regulate pursuant to rules adopted by the council:

66 (a) The drilling, producing, and plugging of wells, and all other operations for the
67 production of oil or gas;

68 (b) The shooting and chemical treatment of wells;

69 (c) The spacing of wells;

70 (d) Operations to increase ultimate recovery such as cycling of gas, the maintenance of
71 pressure, and the introduction of gas, water, or other substances into producing formations; and

72 (e) Disposal of highly mineralized water and oil field wastes;

73 (3) To limit and to allocate the production of oil and gas from any field, pool, or area;

74 (4) To classify wells as oil or gas wells for purposes material to the interpretation or
75 enforcement of this chapter;

76 (5) To promulgate and to enforce rules, regulations, and orders to effectuate the purposes
77 and the intent of this chapter;

78 (6) To make rules, regulations, or orders for the classification of wells as oil wells or dry
79 natural gas wells; or wells drilled, or to be drilled, for geological information; or as wells for

80 secondary recovery projects; or wells for the disposal of highly mineralized water, brine, or other
81 oil field wastes; or wells for the storage of dry natural gas, or casinghead gas; or wells for the
82 development of reservoirs for the storage of liquid petroleum gas;

83 (7) To detail such personnel and equipment or enter into such contracts as it may deem
84 necessary for carrying out the plugging of or other remedial measures on wells which have been
85 abandoned and not plugged according to the standards for plugging set out in the rules and
86 regulations promulgated by the council pursuant to this chapter. Members of the council or
87 authorized representatives may, with the consent of the owner or person in possession, enter any
88 property for the purpose of investigating, plugging, or performing remedial measures on any
89 well, or to supervise the investigation, plugging, or performance of remedial measures on any
90 well. A reasonable effort to contact the owner or the person in possession of the property to seek
91 his permission shall be made before members of the council or authorized representatives enter
92 the property for the purposes described in this paragraph . If the owner or person in possession
93 of the property cannot be found or refuses entry or access to any member of the council or to any
94 authorized representative presenting appropriate credentials, the council may request the attorney
95 general to initiate in any court of competent jurisdiction an action for injunctive relief to restrain
96 any interference with the exercise of powers and duties described in this subdivision. Any entry
97 authorized under this subdivision shall be construed as an exercise of the police power for the
98 protection of public health, safety and general welfare and shall not be construed as an act of
99 condemnation of property nor of trespass thereon. Members of the council and authorized
100 representatives shall not be liable for any damages necessarily resulting from the entry upon land
101 for purposes of investigating, plugging, or performing remedial measures or the supervision of
102 such activity. However, if growing crops are present, arrangements for timing of such remedial
103 work may be agreed upon between the state and landowner in order to minimize damages;

104 (8) To develop such facts and make such investigations or inspections as are consistent
105 with the purposes of this chapter. Members of the council or authorized representatives may,
106 with the consent of the owner or person in possession, enter upon any property for the purposes
107 of inspecting or investigating any condition which the council shall have probable cause to
108 believe is subject to regulation under this chapter, the rules and regulations promulgated pursuant
109 thereto or any permit issued by the council. If the owner or person in possession of the property
110 refuses entry or access for purposes of the inspections or investigations described, the council
111 or authorized representatives shall make application for a search warrant. Upon a showing of
112 probable cause in writing and under oath, a suitable restricted search warrant shall be issued by
113 any judge having jurisdiction for purposes of enabling inspections authorized under this
114 subdivision. The results of any inspection or investigation pursuant to this subdivision shall be
115 reduced to writing with a copy furnished to the owner, person in possession, or operator;

116 (9) To cooperate with landowners with respect to the conversion of wells drilled for oil
117 and gas to alternative use as water wells as follows: The state geologist shall determine the
118 feasibility of the conversion of a well drilled under a permit for oil and gas for use as a water
119 well and shall advise the landowner of modifications required for conversion of the well in a
120 manner that is consistent with the requirements of this chapter. If such conversion is carried out,
121 release of the operator from legal liability or other responsibility shall be required and the
122 expense of the conversion shall be borne by the landowner.

123 [2.] 6. No rule or portion of a rule promulgated under the authority of this chapter shall
124 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**260.373. 1. After August 28, 2012, the authority of the commission to promulgate
2 rules under sections 260.350 to 260.391 and 260.393 to 260.433 is subject to the following:**

3 **(1) The commission shall not promulgate rules that are stricter than or implement**
4 **requirements prior to the requirements of Title 40, U.S. Code of Federal Regulations, Parts**
5 **260, 261, 262, 264, 265, 268, and 270, as promulgated pursuant to Subtitle C of the**
6 **Resource Conservation and Recovery Act, as amended;**

7 **(2) Notwithstanding the limitations of subdivision (1) of this subsection, where state**
8 **statutes expressly prescribe standards or requirements that are stricter than or implement**
9 **requirements prior to any federal requirements, or where state statutes allow the**
10 **establishment or collection of fees, costs, or taxes, the commission may promulgate rules**
11 **as necessary to implement such statutes;**

12 **(3) Notwithstanding the limitations of subdivision (1) of this subsection, the**
13 **commission may retain, modify, or repeal any current rules pertaining to the following:**

14 **(a) Thresholds for determining whether a hazardous waste generator is a large**
15 **quantity generator, small quantity generator, or conditionally-exempt small quantity**
16 **generator;**

17 **(b) Descriptions of applicable registration requirements;**

18 **(c) The reporting of hazardous waste activities to the department; provided,**
19 **however, that the commission shall promulgate rules, effective beginning with the**
20 **reporting period July 1, 2015 - June 30, 2016, that allow for the submittal of reporting data**
21 **in an electronic format on an annual basis by large quantity generators and treatment**
22 **storage and disposal facilities;**

23 **(d) Rules requiring hazardous waste generators to display hazard labels (e.g.,**
24 **Department of Transportation (DOT) labels) on containers and tanks during the time**
25 **hazardous waste is stored onsite;**

26 **(e) The exclusion for hazardous secondary materials used to make zinc fertilizers**
27 **in 40 CFR 261.4; and**

28 **(f) The exclusions for hazardous secondary materials that are burned for fuel or**
29 **that are recycled.**

30 **2. Nothing in this section shall be construed to repeal any other provision of law,**
31 **and the commission and the department shall continue to have the authority to implement**
32 **and enforce other statutes, and the rules promulgated pursuant to their authority.**

33 **3. No later than December 31, 2013, the department shall identify rules in Title 10,**
34 **Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, and 7 that are**
35 **inconsistent with the provisions of subsection 1 of this section. The department shall**
36 **thereafter file with the Missouri secretary of state any amendments necessary to ensure**
37 **that such rules are not inconsistent with the provisions of subsection 1 of this section. On**
38 **December 31, 2015, any rule contained in Title 10, Missouri Code of State Regulations,**
39 **Division 25, Chapters 3, 4, 5, or 7 that remains inconsistent with the provisions of**
40 **subsection 1 above shall be null and void to the extent that it is inconsistent.**

41 **4. Nothing in this section shall be construed to effectuate a modification of any**
42 **permit. Upon request, the department shall modify as appropriate any permit containing**
43 **requirements no longer in effect due to this section.**

44 **5. The department is prohibited from selectively excluding any rule or portion of**
45 **a rule promulgated by the commission from any authorization application package, or**
46 **program revision, submitted to the U.S. Environmental Protection Agency under Title 40,**
47 **U.S. Code of Federal Regulations, sections 271.5 or 271.21.**

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

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

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

5 (2) "High-level radioactive waste", the highly radioactive material resulting from the
6 reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and
7 any solid material derived from such liquid waste that contains fission products in sufficient

8 concentrations, and other highly radioactive material that the United States Nuclear Regulatory
9 Commission has determined to be high-level radioactive waste requiring permanent isolation;

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

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

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

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

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

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

33 (a) High-level radioactive wastes;

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

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

39 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
40 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste
41 through or within the state shall be subject to the fees established in this subsection, provided
42 that no state-funded institution of higher education that ships nuclear waste shall pay any such

43 fee. These higher education institutions shall reimburse the Missouri state highway patrol
44 directly for all costs related to shipment escorts. The fees for all other shipments shall be:

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

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

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

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

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

64 (2) Coordination of emergency response capability;

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

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

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

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

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

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

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

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

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

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

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

111 10. Any shipper who fails to pay a fee assessed under this section, or fails to provide
112 notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the
113 amount assessed and not paid. The action shall be brought by the attorney general at the request

114 of the department of natural resources. If the action involves a facility domiciled in the state, the
115 action shall be brought in the circuit court of the county in which the facility is located. If the
116 action does not involve a facility domiciled in the state, the action shall be brought in the circuit
117 court of Cole County.

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

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

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

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

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

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

292.606. 1. Fees shall be collected for a period of [twenty] **six** years from August 28,
2 [1992] **2012**.

3 2. (1) Any employer required to report under subsection 1 of section 292.605, except
4 local governments and family-owned farm operations, shall submit an annual fee to the
5 commission of one hundred dollars along with the Tier II form. Owners or operators of
6 petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any
7 person, firm or corporation selling, delivering or transporting petroleum or petroleum products
8 and whose primary business deals with petroleum products or who is covered by the provisions
9 of chapter 323, if such person, firm or corporation is paying fees under the provisions of the
10 federal hazardous materials transportation registration and fee assessment program, shall deduct
11 such federal fees from those fees owed to the state under the provisions of this subsection. If the
12 federal fees exceed or are equal to what would otherwise be owed under this subsection, such
13 employer shall not be liable for state fees under this subsection. In relation to petroleum
14 products "primary business" shall mean that the person, firm or corporation shall earn more than
15 fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum

16 products. For the purpose of calculating fees, all grades of gasoline are considered to be one
17 product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and
18 all other heavy distillate products except for grades of gasoline, are considered to be one product,
19 and all varieties of motor lubricating oil are considered to be one product. For the purposes of
20 this section "facility" shall mean all buildings, equipment, structures and other stationary items
21 that are located on a single site or on contiguous or adjacent sites and which are owned or
22 operated by the same person. If more than three hazardous substances or mixtures are reported
23 on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous
24 substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical
25 on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances
26 on hand at any one time in excess of five hundred pounds or the threshold planning quantity,
27 whichever is less, or for explosives or blasting agents on hand at any one time in excess of one
28 hundred pounds. However, no employer shall pay more than ten thousand dollars per year in
29 fees. [Except] Moneys acquired through litigation **and any administrative fees paid pursuant**
30 **to subsection 3 of this section** shall not [apply to] **be applied toward** this cap;

31 (2) Employers engaged in transporting hazardous materials by pipeline except local gas
32 distribution companies regulated by the Missouri Public Service Commission shall pay to the
33 commission a fee of two hundred fifty dollars for each county in which they operate;

34 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total
35 owed, plus one percent per month of the total, may be assessed by the commission;

36 (4) If, on March first of each year, fees collected under this section and natural resources
37 damages made available pursuant to section 640.235 exceed one million dollars, any excess over
38 one million dollars shall be proportionately credited to fees payable in the succeeding year by
39 each employer who was required to pay a fee and who did pay a fee in the year in which the
40 excess occurred. The limit of one million dollars contained herein shall be reviewed by the
41 commission concurrent with the review of fees as required in subsection 1 of this section.

