

FIRST REGULAR SESSION

# HOUSE BILL NO. 724

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CRAWFORD AND SCHLOTTACH (Co-sponsors).

Read 1<sup>st</sup> time April 3, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2159L.011

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### AN ACT

To repeal sections 32.028, 32.080, 33.571, 67.133, 104.805, 137.095, 142.617, 142.830, 142.869, 142.923, 144.010, 144.020, 144.030, 152.032, 190.105, 190.528, 226.008, 226.135, 260.203, 260.270, 260.278, 260.370, 260.375, 260.380, 260.385, 260.390, 260.395, 260.396, 260.420, 260.425, 287.020, 288.032, 288.035, 301.010, 301.025, 301.030, 301.041, 301.057, 301.059, 301.067, 301.090, 301.121, 301.130, 301.175, 301.265, 301.266, 301.267, 301.271, 301.273, 301.275, 301.277, 301.279, 301.442, 302.756, 303.026, 303.350, 304.011, 304.022, 304.030, 304.180, 304.200, 304.230, 304.240, 304.373, 307.160, 307.350, 307.400, 311.420, 312.180, 324.700, 324.703, 324.706, 324.709, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, 386.020, 386.190, 386.220, 387.010, 387.020, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.100, 387.110, 387.120, 387.130, 387.150, 387.180, 387.190, 387.200, 387.205, 387.207, 387.210, 387.240, 387.270, 387.280, 387.290, 387.300, 387.310, 387.320, 387.340, 388.650, 389.005, 389.300, 389.310, 389.580, 389.610, 389.612, 389.614, 389.615, 389.645, 389.710, 389.780, 389.795, 389.797, 389.895, 389.920, 389.945, 389.991, 389.992, 389.993, 389.994, 389.996, 389.997, 389.998, 389.1005, 389.1010, 390.011, 390.020, 390.030, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.071, 390.081, 390.101, 390.106, 390.111, 390.116, 390.121, 390.126, 390.128, 390.136, 390.138, 390.141, 390.146, 390.150, 390.151, 390.156, 390.161, 390.171, 390.176, 390.201, 390.250, 390.260, 390.270, 390.280, 390.290, 390.300, 390.310, 390.320, 390.330, 390.340, 390.350, 391.070, 393.290, 447.080, 476.385, 488.4014, 490.235, 508.070, 620.010, 621.040, 622.015, 622.020, 622.027, 622.030, 622.035, 622.040, 622.045, 622.050, 622.055, 622.057, 622.090, 622.095, 622.100, 622.110, 622.115, 622.120, 622.130, 622.140, 622.150, 622.160, 622.170, 622.190, 622.200, 622.210, 622.220,

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

622.230, 622.240, 622.250, 622.260, 622.290, 622.300, 622.310, 622.320, 622.330, 622.340, 622.350, 622.360, 622.370, 622.380, 622.390, 622.400, 622.410, 622.420, 622.430, 622.440, 622.450, 622.460, 622.470, 622.480, 622.490, 622.500, 622.510, 622.520, 622.530, 622.540, 622.550, 622.555, 622.600, 622.602, 622.604, 622.606, 622.608, 622.610, 622.612, 622.615, 622.617, 622.618, and 622.620, RSMo, and section 324.712 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, and section 324.712 as enacted by senate committee substitute for senate bill no. 317, ninety-first general assembly, first regular session, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session, and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof two hundred fifty-two new sections relating to correction of statutory references in compliance with directives of executive order no. 02-03, signed by the governor on February 7, 2002, with penalty provisions and an emergency clause.

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

Section A. Sections 32.028, 32.080, 33.571, 67.133, 104.805, 137.095, 142.617, 142.830, 142.869, 142.923, 144.010, 144.020, 144.030, 152.032, 190.105, 190.528, 226.008, 226.135, 260.203, 260.270, 260.278, 260.370, 260.375, 260.380, 260.385, 260.390, 260.395, 260.396, 260.420, 260.425, 287.020, 288.032, 288.035, 301.010, 301.025, 301.030, 301.041, 301.057, 301.059, 301.067, 301.090, 301.121, 301.130, 301.175, 301.265, 301.266, 301.267, 301.271, 301.273, 301.275, 301.277, 301.279, 301.442, 302.756, 303.026, 303.350, 304.011, 304.022, 304.030, 304.180, 304.200, 304.230, 304.240, 304.373, 307.160, 307.350, 307.400, 311.420, 312.180, 324.700, 324.703, 324.706, 324.709, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, 386.020, 386.190, 386.220, 387.010, 387.020, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.100, 387.110, 387.120, 387.130, 387.150, 387.180, 387.190, 387.200, 387.205, 387.207, 387.210, 387.240, 387.270, 387.280, 387.290, 387.300, 387.310, 387.320, 387.340, 388.650, 389.005, 389.300, 389.310, 389.580, 389.610, 389.612, 389.614, 389.615, 389.645, 389.710, 389.780, 389.795, 389.797, 389.895, 389.920, 389.945, 389.991, 389.992, 389.993, 389.994, 389.996, 389.997, 389.998, 389.1005, 389.1010, 390.011, 390.020, 390.030, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.071, 390.081, 390.101, 390.106, 390.111, 390.116, 390.121, 390.126, 390.128, 390.136, 390.138, 390.141, 390.146, 390.150, 390.151, 390.156, 390.161,

