

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1973

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREGORY (51).

4492H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 302.010 and 304.060, RSMo, and to enact in lieu thereof three new sections relating to school activities.

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

Section A. Sections 302.010 and 304.060, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 167.177, 302.010, and 304.060, to read as
3 follows:

**167.177. Any student who is enrolled in a publicly funded secondary school or
2 who participates in any sex-separated interscholastic athletic contest organized by a
3 school that operates under any rules provided by a statewide athletic organization with
4 a public school district as a member, including but not limited to the Missouri State
5 High School Activities Association, shall be eligible to participate only in athletic
6 contests organized for persons of the same biological sex included on the student's birth
7 certificate.**

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

- 3 (1) "Circuit court", each circuit court in the state;
- 4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for
5 carrying freight and merchandise, or more than fifteen passengers;
- 6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited
7 to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be
8 equivalent to a conviction, except that when any conviction as a result of which points are

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.

9 assessed pursuant to section 302.302 is appealed, the term "conviction" means the original
10 judgment of conviction for the purpose of determining the assessment of points, and the date
11 of final judgment affirming the conviction shall be the date determining the beginning of any
12 license suspension or revocation pursuant to section 302.304;

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

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

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

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

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

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

31 (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks
32 except motorized bicycles, as defined in section 307.180 and electric bicycles, as defined in
33 section 301.010;

34 (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition
35 shall not include motorized bicycles or electric bicycles as such terms are defined in section
36 301.010;

37 (12) "Motortricycle", a motor vehicle operated on three wheels, including a
38 motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a
39 third wheel, but excluding an electric bicycle as defined in section 301.010;

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

44 (14) "Municipal court", every division of the circuit court having original jurisdiction
45 to try persons for violations of city ordinances;

46 (15) "Nonresident", every person who is not a resident of this state;

47 (16) "Operator", every person who is in actual physical control of a motor vehicle
48 upon a highway;

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

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

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

62 (20) "Restricted driving privilege", a sixty-day driving privilege issued by the director
63 of revenue following a suspension of driving privileges for the limited purpose of driving in
64 connection with the driver's business, occupation, employment, formal program of secondary,
65 postsecondary or higher education, or for an alcohol education or treatment program or
66 certified ignition interlock provider, or a ninety-day interlock restricted privilege issued by
67 the director of revenue for the limited purpose of driving in connection with the driver's
68 business, occupation, employment, seeking medical treatment for such driver or a dependent
69 family member, attending school or other institution of higher education, attending alcohol-
70 or drug-treatment programs, seeking the required services of a certified ignition interlock
71 provider, fulfilling court obligations, including required appearances and probation and parole
72 obligations, religious services, the care of a child or children, including scheduled visitation
73 or custodial obligations pursuant to a court order, fueling requirements for any vehicle
74 utilized, and seeking basic nutritional requirements;

75 (21) "School bus", when used in sections 302.010 to 302.540, means any motor
76 vehicle, either publicly or privately owned, **that is designed for carrying more than ten**
77 **passengers and that is** used to transport students to and from school **to school activities**, or
78 to transport pupils properly chaperoned to and from any place within the state for educational
79 purposes. The term "school bus" shall not include a bus operated by a public utility,
80 municipal corporation or common carrier authorized to conduct local or interstate
81 transportation of passengers when such bus is not traveling a specific school bus route but is:

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

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

85 (22) "School bus operator", an operator who operates a school bus as defined in
86 subdivision (21) of this section in the transportation of any schoolchildren and who receives
87 compensation for such service. The term "school bus operator" shall not include any person
88 who transports schoolchildren as an incident to employment with a school or school district,
89 such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person
90 is under contract with or employed by a school or school district as a school bus operator;

91 (23) "Signature", any method determined by the director of revenue for the signing,
92 subscribing or verifying of a record, report, application, driver's license, or other related
93 document that shall have the same validity and consequences as the actual signing by the
94 person providing the record, report, application, driver's license or related document;

95 (24) "Substance abuse traffic offender program", a program certified by the division
96 of alcohol and drug abuse of the department of mental health to provide education or
97 rehabilitation services pursuant to a professional assessment screening to identify the
98 individual needs of the person who has been referred to the program as the result of an
99 alcohol- or drug-related traffic offense. Successful completion of such a program includes
100 participation in any education or rehabilitation program required to meet the needs identified
101 in the assessment screening. The assignment recommendations based upon such assessment
102 shall be subject to judicial review as provided in subsection 14 of section 302.304 and
103 subsections 1 and 5 of section 302.540;

104 (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used
105 on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by
106 horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers
107 or motorized wheelchairs operated by handicapped persons.

304.060. 1. The state board of education shall adopt and enforce regulations not
2 inconsistent with law to cover the design and operation of all school buses used for the
3 transportation of school children when owned and operated by any school district or privately
4 owned and operated under contract with any school district in this state, and such regulations
5 shall by reference be made a part of any such contract with a school district. **School districts**
6 **shall have the authority to use motor vehicles other than school buses for the purpose of**
7 **transporting school children to and from school, to school activities, or to transport**
8 **pupils properly chaperoned to and from any place within the state for educational**
9 **purposes.** The state board of education may adopt rules and regulations governing the use of
10 other vehicles owned by a district or operated under contract with any school district in this
11 state and used for the purpose of transporting school children[~~The operator of such vehicle~~
12 ~~shall be licensed in accordance with section 302.272, and such vehicle~~], **excluding motor**

13 **vehicles operating under the authority of the department of revenue under sections**
14 **387.400 to 387.440. Motor vehicles other than school buses used to transport school**
15 **children** shall transport no more children than the manufacturer suggests as appropriate for
16 such vehicle **and meet any additional requirements of the school district.** The state board
17 of education may also adopt rules and regulations governing the use of authorized common
18 carriers for the transportation of students on field trips or other special trips for educational
19 purposes. Every school district, its officers and employees, and every person employed under
20 contract by a school district shall be subject to such regulations. The state board of education
21 shall cooperate with the state transportation department and the state highway patrol in
22 placing suitable warning signs at intervals on the highways of the state.

23 2. Notwithstanding the provisions of subsection 1 of this section, any school board in
24 the state of Missouri in an urban district containing the greater part of the population of a city
25 which has more than three hundred thousand inhabitants may contract with any municipality,
26 bi-state agency, or other governmental entity for the purpose of transporting school children
27 attending a grade or grades not lower than the ninth nor higher than the twelfth grade,
28 provided that such contract shall be for additional transportation services, and shall not
29 replace or fulfill any of the school district's obligations pursuant to section 167.231. The
30 school district may notify students of the option to use district-contracted transportation
31 services.

32 3. Any officer or employee of any school district who violates any of the regulations
33 or fails to include obligation to comply with such regulations in any contract executed by him
34 on behalf of a school district shall be guilty of misconduct and subject to removal from office
35 or employment. Any person operating a school bus under contract with a school district who
36 fails to comply with any such regulations shall be guilty of breach of contract and such
37 contract shall be cancelled after notice and hearing by the responsible officers of such school
38 district.

39 4. Any other provision of the law to the contrary notwithstanding, in any county of
40 the first class with a charter form of government adjoining a city not within a county, school
41 buses may bear the word "special".

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