42 **3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to**
43 **subsection 1 of section 292.605 may request that the commission distribute that employer's**
44 **Tier II report to the local emergency planning committees and fire departments listed in**
45 **its Tier II report. Any employer opting to have the commission distribute its Tier II report**
46 **shall pay an additional fee of ten dollars for each facility listed in the report at the time of**
47 **filing to recoup the commission's distribution costs. Fees shall be deposited in the chemical**
48 **emergency preparedness fund established under section 292.607. An employer who pays**
49 **the additional fee and whose Tier II report includes all local emergency planning**
50 **committees and fire departments required to be notified under subsection 1 of section**
51 **292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The**

52 **commission shall develop a mechanism for an employer to exercise its option to have the**
53 **commission distribute its Tier II report.**

54 **4.** Local emergency planning committees receiving funds under section 292.604 shall
55 coordinate with the commission and the department in chemical emergency planning, training,
56 preparedness, and response activities. Local emergency planning committees receiving funds
57 under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section
58 640.235 shall provide to the commission an annual report of expenditures and activities.

59 [4.] **5.** Fees collected by the department and all funds provided to local emergency
60 planning committees shall be used for chemical emergency preparedness purposes as outlined
61 in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical
62 releases; exercising, evaluating, and distributing plans, providing training related to chemical
63 emergency preparedness and prevention of chemical accidents; identifying facilities required to
64 report; processing the information submitted by facilities and making it available to the public;
65 receiving and handling emergency notifications of chemical releases; operating a local
66 emergency planning committee; and providing public notice of chemical preparedness activities.
67 Local emergency planning committees receiving funds under this section may combine such
68 funds with other local emergency planning committees to further the purposes of sections
69 292.600 to 292.625, or the federal act.

70 [5.] **6.** The commission shall establish criteria and guidance on how funds received by
71 local emergency planning committees may be used.

292.655. 1. For purposes of this section, the following terms mean:

2 **(1) "Engineered injury protection device", a mechanical device or feature to a**
3 **device that renders the needle incapable of inflicting a needlestick injury either by:**

4 **(a) Destruction of the medical needle sharp metal point at the point of procedure**
5 **or use; or**

6 **(b) Covering the sharp end of the needle at the time the needle is removed from the**
7 **skin of the subject human or animal. Recapping the medical needle with the original**
8 **needle packaging cover is not considered an engineered injury protection device.**

9 **(2) "Medical needles", hypodermic needles or other similar hollow-bore needles,**
10 **syringes, or blood extraction apparatus with a primary function to penetrate the skin of**
11 **a living human or animal.**

12 **2. Employers that use medical needles in the routine course of conducting business**
13 **in the state may use any commercially available engineered injury protection device that**
14 **can be reasonably expected to reduce the risk of accidental needlestick injuries to**
15 **employees, patients, or customers.**

16 **3. This section shall not apply to needles for sewing dead animal skins or parts, fish**
17 **hooks, gaffs, animal tags, or other similar sharp objects related to animals but unrelated**
18 **to healthcare or testing of live animals. This section shall not apply to any veterinary care**
19 **provided by a licensed veterinarian or veterinary care provider in or outside of a**
20 **designated veterinary office, including but not limited to, a ranch, farm, or private**
21 **residence being provided in the scope of veterinary practices under chapter 340.**

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

- 3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with
6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;
- 8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;
- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not

101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

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

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

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

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

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

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

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

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

132 (a) Offered for hire or lease; or

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

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

135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which

137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

184 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) **Recreational off-highway vehicles owned and operated by a governmental entity
4 for official use;**

5 (2) **Recreational off-highway vehicles operated for agricultural purposes or
6 industrial on-premises purposes;**

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

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

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

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

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

29 **3. A person operating a recreational off-highway vehicle on a highway pursuant
30 to an exception covered in this section shall have a valid operator's or chauffeur's license,**

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

320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the
2 following terms mean:

3 (1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard
4 which may amend or supersede this standard for manufacturers, importers and distributors of
5 fireworks;

6 (2) "Chemical composition", all pyrotechnic and explosive composition contained in
7 fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

8 (3) "Consumer fireworks", explosive devices designed primarily to produce visible or
9 audible effects by combustion and includes aerial devices and ground devices, all of which are
10 classified as fireworks, UN0336, [1.4G by regulation of the United States Department of
11 Transportation, as amended from time to time, and which were formerly classified as class C
12 common fireworks by regulation of the United States Department of Transportation] **within 49**
13 **CFR Part 172;**

14 (4) "Discharge site", the area immediately surrounding the fireworks mortars used for
15 an outdoor fireworks display;

16 (5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

17 (6) "Display fireworks", explosive devices designed primarily to produce visible or
18 audible effects by combustion, deflagration or detonation. This term includes devices containing
19 more than two grains (130 mg) of explosive composition intended for public display. These
20 devices are classified as fireworks, **UN0333 or UN0334 or UN0335**, [1.3G by regulation of the
21 United States Department of Transportation, as amended from time to time, and which were
22 formerly classified as class B display fireworks by regulation of the United States Department
23 of Transportation] **within 49 CFR Part 172;**

24 (7) "Display site", the immediate area where a fireworks display is conducted, including
25 the discharge site, the fallout area, and the required separation distance from mortars to spectator
26 viewing areas, but not spectator viewing areas or vehicle parking areas;

27 (8) "Distributor", any person engaged in the business of selling fireworks to wholesalers,
28 jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary

29 permits as specified in sections 320.106 to 320.161, including any person that imports any
30 fireworks of any kind in any manner into the state of Missouri;

31 (9) "Fireworks", any composition or device for producing a visible, audible, or both
32 visible and audible effect by combustion, deflagration, or detonation and that meets the definition
33 of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United
34 States Department of Transportation hazardous materials regulations[, and American
35 Pyrotechnics Association 87-1 standards];

36 (10) "Fireworks season", the period beginning on the twentieth day of June and
37 continuing through the tenth day of July of the same year and the period beginning on the
38 twentieth day of December and continuing through the second day of January of the next year,
39 which shall be the only periods of time that seasonal retailers may be permitted to sell consumer
40 fireworks;

41 (11) "Jobber", any person engaged in the business of making sales of consumer fireworks
42 at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution
43 outside the state of Missouri during a calendar year from the first day of January through the
44 thirty-first day of December;

45 (12) "Licensed operator", any person who supervises, manages, or directs the discharge
46 of outdoor display fireworks, either by manual or electrical means; who has met additional
47 requirements established by promulgated rule and has successfully completed a display fireworks
48 training course recognized and approved by the state fire marshal;

49 (13) "Manufacturer", any person engaged in the making, manufacture, assembly or
50 construction of fireworks of any kind within the state of Missouri;

51 (14) "NFPA", National Fire Protection Association, an international codes and standards
52 organization;

53 (15) "Permanent structure", buildings and structures with permanent foundations other
54 than tents, mobile homes, and trailers;

55 (16) "Permit", the written authority of the state fire marshal issued pursuant to sections
56 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

57 (17) "Person", any corporation, association, partnership or individual or group thereof;

58 (18) "Proximate fireworks", a chemical mixture used in the entertainment industry to
59 produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the
60 most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section
61 3.8, specific requirements for theatrical pyrotechnics] **classified within 49 CFR Part 172 as**
62 **UN0431 or UN0432;**

63 (19) "Pyrotechnic operator" or "special effects operator", an individual who has
64 responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special

65 effects for proximate fireworks and who has met additional requirements established by
66 promulgated rules and has successfully completed a proximate fireworks training course
67 recognized and approved by the state fire marshal;

68 (20) "Sale", an exchange of articles of fireworks for money, including barter, exchange,
69 gift or offer thereof, and each such transaction made by any person, whether as a principal
70 proprietor, salesman, agent, association, copartnership or one or more individuals;

71 (21) "Seasonal retailer", any person within the state of Missouri engaged in the business
72 of making sales of consumer fireworks in Missouri only during a fireworks season as defined by
73 subdivision (10) of this section;

74 (22) "Wholesaler", any person engaged in the business of making sales of consumer
75 fireworks to any other person engaged in the business of making sales of consumer fireworks at
76 retail within the state of Missouri.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of
2 Missouri, or ship into the state of Missouri, except as provided in section 320.126, any
3 pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision
4 (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G
5 by the United States Department of Transportation that comply with the construction, chemical
6 composition, labeling and other regulations relative to consumer fireworks regulations
7 promulgated by the United States Consumer Product Safety Commission and permitted for use
8 by the general public pursuant to such commission's regulations.

9 2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for
10 sale, store, display, or have in their possession any consumer fireworks that have not been
11 approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

12 3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer
13 dealers, or any other person, in this state for the purpose of resale, or use, in this state, any
14 consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange,
15 diamond-shaped label printed on or attached to the fireworks shipping carton.

16 4. This section does not prohibit a manufacturer, distributor or any other person
17 **possessing the proper permits as specified by state and federal law** from storing, selling,
18 shipping or otherwise transporting display or proximate fireworks[, defined as fireworks
19 UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of
20 Transportation, provided they possess the proper permits as specified by state and federal law].