18 390.171, 390.176, 390.201, 390.250, 390.260, 390.270, 390.280, 390.290, 390.300, 390.310,  
19 390.320, 390.330, 390.340, 390.350, 391.070, 393.290, 447.080, 476.385, 488.4014, 490.235,  
20 508.070, 620.010, 621.040, 622.015, 622.020, 622.027, 622.030, 622.035, 622.040, 622.045,  
21 622.050, 622.055, 622.057, 622.090, 622.095, 622.100, 622.110, 622.115, 622.120, 622.130,  
22 622.140, 622.150, 622.160, 622.170, 622.190, 622.200, 622.210, 622.220, 622.230, 622.240,  
23 622.250, 622.260, 622.290, 622.300, 622.310, 622.320, 622.330, 622.340, 622.350, 622.360,  
24 622.370, 622.380, 622.390, 622.400, 622.410, 622.420, 622.430, 622.440, 622.450, 622.460,  
25 622.470, 622.480, 622.490, 622.500, 622.510, 622.520, 622.530, 622.540, 622.550, 622.555,  
26 622.600, 622.602, 622.604, 622.606, 622.608, 622.610, 622.612, 622.615, 622.617, 622.618, and  
27 622.620, RSMo, and section 324.712 as enacted by conference committee substitute for senate  
28 substitute for senate committee substitute for house committee substitute for house bill no. 567,  
29 ninety-first general assembly, first regular session, and section 324.712 as enacted by senate  
30 committee substitute for senate bill no. 317, ninety-first general assembly, first regular session,  
31 and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-  
32 eighth general assembly, second regular session, and section 622.010 as enacted by house  
33 committee substitute for house bill no. 991, eighty-eighth general assembly, second regular  
34 session, are repealed and two hundred fifty-two new sections enacted in lieu thereof, to be known  
35 as sections 32.028, 32.080, 33.571, 67.133, 104.805, 137.095, 142.869, 142.923, 144.010,  
36 144.020, 144.030, 190.105, 190.528, 226.135, 260.203, 260.270, 260.370, 260.375, 260.380,  
37 260.390, 260.396, 260.398, 260.420, 260.425, 287.020, 288.032, 288.035, 301.010, 301.025,  
38 301.030, 301.057, 301.059, 301.067, 301.090, 301.121, 301.130, 301.175, 301.442, 302.756,  
39 302.761, 303.026, 303.350, 304.011, 304.022, 304.030, 304.180, 304.230, 304.240, 304.373,  
40 307.160, 307.350, 307.400, 308.010, 308.020, 308.023, 308.025, 308.030, 308.040, 308.050,  
41 308.070, 308.075, 308.090, 308.097, 308.110, 308.120, 308.125, 308.200, 308.210, 308.220,  
42 308.230, 308.240, 308.250, 308.260, 308.270, 308.280, 308.283, 308.290, 308.305, 308.310,  
43 308.320, 308.330, 308.350, 308.400, 308.405, 308.410, 308.415, 308.420, 308.425, 308.427,  
44 308.430, 308.435, 308.440, 308.445, 308.450, 308.452, 308.453, 308.455, 308.457, 308.458,  
45 308.460, 308.462, 308.465, 308.467, 308.469, 308.470, 308.472, 308.475, 308.477, 308.479,  
46 308.480, 308.483, 308.485, 308.487, 308.489, 308.490, 308.492, 308.495, 308.497, 308.500,  
47 308.505, 308.510, 308.515, 308.520, 308.525, 308.530, 308.535, 308.540, 308.545, 308.550,  
48 308.560, 308.565, 308.570, 308.575, 308.600, 308.605, 308.610, 308.620, 308.630, 308.635,  
49 308.640, 308.645, 308.650, 308.655, 308.660, 308.665, 308.700, 308.800, 308.805, 308.810,  
50 308.815, 308.820, 308.825, 308.830, 308.835, 308.840, 308.845, 308.847, 308.850, 308.855,  
51 308.860, 308.865, 308.870, 308.875, 308.885, 308.895, 308.900, 308.905, 308.910, 308.915,  
52 308.920, 308.925, 308.935, 308.945, 308.950, 308.955, 308.960, 308.965, 308.970, 308.975,  
53 308.980, 308.985, 308.987, 308.990, 308.995, 311.420, 312.180, 386.020, 386.190, 389.005,