21 5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which
22 paper caps containing twenty-five hundredths grains or less of explosive compound, provided
23 that they are so constructed that the hand cannot come into contact with the cap when in place
24 for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of

25 explosive mixture shall be permitted for sale and use at all times and shall not be regulated by
26 the provisions of sections 320.106 to 320.161.

320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's",
2 "M-1000's", and any other tubular salutes or any items described as prohibited chemical
3 components or forbidden devices as listed in the American Pyrotechnics Association Standard
4 87-1 or which exceed the [federal] limits set for **consumer** fireworks [UNO336, 1.4G formerly
5 known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks
6 UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation] , **display**
7 **fireworks, or proximate fireworks** for explosive composition are expressly prohibited from
8 shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer
9 use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished
10 as provided by the provisions of section 571.020.

321.228. 1. As used in this section, the following terms shall mean:

2 **(1) "Residential construction", new construction and erection of detached single-**
3 **family or two-family dwellings or the development of land to be used for detached single-**
4 **family or two-family dwellings;**

5 **(2) "Residential construction regulatory system", any bylaw, ordinance, order, rule,**
6 **or regulation adopted, implemented, or enforced by any city, town, village, or county that**
7 **pertains to residential construction, to any permitting system, or program relating to**
8 **residential construction, including but not limited to the use or occupancy by the initial**
9 **occupant thereof, or to any system or program for the inspection of residential**
10 **construction. Residential construction regulatory system also includes the whole or any**
11 **part of a nationally recognized model code, with or without amendments specific to such**
12 **city, town, village, or county.**

13 **2. Notwithstanding the provisions of any other law to the contrary, if a city, town,**
14 **village, or county adopts or has adopted, implements, and enforces a residential**
15 **construction regulatory system applicable to residential construction within its jurisdiction,**
16 **any fire protection districts wholly or partly located within such city, town, village, or**
17 **county shall be without power, authority, or privilege to enforce or implement a residential**
18 **construction regulatory system purporting to be applicable to any residential construction**
19 **within such city, town, village, or county. Any such residential construction regulatory**
20 **system adopted by a fire protection district or its board shall be treated as advisory only**
21 **and shall not be enforced by such fire protection district or its board.**

22 **3. Notwithstanding the provisions of any other law to the contrary, fire protection**
23 **districts:**

24 **(1) Shall have final regulatory authority regarding the location and specifications**
25 **of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential**
26 **construction. Nothing in this subdivision shall be construed to require the political**
27 **subdivision supplying water to incur any costs to modify its water supply infrastructure;**
28 **and**

29 **(2) May inspect the alteration, enlargement, replacement or repair of a detached**
30 **single-family or two-family dwelling; and**

31 **(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this**
32 **subsection.**

321.460. 1. Two or more fire protection districts may consolidate with each other in the
2 manner hereinafter provided, and only if the districts have one or more common boundaries, in
3 whole or in part, **or are located within the same county, in whole or in part**, as to any
4 respective two of the districts which are so consolidating.

5 2. By a majority vote of each board of directors of each fire protection district included
6 within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan
7 shall include the name of the proposed consolidated district, the legal description of the
8 boundaries of each district to be consolidated, and a legal description of the boundaries of the
9 consolidated district, the amount of outstanding bonds, if any, of each district proposed to be
10 consolidated, a listing of the firehouses within each district, and the names of the districts to be
11 consolidated.

12 3. Each board of the districts approving the plan for proposed consolidation shall duly
13 certify and file in the office of the clerk of the circuit court of the county in which the district is
14 located a copy of the plan of consolidation, bearing the signatures of those directors who vote
15 in favor thereof, together with a petition for consolidation. The petition may be made jointly by
16 all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall
17 be deposited with the clerk, on the filing of the petition, against the costs of court.

18 4. The circuit court sitting in and for any county to which the petition is presented is
19 hereby vested with jurisdiction, power and authority to hear the same, and to approve the
20 consolidation and order such districts consolidated, after holding an election, as hereinafter
21 provided.

22 5. If the circuit court finds the plan for consolidation to have been duly approved by the
23 respective boards of directors of the fire protection districts proposed to be consolidated, then
24 the circuit court shall enter its order of record, directing the submission of the question.

25 6. The order shall direct publication of notice of election, and shall fix the date thereof.
26 The order shall direct that the elections shall be held to vote on the proposition of consolidating
27 the districts and to elect three persons, having the qualifications declared in section 321.130 and

28 being among the then directors of the districts proposed to be consolidated, to become directors
29 of the consolidated district.

30 7. The question shall be submitted in substantially the following form:

31 Shall the Fire Protection Districts and the Fire Protection District be consolidated
32 into one fire protection district to be known as the Fire Protection District, with tax levies not
33 in excess of the following amounts: maintenance fund cents per one hundred dollars assessed
34 valuation; ambulance service cents per one hundred dollars assessed valuation; pension fund
35 cents per one hundred dollars assessed valuation; and dispatching fund cents per one
36 hundred dollars assessed valuation?

37 8. If, upon the canvass and declaration, it is found and determined that a majority of the
38 voters of the districts voting on the proposition or propositions have voted in favor of the
39 proposition to incorporate the consolidated district, then the court shall then further, in its order,
40 designate the first board of directors of the consolidated district, who have been elected by the
41 voters voting thereon, the one receiving the third highest number of votes to hold office until the
42 first Tuesday in April which is more than one year after the date of election, the one receiving
43 the second highest number of votes to hold office until two years after the first Tuesday
44 aforesaid, and the one receiving the highest number of votes until four years after the first
45 Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the
46 court, in its order, shall also declare the results of the votes thereon. If the court shall find and
47 determine, upon the canvass and declaration, that a majority of the voters of the consolidated
48 district have not voted in favor of the proposition to incorporate the consolidated district, then
49 the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss
50 the same at the cost of petitioners.

414.530. 1. The director shall conduct a referendum as soon as possible among
2 producers and Missouri retail marketers of propane to authorize the creation of the "Missouri
3 Propane Education and Research Council" and the levying of an assessment on odorized
4 propane. Upon approval of those persons representing two-thirds of the total gallonage of
5 odorized propane voted in the retail marketer class and two-thirds of all propane voted in the
6 producer class, meaning propane sold or produced in the previous calendar year or other
7 representative period, the director shall issue an order establishing the council and call for
8 nominations to the council from qualified industry organizations. All persons voting in the
9 referendum shall certify to the director the number of gallons represented by their vote.

10 2. [On the director's own initiative,] Upon petition of the council or of producers and
11 marketers representing thirty-five percent of the gallons in each class, the director shall hold a
12 referendum to determine whether the industry favors termination or suspension of the order. The
13 termination or suspension shall not take effect unless it is approved by those persons representing

14 more than one-half of the total gallonage of odorized propane in the marketer class and one-half
15 of all propane in the producer class.

16 3. The director may require such reports or documentation as is necessary to document
17 the referendum process [and the nomination process for members of the council] and shall
18 protect the confidentiality of all such documentation provided by industry members. Information
19 regarding propane produced or marketed by persons voting shall be a closed record.

414.560. 1. Upon issuance of an order by the director establishing the Missouri propane
2 education and research council, the director shall select all members of the council from a list
3 of nominees submitted by qualified industry organizations. [Vacancies in unfinished terms of
4 council members may be filled by the council, subject to approval of the director] **The council
5 shall make subsequent appointments and fill vacancies in unfinished terms following a
6 public nomination process. The director may reject council appointments.**

7 2. In making nominations and appointments to the council, the qualified industry
8 organizations [and the director] shall give due regard to selecting a council that is representative
9 of the industry, and the geographic regions of the state.

10 3. The council shall consist of fifteen members, with nine members representing retail
11 marketers of propane; three members representing wholesalers or resellers of propane; two
12 members representing manufacturers and distributors of gas use equipment, wholesalers or
13 resellers, or transporters; and one public member. Other than the public member, council
14 members shall be full-time employees or owners of businesses in the industry.

15 4. Council members shall receive no compensation for their services, but shall be
16 reimbursed for reasonable expenses incurred in the performance of their duties.

17 5. Council members shall serve terms of three years; except that of the initial members
18 appointed, five shall be appointed for terms of one year, five shall be appointed for terms of two
19 years and five shall be appointed for terms of three years. Members may be appointed to a
20 maximum of two consecutive full terms. Members filling unexpired terms will not have any
21 partial term of service count against the two-term limitation. Former members of the council
22 may be reappointed to the council if they have not been members for a period of one year.

23 6. The council shall select from among its members a chairman and other officers as
24 necessary, establish committees and subcommittees of the council, and adopt rules and bylaws
25 for the conduct of business. The council may establish advisory committees of persons other
26 than council members.

27 7. The council may employ a president to serve as chief executive officer and such other
28 employees as it deems necessary. The council may enter into contracts with, use facilities and
29 equipment of, or employ personnel of a qualified industry organization in carrying out its

30 responsibilities under sections 414.500 to 414.590. It shall determine the compensation and
31 duties of each, and protect the handling of council funds through fidelity bonds.

32 8. At **least thirty days prior** to the beginning of each fiscal period, the council shall
33 prepare and submit [to the director] **for public comment** a budget plan including the probable
34 costs of all programs, projects and contracts and a recommended rate of assessment sufficient
35 to cover such costs. [The director shall approve or recommend changes to the budget after an
36 opportunity for public comment.] **The council shall approve or modify the budget following**
37 **the public comment period. The director may reject the budget plan or modifications.**

38 9. The council shall develop programs and projects and enter into contracts or
39 agreements for implementing the policy of sections 414.500 to 414.590, including programs of
40 research, development, education, and marketing, and for the payment of the costs thereof with
41 funds collected pursuant to sections 414.500 to 414.590. The council shall coordinate its
42 activities with industry trade associations to provide efficient delivery of services and to avoid
43 unnecessary duplication of activities.

44 10. The council shall keep minutes, books, **and** records that clearly reflect all of the acts
45 and transactions of the council and regularly report such information to the director[, along with
46 such other information as the director may require]. The books of the council shall be audited
47 by a certified public accountant at least once each fiscal year and at such other times as the
48 council may designate. Copies of such audit shall be provided to the director, all members of
49 the council, all qualified industry organizations, and to other members of the industry upon
50 request. [The director shall receive notice of meetings and may require reports on the activities
51 of the council, as well as reports on compliance, violations and complaints regarding the
52 implementation of sections 414.500 to 414.590.]

53 11. From assessments collected, the council shall annually reimburse the director for
54 costs incurred in holding the referendum establishing the council[, making appointments to the
55 council,] and other expenses directly related to the council.

414.570. 1. The council shall set the initial assessment at no greater than one-tenth of
2 one cent per gallon. Thereafter, annual assessments shall be sufficient to cover the costs of the
3 plans and programs developed by the council and approved [by the director] **following public**
4 **comment**. The assessment shall not be greater than one-half cent per gallon of odorized
5 propane. The assessment may not be raised by more than one-tenth of one cent per gallon
6 annually.

7 2. The owner of propane immediately prior to odorization in this state or the owner at
8 the time of import into this state of odorized propane shall be responsible for the payment of the
9 assessment on the volume of propane at the time of import or odorization, whichever is later.
10 Assessments shall be remitted to the council on a monthly basis by the twenty-fifth of the month

11 following the month of collection. Nonodorized propane shall not be subject to assessment until
12 odorized.

13 3. The [director] **council** may by regulation[, with the concurrence of the council,]
14 establish an alternative means [for the council] to collect the assessment if another means is
15 found to be more efficient and effective. The [director] **council** may by regulation establish a
16 late payment charge and rate of interest **not to exceed the legal rate for judgments** to be
17 imposed on any person who fails to remit to the council any amount due under sections 414.500
18 to 414.590.

19 4. Pending disbursement pursuant to a program, plan or project, the council may invest
20 funds collected through assessments and any other funds received by the council only in
21 obligations of the United States or any agency thereof, in general obligations of any state or any
22 political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank
23 that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal
24 and interest by the United States.

25 5. [The National Propane Education and Research Council, in conjunction with the
26 United States Secretary of Energy may, by regulation, establish a program coordinating the
27 operation of its council with the council established in section 414.530. This may include an
28 assessment rebate, if adopted, of an amount up to twenty-five percent of the National Propane
29 Education and Research Council assessment collected on Missouri distributed odorized propane
30 as presented and described in section nine of the federal Propane Education and Research Act
31 of 1992. Should the National Propane Education and Research Council, as part of the federal
32 Propane Education and Research Act of 1992, establish such an assessment rebate on fees
33 collected by such council, then all funds from such federal assessment rebate shall be the
34 property of the Missouri council as established by section 414.530, and the use of such funds
35 shall be determined by the Missouri council for the purposes as intended and presented in
36 sections 414.500 to 414.590.] **Any rule or portion of a rule, as that term is defined in section**
37 **536.010 that is created under the authority delegated in this section shall become effective**
38 **only if it complies with and is subject to all of the provisions of chapter 536, and, if**
39 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
40 **the powers vested with the general assembly pursuant to chapter 536, to review, to delay**
41 **the effective date, or to disapprove and annul a rule are subsequently held**
42 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
43 **after August 28, 2012, shall be invalid and void.**

2 **488.650. There shall be assessed as costs a surcharge in the amount of one hundred**
3 **dollars on all petitions for expungement filed under the provisions of section 610.140. Such**
3 **surcharge shall be collected and disbursed by the clerk of the court as provided by sections**

4 **488.010 to 488.020. Moneys collected from this surcharge shall be payable to the general**
5 **revenue fund.**

488.5026. 1. Upon approval of the governing body of a city, county, or a city not within
2 a county, a surcharge of two dollars shall be assessed as costs in each court proceeding filed in
3 any court in any city, county, or city not within a county adopting such a surcharge, in all
4 criminal cases including violations of any county ordinance or any violation of criminal or traffic
5 laws of the state, including an infraction and violation of a municipal ordinance; except that no
6 such fee shall be collected in any proceeding in any court when the proceeding or the defendant
7 has been dismissed by the court or when costs are to be paid by the state, county, or municipality.
8 A surcharge of two dollars shall be assessed as costs in a juvenile court proceeding in which a
9 child is found by the court to come within the applicable provisions of subdivision (3) of
10 subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law, the moneys collected by clerks of the
12 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
13 in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the
14 governmental unit authorizing such surcharge.

15 3. The treasurer shall deposit funds generated by the surcharge into the "Inmate **Prisoner**
16 **Detainee Security Fund**". Funds deposited shall be utilized to **acquire and** develop biometric
17 verification systems **and information sharing** to ensure that inmates, **prisoners, or detainees**
18 **in a holding cell facility or other detention facility or area which hold persons detained only**
19 **for a shorter period of time after arrest or after being formally charged** can be properly
20 identified **upon booking** and tracked within **the local law enforcement administration system,**
21 **criminal justice administration system, or** the local jail system. Upon the installation of the
22 **information sharing or** biometric verification system, funds in the inmate **prisoner detainee**
23 security fund may **also** be used for the maintenance, **repair, and replacement** of the
24 **information sharing or** biometric verification system, and **also** to pay for any expenses related
25 to **detention,** custody, and housing and other expenses for **inmates, prisoners, and detainees.**

561.026. Notwithstanding any other provision of law **except for section 610.140,** a
2 person who is convicted:

3 (1) Of any crime shall be disqualified from registering and voting in any election under
4 the laws of this state while confined under a sentence of imprisonment;

5 (2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall
6 be forever disqualified from registering and voting;

7 (3) Of any felony shall be forever disqualified from serving as a juror.

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,

3 **utility worker, cable worker**, or probation and parole officer in the first degree if such person
4 attempts to kill or knowingly causes or attempts to cause serious physical injury to a law
5 enforcement officer, corrections officer, emergency personnel, highway worker in a construction
6 zone or work zone, **utility worker, cable worker**, or probation and parole officer.

7 2. As used in this section, “emergency personnel” means any paid or volunteer firefighter,
8 emergency room or trauma center personnel, or emergency medical technician as defined in
9 subdivisions (15), (16), (17), and (18) of section 190.100.

10 3. As used in this section the term “corrections officer” includes any jailer or corrections
11 officer of the state or any political subdivision of the state.

12 4. When used in this section, the terms “highway worker”, “construction zone”, or “work
13 zone” shall have the same meaning as such terms are defined in section 304.580.

14 5. **As used in this section, the term “utility worker” means any employee while in**
15 **performance of their job duties, including any person employed under contract, of a utility**
16 **that provides gas, heat, electricity, water, steam, telecommunications services, or sewer**
17 **services, whether privately, municipally, or cooperatively owned.**

18 6. **As used in this section, the term “cable worker” means any employee including**
19 **any person employed under contract, of a cable operator, as such term is defined in section**
20 **67.2677.**

21 7. Assault of a law enforcement officer, corrections officer, emergency personnel,
22 highway worker in a construction zone or work zone, **utility worker, cable worker**, or probation
23 and parole officer in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
3 **utility worker, cable worker**, or probation and parole officer in the second degree if such
4 person:

5 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
6 corrections officer, emergency personnel, **highway worker in a construction zone or work**
7 **zone, utility worker, cable worker**, or probation and parole officer by means of a deadly
8 weapon or dangerous instrument;

9 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
10 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
11 **utility worker, cable worker**, or probation and parole officer by means other than a deadly
12 weapon or dangerous instrument;

13 (3) Recklessly causes serious physical injury to a law enforcement officer, corrections
14 officer, emergency personnel, highway worker in a construction zone or work zone, **utility**
15 **worker, cable worker**, or probation and parole officer; or

16 (4) While in an intoxicated condition or under the influence of controlled substances or
17 drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal
18 negligence to cause physical injury to a law enforcement officer, corrections officer, emergency
19 personnel, highway worker in a construction zone or work zone, **utility worker, cable worker,**
20 or probation and parole officer;

21 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
22 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
23 **utility worker, cable worker,** or probation and parole officer by means of a deadly weapon or
24 dangerous instrument;

25 (6) Purposely or recklessly places a law enforcement officer, corrections officer,
26 emergency personnel, highway worker in a construction zone or work zone, **utility worker,**
27 **cable worker,** or probation and parole officer in apprehension of immediate serious physical
28 injury; or

29 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
30 injury to a law enforcement officer, corrections officer, emergency personnel, highway worker
31 in a construction zone or work zone, **utility worker, cable worker,** or probation and parole
32 officer.

33 2. As used in this section, “emergency personnel” means any paid or volunteer firefighter,
34 emergency room or trauma center personnel, or emergency medical technician as defined in
35 subdivisions (15), (16), (17), and (18) of section 190.100.

36 3. As used in this section the term “corrections officer” includes any jailer or corrections
37 officer of the state or any political subdivision of the state.

38 4. When used in this section, the terms “highway worker”, “construction zone”, or “work
39 zone” shall have the same meaning as such terms are defined in section 304.580.

40 5. **As used in this section, the term “utility worker” means any employee while in**
41 **performance of their job duties, including any person employed under contract, of a utility**
42 **that provides gas, heat, electricity, water, steam, telecommunications services, or sewer**
43 **services, whether privately, municipally, or cooperatively owned.**

44 6. **As used in this section, the term “cable worker” means any employee, including**
45 **any person employed under contract, of a cable operator, as such term is defined in section**
46 **67.2677.**

47 7. Assault of a law enforcement officer, corrections officer, emergency personnel,
48 highway worker in a construction zone or work zone, **utility worker, cable worker,** or probation
49 and parole officer in the second degree is a class B felony unless committed pursuant to
50 subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony.

51 For any violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must
52 serve mandatory jail time as part of his or her sentence.

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
3 **utility worker, cable worker,** or probation and parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
6 **utility worker, cable worker,** or probation and parole officer;

7 (2) Such person purposely places a law enforcement officer, corrections officer,
8 emergency personnel, highway worker in a construction zone or work zone, **utility worker,**
9 **cable worker,** or probation and parole officer in apprehension of immediate physical injury;

10 (3) Such person knowingly causes or attempts to cause physical contact with a law
11 enforcement officer, corrections officer, emergency personnel, highway worker in a construction
12 zone or work zone, **utility worker, cable worker,** or probation and parole officer without the
13 consent of the law enforcement officer, corrections officer, emergency personnel, highway
14 worker in a construction zone or work zone, **utility worker, cable worker,** or probation and
15 parole officer.

16 2. As used in this section, “emergency personnel” means any paid or volunteer firefighter,
17 emergency room or trauma center personnel, or emergency medical technician as defined in
18 subdivisions (15), (16), (17), and (18) of section 190.100.

19 3. As used in this section the term “corrections officer” includes any jailer or corrections
20 officer of the state or any political subdivision of the state.

21 4. When used in this section, the terms “highway worker”, “construction zone”, or “work
22 zone” shall have the same meaning as such terms are defined in section 304.580.

23 5. **As used in this section, the term “utility worker” means any employee while in**
24 **performance of their job duties, including any person employed under contract, of a utility**
25 **that provides gas, heat, electricity, water, steam, telecommunications services, or sewer**
26 **services, whether privately, municipally, or cooperatively owned.**

27 6. **As used in this section, the term “cable worker” means any employee, including**
28 **any person employed under contract, of a cable operator, as such term is defined in section**
29 **67.2677.**

30 7. Assault of a law enforcement officer, corrections officer, emergency personnel,
31 highway worker in a construction zone or work zone, **utility worker, cable worker,** or probation
32 and parole officer in the third degree is a class A misdemeanor.

- 571.020. 1. A person commits a crime if such person knowingly possesses,
 2 manufactures, transports, repairs, or sells:
 3 (1) An explosive weapon;
 4 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
 5 manufacture or sell an explosive weapon;
 6 (3) A gas gun;
 7 (4) [A switchblade knife;
 8 (5)] A bullet or projectile which explodes or detonates upon impact because of an
 9 independent explosive charge after having been shot from a firearm; or
 10 [(6)] **(5)** Knuckles; or
 11 [(7)] **(6)** Any of the following in violation of federal law:
 12 (a) A machine gun;
 13 (b) A short-barreled rifle or shotgun; [or]
 14 (c) A firearm silencer; **or**
 15 **(d) A switchblade knife.**
2. A person does not commit a crime pursuant to this section if his conduct involved any
 17 of the items in subdivisions (1) to [(6)] **(5)** of subsection 1, the item was possessed in conformity
 18 with any applicable federal law, and the conduct:
 19 (1) Was incident to the performance of official duty by the armed forces, national guard,
 20 a governmental law enforcement agency, or a penal institution; or
 21 (2) Was incident to engaging in a lawful commercial or business transaction with an
 22 organization enumerated in subdivision (1) of this section; or
 23 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
 24 industrial or commercial enterprise; or
 25 (4) Was incident to displaying the weapon in a public museum or exhibition; or
 26 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
 27 performance.
3. A crime pursuant to subdivision (1), (2), (3) or [(7)] **(6)** of subsection 1 of this section
 29 is a class C felony; a crime pursuant to subdivision(4)[,] **or** (5) [or (6)] of subsection 1 of this
 30 section is a class A misdemeanor.

- 571.030. 1. A person commits the crime of unlawful use of weapons if he or she
 2 knowingly:
 3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
 4 any other weapon readily capable of lethal use; or
 5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon
13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
14 acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
16 courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election
21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board.

29 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
30 persons described in this subsection, regardless of whether such uses are reasonably associated
31 with or are necessary to the fulfillment of such person's official duties except as otherwise
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
33 shall not apply to or affect any of the following persons, when such uses are reasonably
34 associated with or are necessary to the fulfillment of such person's official duties, except as
35 otherwise provided in this subsection:

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection

42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

45 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
46 institutions for the detention of persons accused or convicted of crime;

47 (3) Members of the armed forces or national guard while performing their official duty;

48 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
49 judicial power of the state and those persons vested by Article III of the Constitution of the
50 United States with the judicial power of the United States, the members of the federal judiciary;

51 (5) Any person whose bona fide duty is to execute process, civil or criminal;

52 (6) Any federal probation officer or federal flight deck officer as defined under the
53 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers
54 are on duty, or within the law enforcement agency's jurisdiction;

55 (7) Any state probation or parole officer, including supervisors and members of the
56 board of probation and parole;

57 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
58 of the regulations established by the board of police commissioners under section 84.340;

59 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

60 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
61 or assistant circuit attorney who has completed the firearms safety training course required under
62 subsection 2 of section 571.111; and

63 (11) Any member of a fire department or fire protection district who is employed on a
64 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
65 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
66 of such person's official duties.

67 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
68 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
69 ammunition is not readily accessible or when such weapons are not readily accessible.

70 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
71 age or older **or eighteen years of age or older and a member of the United States Armed**
72 **Forces, or honorably discharged from the United States Armed Forces**, transporting a
73 concealable firearm in the passenger compartment of a motor vehicle, so long as such
74 concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of
75 an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her
76 dwelling unit or upon premises over which the actor has possession, authority or control, or is
77 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
78 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while

79 traversing school premises for the purposes of transporting a student to or from school, or
80 possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event
81 or club event.

82 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
83 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
84 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
85 political subdivision of another state.

86 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
87 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

88 6. Nothing in this section shall make it unlawful for a student to actually participate in
89 school-sanctioned gun safety courses, student military or ROTC courses, or other
90 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
91 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
92 onto the premises of any other function or activity sponsored or sanctioned by school officials
93 or the district school board.

94 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
95 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
96 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
97 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
98 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
99 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
100 a class A felony.

101 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
102 follows:

103 (1) For the first violation a person shall be sentenced to the maximum authorized term
104 of imprisonment for a class B felony;

105 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
106 sentenced to the maximum authorized term of imprisonment for a class B felony without the
107 possibility of parole, probation or conditional release for a term of ten years;

108 (3) For any violation by a persistent offender as defined in section 558.016, a person
109 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
110 the possibility of parole, probation, or conditional release;

111 (4) For any violation which results in injury or death to another person, a person shall
112 be sentenced to an authorized disposition for a class A felony.

113 9. Any person knowingly aiding or abetting any other person in the violation of
114 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
115 prescribed by this section for violations by other persons.

116 10. Notwithstanding any other provision of law, no person who pleads guilty to or is
117 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
118 imposition of sentence if such person has previously received a suspended imposition of sentence
119 for any other firearms- or weapons-related felony offense.

120 11. As used in this section "qualified retired peace officer" means an individual who:

121 (1) Retired in good standing from service with a public agency as a peace officer, other
122 than for reasons of mental instability;

123 (2) Before such retirement, was authorized by law to engage in or supervise the
124 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
125 violation of law, and had statutory powers of arrest;

126 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
127 of fifteen years or more, or retired from service with such agency, after completing any
128 applicable probationary period of such service, due to a service-connected disability, as
129 determined by such agency;

130 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
131 a plan is available;

132 (5) During the most recent twelve-month period, has met, at the expense of the
133 individual, the standards for training and qualification for active peace officers to carry firearms;

134 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
135 substance; and

136 (7) Is not prohibited by federal law from receiving a firearm.

137 12. The identification required by subdivision (1) of subsection 2 of this section is:

138 (1) A photographic identification issued by the agency from which the individual retired
139 from service as a peace officer that indicates that the individual has, not less recently than one
140 year before the date the individual is carrying the concealed firearm, been tested or otherwise
141 found by the agency to meet the standards established by the agency for training and qualification
142 for active peace officers to carry a firearm of the same type as the concealed firearm; or

143 (2) A photographic identification issued by the agency from which the individual retired
144 from service as a peace officer; and

145 (3) A certification issued by the state in which the individual resides that indicates that
146 the individual has, not less recently than one year before the date the individual is carrying the
147 concealed firearm, been tested or otherwise found by the state to meet the standards established
148 by the state for training and qualification for active peace officers to carry a firearm of the same
149 type as the concealed firearm.

**571.037. Any person who has a valid concealed carry endorsement, and who is
2 lawfully carrying a firearm in a concealed manner, may briefly and openly display the**

3 firearm to the ordinary sight of another person, unless the firearm is intentionally
4 displayed in an angry or threatening manner, not in necessary self-defense.

571.092. 1. Any individual who has been adjudged incapacitated under chapter
2 475, who has been involuntarily committed under chapter 632, or who is otherwise subject
3 to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an
4 adjudication or commitment that occurred in this state may file a petition for the removal
5 of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm
6 imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state.

7 2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's
8 place of residence or that entered the letters of guardianship or the most recent order for
9 involuntary commitment, or the most recent disqualifying order, whichever is later. The
10 petition shall include:

11 (1) The circumstances regarding the firearms disabilities;

12 (2) The applicant's record which at a minimum shall include the applicant's mental
13 health and criminal history records, if any;

14 (3) The applicant's reputation through character witness statements, testimony, or
15 other character evidence; and

16 (4) Any other information or evidence relevant to the relief sought, including but
17 not limited to evidence concerning any changes in the petitioner's condition since the
18 disqualifying commitment or adjudication occurred.

19

20 Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the
21 hearing to the petitioner.

22 3. The court shall grant the requested relief if it finds by clear and convincing
23 evidence that:

24 (1) The petitioner will not be likely to act in a manner dangerous to public safety;
25 and

26 (2) Granting the relief is not contrary to the public interest.

27 4. In order to determine whether to grant relief under this section, the court may
28 request the local prosecuting attorney, circuit attorney, or attorney general to provide a
29 written recommendation as to whether relief should be granted. In any order requiring
30 such review the court may grant access to any and all mental health records, juvenile
31 records, and criminal history of the petitioner wherever maintained. The court may allow
32 presentation of evidence at the hearing if requested by the petitioner or by the local
33 prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the
34 proceedings.

35 **5. If the petitioner is filing the petition as a result of an involuntary commitment**
36 **under chapter 632, the hearing and records shall be closed to the public, unless the court**
37 **finds that public interest would be better served by conducting the hearing in public. If**
38 **the court determines the hearing should be open to the public, upon motion by the**
39 **petitioner, the court may allow for the in-camera inspection of mental health records. The**
40 **court may allow the use of the record but shall restrict it from public disclosure, unless it**
41 **finds that the public interest would be better served by making the record public.**

42 **6. The court shall include in its order the specific findings of fact on which it bases**
43 **its decision.**

44 **7. Upon a judicial determination to grant a petition under this section, the clerk in**
45 **the county where the petition was granted shall forward the order to the Missouri state**
46 **highway patrol for updating of the petitioner's record with the National Instant Criminal**
47 **Background Check System (NICS). The Missouri state highway patrol shall contact the**
48 **Federal Bureau of Investigation to effect this updating no later than twenty-one days from**
49 **receipt of the order.**

50 **8. Any person who has been denied a petition for the removal of the disqualification**
51 **to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall**
52 **not be eligible to file another petition for removal of such disqualification until the**
53 **expiration of one year from the date of such denial.**

54 **9. In the event a petition is denied under this section, the petitioner may appeal**
55 **such denial, and review shall be de novo.**

571.101. 1. All applicants for concealed carry endorsements issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the
3 said applicant can show qualification as provided by sections 571.101 to 571.121, the county or
4 city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon
5 receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's
6 license with the director of revenue in order to obtain a concealed carry endorsement. Any
7 person who has been issued a concealed carry endorsement on a driver's license or nondriver's
8 license and such endorsement or license has not been suspended, revoked, cancelled, or denied
9 may carry concealed firearms on or about his or her person or within a vehicle. A concealed
10 carry endorsement shall be valid for a period of three years from the date of issuance or renewal.
11 The concealed carry endorsement is valid throughout this state.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
13 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
14 city in which the applicant resides, if the applicant:

15 (1) Is at least twenty-one years of age, is a citizen of the United States and either:

16 (a) Has assumed residency in this state; or

17 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
18 of the military;

19 (2) **Is at least twenty-one years of age, or is at least eighteen years of age and a**
20 **member of the United States Armed Forces or honorably discharged from the United**
21 **States Armed Forces, and is a citizen of the United States and either:**

22 (a) **Has assumed residency in this state;**

23 (b) **Is a member of the armed forces stationed in Missouri; or**

24 (c) **The spouse of such member of the military stationed in Missouri and twenty-one**
25 **years of age;**

26 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a
27 crime punishable by imprisonment for a term exceeding one year under the laws of any state or
28 of the United States other than a crime classified as a misdemeanor under the laws of any state
29 and punishable by a term of imprisonment of one year or less that does not involve an explosive
30 weapon, firearm, firearm silencer or gas gun;

31 [(3)] (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere
32 to one or more misdemeanor offenses involving crimes of violence within a five-year period
33 immediately preceding application for a certificate of qualification for a concealed carry
34 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
35 involving driving while under the influence of intoxicating liquor or drugs or the possession or
36 abuse of a controlled substance within a five-year period immediately preceding application for
37 a certificate of qualification for a concealed carry endorsement;

38 [(4)] (5) Is not a fugitive from justice or currently charged in an information or
39 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
40 year under the laws of any state of the United States other than a crime classified as a
41 misdemeanor under the laws of any state and punishable by a term of imprisonment of two years
42 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

43 [(5)] (6) Has not been discharged under dishonorable conditions from the United States
44 armed forces;

45 [(6)] (7) Has not engaged in a pattern of behavior, documented in public records, that
46 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or
47 others;

48 [(7)] (8) Is not adjudged mentally incompetent at the time of application or for five years
49 prior to application, or has not been committed to a mental health facility, as defined in section
50 632.005, or a similar institution located in another state following a hearing at which the
51 defendant was represented by counsel or a representative;

52 [(8)] (9) Submits a completed application for a certificate of qualification as described
53 in subsection 3 of this section;

54 ~~[(9)]~~ **(10)** Submits an affidavit attesting that the applicant complies with the concealed
55 carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

56 ~~[(10)]~~ **(11)** Is not the respondent of a valid full order of protection which is still in effect.

57 3. The application for a certificate of qualification for a concealed carry endorsement
58 issued by the sheriff of the county of the applicant's residence shall contain only the following
59 information:

60 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

61 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
62 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
63 and is a citizen of the United States;

64 (3) An affirmation that the applicant is at least twenty-one years of age **or is eighteen**
65 **years of age or older and a member of the United States Armed Forces or honorably**
66 **discharged from the United States Armed Forces;**

67 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
68 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
69 United States other than a crime classified as a misdemeanor under the laws of any state and
70 punishable by a term of imprisonment of one year or less that does not involve an explosive
71 weapon, firearm, firearm silencer, or gas gun;

72 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
73 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
74 within a five-year period immediately preceding application for a certificate of qualification to
75 obtain a concealed carry endorsement or if the applicant has not been convicted of two or more
76 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs
77 or the possession or abuse of a controlled substance within a five-year period immediately
78 preceding application for a certificate of qualification to obtain a concealed carry endorsement;

79 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
80 in an information or indictment with the commission of a crime punishable by imprisonment for
81 a term exceeding one year under the laws of any state or of the United States other than a crime
82 classified as a misdemeanor under the laws of any state and punishable by a term of
83 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
84 silencer or gas gun;

85 (7) An affirmation that the applicant has not been discharged under dishonorable
86 conditions from the United States armed forces;

87 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
88 of application or for five years prior to application, or has not been committed to a mental health
89 facility, as defined in section 632.005, or a similar institution located in another state, except that
90 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a

91 similar discharge from a facility in another state, occurred more than five years ago without
92 subsequent recommitment may apply;

93 (9) An affirmation that the applicant has received firearms safety training that meets the
94 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

95 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
96 not the respondent of a valid full order of protection which is still in effect; and

97 (11) A conspicuous warning that false statements made by the applicant will result in
98 prosecution for perjury pursuant to the laws of the state of Missouri.

99 4. An application for a certificate of qualification for a concealed carry endorsement shall
100 be made to the sheriff of the county or any city not within a county in which the applicant
101 resides. An application shall be filed in writing, signed under oath and under the penalties of
102 perjury, and shall state whether the applicant complies with each of the requirements specified
103 in subsection 2 of this section. In addition to the completed application, the applicant for a
104 certificate of qualification for a concealed carry endorsement must also submit the following:

105 (1) A photocopy of a firearms safety training certificate of completion or other evidence
106 of completion of a firearms safety training course that meets the standards established in
107 subsection 1 or 2 of section 571.111; and

108 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
109 of this section.

110 5. Before an application for a certificate of qualification for a concealed carry
111 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
112 into the accuracy of the statements made in the application. The sheriff may require that the
113 applicant display a Missouri driver's license or nondriver's license or military identification and
114 orders showing the person being stationed in Missouri. In order to determine the applicant's
115 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
116 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
117 law enforcement agency within three working days after submission of the properly completed
118 application for a certificate of qualification for a concealed carry endorsement. If no
119 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
120 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
121 Upon receipt of the completed background check, the sheriff shall issue a certificate of
122 qualification for a concealed carry endorsement within three working days. The sheriff shall
123 issue the certificate within forty-five calendar days if the criminal background check has not been
124 received, provided that the sheriff shall revoke any such certificate and endorsement within
125 twenty-four hours of receipt of any background check that results in a disqualifying record, and
126 shall notify the department of revenue.

127 6. The sheriff may refuse to approve an application for a certificate of qualification for
128 a concealed carry endorsement if he or she determines that any of the requirements specified in
129 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
130 reason to believe that the applicant has rendered a false statement regarding any of the provisions
131 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
132 to deny the application, and notify the applicant in writing, stating the grounds for denial and
133 informing the applicant of the right to submit, within thirty days, any additional documentation
134 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff
135 shall reconsider his or her decision and inform the applicant within thirty days of the result of
136 the reconsideration. The applicant shall further be informed in writing of the right to appeal the
137 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
138 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant
139 to subsections 2, 3, 4, and 5 of section 571.114.

140 7. If the application is approved, the sheriff shall issue a certificate of qualification for
141 a concealed carry endorsement to the applicant within a period not to exceed three working days
142 after his or her approval of the application. The applicant shall sign the certificate of
143 qualification in the presence of the sheriff or his or her designee and shall within seven days of
144 receipt of the certificate of qualification take the certificate of qualification to the department of
145 revenue. Upon verification of the certificate of qualification and completion of a driver's license
146 or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a
147 new driver's license or nondriver's license with an endorsement which identifies that the
148 applicant has received a certificate of qualification to carry concealed weapons issued pursuant
149 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's
150 license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's
151 license with a concealed carry endorsement shall expire three years from the date the certificate
152 of qualification was issued pursuant to this section. The requirements for the director of revenue
153 to issue a concealed carry endorsement pursuant to this subsection shall not be effective until
154 July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection
155 1 of this section shall allow the person issued such certificate to carry a concealed weapon
156 pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry
157 endorsement issued by the director of revenue from October 11, 2003, until the concealed carry
158 endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate
159 of qualification has been suspended or revoked for cause.

160 8. The sheriff shall keep a record of all applications for a certificate of qualification for
161 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
162 of a certificate of qualification to the Missouri uniform law enforcement system. All information
163 on any such certificate that is protected information on any driver's or nondriver's license shall

164 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's
165 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
166 public information and shall be considered personal protected information. Any person who
167 violates the provisions of this subsection by disclosing protected information shall be guilty of
168 a class A misdemeanor.

169 9. Information regarding any holder of a certificate of qualification or a concealed carry
170 endorsement is a closed record.

171 10. For processing an application for a certificate of qualification for a concealed carry
172 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
173 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the
174 county to the credit of the sheriff's revolving fund.

175 11. For processing a renewal for a certificate of qualification for a concealed carry
176 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
177 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to
178 the credit of the sheriff's revolving fund.

179 12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the
180 sheriff of any county or city not within a county or his or her designee and in counties of the first
181 classification the sheriff may designate the chief of police of any city, town, or municipality
182 within such county.

571.111. 1. An applicant for a concealed carry endorsement shall demonstrate
2 knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant
3 for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms
8 safety course given by or under the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms
17 training course, approved by the director of the Missouri department of corrections under the

18 authority granted to him or her by section 217.105, that includes instruction on the justifiable use
19 of force as prescribed in chapter 563; or

20 **(7) Submits a photocopy of a certificate of firearms safety training course**
21 **completion that was issued on August 27, 2011, or earlier so long as the certificate met the**
22 **requirements of subsection 2 of this section that were in effect on the date it was issued.**

23 2. A certificate of firearms safety training course completion may be issued to any
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her
31 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or
32 her marksmanship with both;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a certificate of qualification for a
37 concealed carry endorsement from the sheriff of the individual's county of residence and a
38 concealed carry endorsement issued by the department of revenue;

39 (7) The laws relating to firearms as prescribed in this chapter;

40 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

41 (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver
42 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds
43 from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent
44 target;

45 (10) A live fire test administered to the applicant while the instructor was present of
46 twenty rounds from each handgun from a standing position or its equivalent at a distance from
47 a B-27 silhouette target, or an equivalent target, of seven yards.

48 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant
49 for a concealed carry endorsement who:

50 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
51 officer; or

52 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
53 instructor, poses a danger to the applicant or to others; or

54 (3) During the live fire testing portion of the course fails to hit the silhouette portion of
55 the targets with at least fifteen rounds, with both handguns.

56 4. Qualified firearms safety instructors who provide firearms safety instruction to any
57 person who applies for a concealed carry endorsement shall:

58 (1) Make the applicant's course records available upon request to the sheriff of the
59 county in which the applicant resides;

60 (2) Maintain all course records on students for a period of no less than four years from
61 course completion date; and

62 (3) Not have more than forty students in the classroom portion of the course or more than
63 five students per range officer engaged in range firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety
65 instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement
66 pursuant to sections 571.101 to 571.121 if the instructor:

67 (1) Is a valid firearms safety instructor certified by the National Rifle Association
68 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

69 (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered
70 by a local, state, or federal governmental agency; or

71 (3) Submits a photocopy of a certificate from a firearms safety instructor course
72 approved by the department of public safety; or

73 (4) Has successfully completed a firearms safety instructor course given by or under the
74 supervision of any state, county, municipal, or federal law enforcement agency; or

75 (5) Is a certified police officer firearms safety instructor.

76 6. Any firearms safety instructor who knowingly provides any sheriff with any false
77 information concerning an applicant's performance on any portion of the required training and
78 qualification shall be guilty of a class C misdemeanor.

571.117. 1. Any person who has knowledge that another person, who was issued a
2 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to
3 571.121, never was or no longer is eligible for such endorsement under the criteria established
4 in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to
5 revoke that person's certificate of qualification for a concealed carry endorsement and such
6 person's concealed carry endorsement. The petition shall be in a form substantially similar to the
7 petition for revocation of concealed carry endorsement provided in this section. Appeal forms
8 shall be provided by the clerk of the small claims court free of charge to any person:

9 SMALL CLAIMS COURT

10 In the Circuit Court of, Missouri

11, PLAINTIFF

12)

13)
14 vs.) Case Number
15)

16, DEFENDANT,
17 Carry Endorsement Holder
18, DEFENDANT,
19 Sheriff of Issuance

20 PETITION FOR REVOCATION
21 OF CERTIFICATE OF QUALIFICATION
22 OR CONCEALED CARRY ENDORSEMENT

23 Plaintiff states to the court that the defendant,, has a certificate of qualification
24 or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and
25 that the defendant's certificate of qualification or concealed carry endorsement should now be
26 revoked because the defendant either never was or no longer is eligible for such a certificate or
27 endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically
28 plaintiff states that defendant,, never was or no longer is eligible for such certificate or
29 endorsement for one or more of the following reasons:

30 (CHECK BELOW EACH REASON
31 THAT APPLIES TO THIS DEFENDANT)

32 Defendant is not at least twenty-one years of age **or at least eighteen years of age**
33 **and a member of the United States Armed Forces or honorably discharged from the United**
34 **States Armed Forces.**

35 Defendant is not a citizen of the United States.

36 Defendant had not resided in this state prior to issuance of the permit and does not
37 qualify as a military member or spouse of a military member stationed in Missouri.

38 Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
39 for a term exceeding one year under the laws of any state or of the United States other than a
40 crime classified as a misdemeanor under the laws of any state and punishable by a term of
41 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm
42 silencer, or gas gun.

43 Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere
44 to one or more misdemeanor offenses involving crimes of violence within a five-year period
45 immediately preceding application for a certificate of qualification or concealed carry
46 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been
47 convicted of two or more misdemeanor offenses involving driving while under the influence of
48 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a

49 five-year period immediately preceding application for a certificate of qualification or a
50 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

51 Defendant is a fugitive from justice or currently charged in an information or
52 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
53 year under the laws of any state of the United States other than a crime classified as a
54 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year
55 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

56 Defendant has been discharged under dishonorable conditions from the United States
57 armed forces.

58 Defendant is reasonably believed by the sheriff to be a danger to self or others based
59 on previous, documented pattern.

60 Defendant is adjudged mentally incompetent at the time of application or for five
61 years prior to application, or has been committed to a mental health facility, as defined in section
62 632.005, RSMo, or a similar institution located in another state, except that a person whose
63 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar
64 discharge from a facility in another state, occurred more than five years ago without subsequent
65 recommitment may apply.

66 Defendant failed to submit a completed application for a certificate of qualification
67 or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

68 Defendant failed to submit to or failed to clear the required background check.

69 Defendant failed to submit an affidavit attesting that the applicant complies with the
70 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

71

72 The plaintiff subject to penalty for perjury states that the information contained in this petition
73 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
74 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
75 named herein.

76, PLAINTIFF

77 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
78 certificate of qualification or the concealed carry endorsement issued pursuant to sections
79 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate
80 of qualification or the concealed carry endorsement issued pursuant to the provisions of sections
81 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
82 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
83 the sheriff.

84 3. The finder of fact, in any action brought against an endorsement holder pursuant to
85 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of

86 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
87 without justification or with malice or primarily with an intent to harass the endorsement holder
88 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay
89 the defendant/respondent all reasonable costs incurred in defending the action including, but not
90 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
91 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and
92 costs to be awarded should be liberally calculated in defendant/respondent's favor.
93 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be
94 at least one hundred fifty dollars per hour.

95 4. Any person aggrieved by any final judgment rendered by a small claims court in a
96 petition for revocation of a certificate of qualification or concealed carry endorsement may have
97 a right to trial de novo as provided in sections 512.180 to 512.320.

98 5. The office of the county sheriff or any employee or agent of the county sheriff shall
99 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
100 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement
101 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

**610.140. 1. Notwithstanding any other provision of law and subject to the provisions
2 of this section, any person may apply to any court in which such person was found guilty
3 of any of the offenses specified in subsection 2 of this section for an order to expunge
4 recordations of such arrest, plea, trial, or conviction. A person may apply to have one or
5 more offenses expunged so long as such person lists all the offenses he or she is seeking to
6 have expunged in the same petition and so long as all such offenses are eligible under
7 subsection 2 of this section.**

8 **2. The following offenses are eligible to be expunged when such offenses occurred
9 within the state of Missouri and were prosecuted under the jurisdiction of a Missouri
10 municipal associate or circuit court:**

11 **(1) Any felony or misdemeanor offense of passing a bad check under 570.120,
12 fraudulently stopping payment of an instrument under 570.125, or fraudulent use of a
13 credit device or debit device under section 570.130 ;**

14 **(2) Any misdemeanor offense of sections 569.065, 569.067, 569.090, subdivision (1)
15 of subsection 1 of section 569.120, sections 569.140, 569.145, 572.020, 574.020, or 574.075;
16 or**

17 **(3) Any class B or C misdemeanor offense of section 574.010.**

18 **3. The petition shall name as defendants all law enforcement agencies, courts,
19 prosecuting or circuit attorneys, central state repositories of criminal records, or others
20 who the petitioner has reason to believe may possess the records subject to expungement**

21 for each of the offenses listed in the petition. The court's order of expungement shall not
22 affect any person or entity not named as a defendant in the action.

23 4. The petition shall be dismissed if it does not include the following information:

24 (1) The petitioner's:

25 (a) Full name;

26 (b) Sex;

27 (c) Race;

28 (d) Driver's license number, if applicable; and

29 (e) Current address;

30 (2) Each offense charged against the petitioner for which the petitioner is requesting
31 expungement;

32 (3) The date the petitioner was arrested for each offense;

33 (4) The name of the county where the petitioner was arrested for each offense and
34 if any of the offenses occurred in a municipality, the name of the municipality for each
35 offense;

36 (5) The name of the agency that arrested the petitioner for each offense;

37 (6) The case number and name of the court for each offense; and

38 (7) Petitioner's fingerprints on a standard fingerprint card at the time of filing a
39 petition for expungement which will be forwarded to the central repository for the sole
40 purpose of positively identifying the petitioner.

41 5. The court may set a hearing on the matter no sooner than thirty days from the
42 filing of the petition and shall give reasonable notice of the hearing to each entity named
43 in the petition. At the hearing, the court may accept evidence and hear testimony on, and
44 may consider, the following criteria for each of the offenses listed in the petition for
45 expungement:

46 (1) It has been at least twenty years if the offense is a felony, or at least ten years if
47 the offense is a misdemeanor, municipal offense, or infraction, since the person making the
48 application completed:

49 (a) Any sentence of imprisonment; or

50 (b) Any period of probation or parole;

51 (2) The person has not been found guilty of a misdemeanor or felony, not including
52 violations of the traffic regulations provided under chapters 304 and 307, during the time
53 period specified for the underlying offense in subdivision (1) of this subsection;

54 (3) The person has paid any amount of restitution ordered by the court;

55 (4) The circumstances and behavior of the petitioner warrant the expungement; and

56 (5) The expungement is consistent with the public welfare.

57 **6. If the court determines at the conclusion of the hearing that such person meets**
58 **all the criteria set forth in subsection 5 of this section for each of the offenses listed in the**
59 **petition for expungement, the court may enter an order of expungement. A copy of the**
60 **order shall be provided to each entity named in the petition, and, upon receipt of the order,**
61 **each entity shall destroy any record in its possession relating to any offense listed in the**
62 **petition. If destruction of the record is not feasible because of the permanent nature of the**
63 **record books, such record entries shall be blacked out. Entries of a record ordered**
64 **expunged shall be removed from all electronic files maintained with the state of Missouri,**
65 **except for the files of the court. The records and files maintained in any administrative or**
66 **court proceeding in a municipal, associate, or circuit court for any offense ordered**
67 **expunged under this section shall be confidential and only available to the parties or by**
68 **order of the court for good cause shown. The central repository shall request the Federal**
69 **Bureau of Investigation to expunge the records from its files.**

70 **7. The order shall not limit any of the petitioner's rights that were restricted as a**
71 **collateral consequence of such person's criminal record, and such rights shall be restored**
72 **upon issuance of the order of expungement. Except as otherwise provided under this**
73 **section, the effect of such order shall be to restore such person to the status he or she**
74 **occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken**
75 **place. No person as to whom such order has been entered shall be held thereafter under**
76 **any provision of law to be guilty of perjury or otherwise giving a false statement by reason**
77 **of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or**
78 **expungement in response to an inquiry made of him or her and no such inquiry shall be**
79 **made for information relating to an expungement, except the petitioner shall disclose the**
80 **expunged offense to any court when asked or upon being charged with any subsequent**
81 **offense. The expunged offense may be considered a prior offense in determining a sentence**
82 **to be imposed for any subsequent offense that the person is found guilty of committing.**

83 **8. Notwithstanding the provisions of subsection 7 of this section to the contrary, a**
84 **person granted an expungement shall disclose any expunged offense when the disclosure**
85 **of such information is necessary to complete any application for:**

86 **(1) A license, certificate, or permit issued by this state to practice such individual's**
87 **profession;**

88 **(2) Any license issued under chapter 313; or**

89 **(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-**
90 **operated lottery, or any emergency services provider, including any law enforcement**
91 **agency.**

92

93 **Notwithstanding any provision of law to the contrary, an expunged offense shall not be**
94 **grounds for automatic disqualification of an applicant, but may be a factor for denying**
95 **employment, or a professional license, certificate, or permit.**

96 **9. If the court determines that such person has not met the criteria for any of the**
97 **offenses listed in the petition for expungement, the court shall enter an order dismissing**
98 **the petition. Any person whose petition for expungement has been dismissed by the court**
99 **for failure to meet the criteria set forth in subsection 5 of this section may not refile another**
100 **petition until a year has passed since the date of filing for the previous petition.**

101 **10. A person may be granted more than one expungement under this section**
102 **provided that no person shall be granted more than one order of expungement from the**
103 **same court. Nothing contained in this section shall prevent the court from maintaining**
104 **records to ensure that an individual has only one petition for expungement granted by such**
105 **court under this section.**

650.230. 1. Sections 650.200 to 650.290 shall not apply to the following boilers and
2 pressure vessels:

3 (1) Boilers and pressure vessels under federal control or subject to inspection or
4 regulation by a federal or state agency;

5 (2) Pressure vessels used for the transportation and storage of compressed gases or
6 liquefied petroleum gases which comply with the standards promulgated by the National Fire
7 Protection Association as adopted pursuant to chapter 323 or the United States Department of
8 Transportation regulations, as appropriate to the use of the vessel;

9 (3) Pressure vessels located on vehicles operating under the rule of other state authorities
10 and used for carrying passengers or freight;

11 (4) Pressure vessels installed on the right-of-way of railroads and used directly in the
12 operation of trains;

13 (5) Pressure vessels that do not exceed:

14 (a) [Fifteen cubic feet in volume and two hundred fifty psig when not located in a place
15 of public assembly] **An operating pressure of fifteen psig;**

16 (b) [Five] **One and one-half** cubic feet in volume [and two hundred fifty psig when
17 located in a place of public assembly; or] **with no limitation on pressure;**

18 (c) [One and one-half cubic feet in volume or] An inside diameter of six inches with no
19 limitation on pressure; **or**

20 **(d) An operating pressure of two hundred psig or ten cubic feet in volume;**

21 (6) [Pressure vessels designed for and operating at a working pressure not exceeding
22 fifteen psig;

23 (7)] Vessels with a nominal water containing capacity of one hundred twenty gallons
24 or less for containing water under pressure, including those containing air, the compression of
25 which serves only as a cushion;

26 [(8)] (7) Boilers and pressure vessels located on farms and used solely for agricultural
27 purposes;

28 [(9)] (8) Any boiler constructed, reconstructed or maintained as a personal hobby or for
29 other recreation purposes; and

30 [(10)] (9) Vessels containing water and operating as water softeners, water filters,
31 dealkalizers, demineralizers and cold water storage tanks when:

32 (a) The temperature of the water in the vessel does not exceed one hundred twenty
33 degrees Fahrenheit; and

34 (b) Heat is not applied to the water prior to entering the vessel or to the vessel itself; and

35 (c) The pressure of the water in the vessel does not exceed one hundred fifty psig; and

36 (d) The vessel does not contain any hazardous, toxic or explosive material.

37 2. The following boilers and pressure vessels shall be exempt from the requirements of
38 sections 650.260 to 650.275:

39 (1) Boilers or pressure vessels located in canneries and used solely for canning purposes;

40 (2) Steam boilers used for heating purposes carrying a pressure of not more than fifteen
41 psig, and which are located in private residences or in apartment houses of less than six families
42 and steam boilers used for heating purposes carrying a pressure of not more than ten psig and
43 having a rating of not to exceed one thousand two hundred square feet of radiation;

44 (3) Hot water heating boilers carrying pressure of not more than thirty psig, and which
45 are located in private residences or in apartment houses of less than six families, and hot water
46 heating boilers carrying pressure of not more than twenty psig, and having a rating of not to
47 exceed two thousand square feet of radiation;

48 (4) Steam boilers of a miniature model locomotive or boat or tractor or stationary engine
49 constructed and maintained as a hobby and not for commercial use, having an inside diameter
50 not to exceed twelve inches and a grate area not to exceed one and one-half feet and that is
51 equipped with a safety valve of adequate capacity, a water level indicator and a pressure gauge;

52 (5) Hot water supply boilers operated at pressures not exceeding one hundred sixty psig,
53 or temperatures not exceeding two hundred fifty degrees Fahrenheit which are located in private
54 residences or in apartment houses of less than six family units;

55 (6) Service water heaters or domestic type water heaters having a nominal water
56 containing capacity not in excess of one hundred twenty gallons, a heat input not in excess of two
57 hundred thousand British thermal units per hour and used exclusively for heating service water
58 to a temperature not in excess of two hundred ten degrees Fahrenheit;

59 (7) Pressure vessels containing only water under pressure for domestic supply purposes,
60 including those containing air, the compression of which serves only as a cushion or airlift
61 pumping system, when located in private residences or in apartment houses of less than six
62 family units.

701.550. 1. As used in this section the following terms mean:

2 (1) "Anemometer", an instrument for measuring and recording the speed of the
3 wind;

4 (2) "Anemometer tower", a structure, including all guy wires and accessory
5 facilities, that has been constructed solely for the purpose of mounting an anemometer to
6 document whether a site has wind resources sufficient for the operation of a wind turbine
7 generator;

8 (3) "Area surrounding the anchor point", an area not less than sixty-four square
9 feet whose outer boundary is at least four feet from the anchor point.

10 2. Any anemometer tower that is fifty feet in height above the ground or higher that
11 is located outside the exterior boundaries of any municipality, and whose appearance is not
12 otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise
13 constructed to be recognizable in clear air during daylight hours. Any anemometer tower
14 that was erected before August 28, 2012, shall be marked as required in this section by
15 January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall
16 be marked as required in this section at the time it is erected. Marking required under this
17 section includes marking the anemometer tower, guy wires, and accessory facilities as
18 follows:

19 (1) The top one-third of the anemometer tower shall be painted in equal,
20 alternating bands of aviation orange and white, beginning with orange at the top of the
21 tower and ending with orange at the bottom of the marked portion of the tower;

22 (2) Two marker balls shall be attached to and evenly spaced on each of the outside
23 guy wires;

24 (3) The area surrounding each point where a guy wire is anchored to the ground
25 shall have a contrasting appearance with any surrounding vegetation. If the adjacent land
26 is grazed, the area surrounding the anchor point shall be fenced; and

27 (4) One or more seven-foot safety sleeves shall be placed at each anchor point and
28 shall extend from the anchor point along each guy wire attached to the anchor point.

29 3. A violation of this section is a class B misdemeanor.

Section 1. Notwithstanding any provision of section 292.655 to the contrary,
2 employers that use medical needles in the routine course of conducting business in this
3 state may use any Occupational Safety and Health Administration- or Food and Drug
4 Administration-approved device.

5

[475.375. 1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632 may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:

(1) The individual no longer suffers from the condition that resulted in the individual's incapacity or involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest. No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:

(1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. In order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.

5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall enter an order that:

43

44 (1) The petitioner does or does not continue to suffer from the condition
45 that resulted in commitment;

46 (2) The individual does or does not continue to pose a danger to self or
47 others for purposes of the purchase, possession, or transfer of firearms under 18
48 U.S.C. Section 922; and

49 (3) Granting relief under this section is not contrary to the public interest.
50 The court shall include in its order the specific findings of fact on which it bases
51 its decision.

52 7. Upon a judicial determination to grant a petition under this section, the
53 clerk in the county where the petition was granted shall forward the order to the
54 Missouri state highway patrol for updating of the petitioner's record with the
55 National Instant Criminal Background Check System (NICS).

56 8. (1) Any person who has been denied a petition for the removal of the
57 disqualification to purchase, possess, or transfer a firearm pursuant to this section
58 shall not be eligible to file another petition for removal of the disqualification to
59 purchase, possess, or transfer a firearm until the expiration of one year from the
60 date of such denial.

61 (2) If a person has previously filed a petition for the removal of the
62 disqualification to purchase, possess, or transfer a firearm and the court
63 determined that:

64 (a) The petitioner's petition was frivolous; or

65 (b) The petitioner's condition had not so changed such that the person
66 continued to suffer from the condition that resulted in the individual's incapacity
67 or involuntary commitment and continued to pose a danger to self or others for
68 purposes of the purchase, possession, or transfer of firearms under 18 U.S.C.
69 Section 922; or

70 (3) Granting relief under this section would be contrary to the public
71 interest, then the court shall deny the subsequent petition unless the petition
72 contains the additional facts upon which the court could find the condition of the
73 petitioner had so changed that a hearing was warranted.]
74

Section B. Because of the need to update state law and to clarify the requirements for
2 concealed carry endorsements to match federal law, the repeal and reenactment of sections
3 320.106, 320.131, 320.136, and 571.111 of this act is deemed necessary for the immediate

4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal and reenactment of sections
6 320.106, 320.131, 320.136, and 571.111 of this act shall be in full force and effect upon its
7 passage and approval.

✓

Speaker of the House

President Pro Tem of the Senate

Governor