54 389.011, 389.021, 389.035, 389.041, 389.055, 389.065, 389.071, 389.075, 389.081, 389.085,  
55 389.095, 389.101, 389.105, 389.111, 389.115, 389.121, 389.141, 389.145, 389.151, 389.155,  
56 389.161, 389.165, 389.167, 389.171, 389.181, 389.201, 389.211, 389.221, 389.241, 389.251,  
57 389.300, 389.310, 389.580, 389.610, 389.612, 389.614, 389.615, 389.645, 389.710, 389.780,  
58 389.795, 389.797, 389.895, 389.920, 389.945, 389.991, 389.992, 389.993, 389.994, 389.996,  
59 389.997, 389.998, 389.1005, 389.1010, 389.1020, 393.290, 447.080, 476.385, 488.4014,  
60 490.235, 508.070, 620.010, and 621.040, to read as follows:

32.028. 1. There is hereby created a department of revenue in charge of a director  
2 appointed by the governor, by and with the advice and consent of the senate. The department  
3 shall collect all taxes and fees payable to the state as provided by law.

4 2. The powers, duties and functions of the department of revenue, chapter 32, RSMo,  
5 and others, are transferred by type I transfer to the department of revenue. All powers, duties and  
6 function of the collector of revenue are transferred to the director of the department by type I  
7 transfer and the position of collector of revenue is abolished.

8 3. The powers, duties and functions of the state tax commission, chapter 138, RSMo, and  
9 others, are transferred by type III transfer to the department of revenue.

10 4. All of the powers, duties and functions of the state tax commission relating to  
11 administration of the corporation franchise tax chapter 152, RSMo, and others, are transferred  
12 by type I transfer to the department of revenue; provided, however, that the provision of section  
13 138.430, RSMo, relating to appeals from decisions of the director of revenue shall apply to these  
14 taxes.

15 [5. All the powers, duties and functions of the highway reciprocity commission, chapter  
16 301, RSMo, are transferred by type II transfer to the department of revenue.]

32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy  
2 motor vehicle, driver's license, or tax reports, returns and other related documents at any time  
3 if such reports, returns, and other related documents have been photographed,  
4 microphotographed, electronically generated, electronically recorded, photostated, reproduced  
5 on film or other process capable of producing a clear, accurate and permanent copy of the  
6 original. Such film or reproducing material shall be of durable material and the device used to  
7 reproduce the records, reports, returns, and other related documents on film or material shall be  
8 such as to accurately reproduce and perpetuate the original records, reports, returns and other  
9 documents in all details.

10 2. The reproductions so made may be used as permanent records of the original. When  
11 microfilm or a similar reproduction is used as a permanent record by the director of revenue, one  
12 copy shall be stored in a fireproof vault and other copies may be made for use by any person  
13 entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law

14 regarding the original record.

15         3. Such photostatic copy, photograph, microphotograph, electronically generated,  
16 electronically recorded, or other process copy shall be deemed to be an original record for all  
17 purposes, and shall be admissible in evidence in all courts or administrative agencies. A  
18 transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports,  
19 records, returns and other related documents made from such photostatic copy, photograph,  
20 microphotograph, electronically generated, electronically recorded, or other process copy shall[,]  
21 for all purposes be deemed to be a transcript, exemplification or certified copy of the original and  
22 shall be admissible in evidence in all courts or administrative agencies. No document shall be  
23 admissible under this section unless the offeror shall comply with section 490.692, RSMo.

24         4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and  
25 related documents hereunder shall be preserved for four years and thereafter until the director  
26 of revenue orders them to be destroyed.

27         5. Notwithstanding other provisions of law, the department of revenue **and the state**  
28 **highways and transportation commission** may allow the electronic filing, issuance or renewal  
29 of any motor vehicle **license**, driver's license, or tax records, reports, returns and other related  
30 documents. All restrictions imposed by law that apply to the disclosure of information by the  
31 department of revenue shall also apply to any persons or entities contracting with the director of  
32 the department of revenue to provide electronic filing, issuance or renewal services.  
33 Notwithstanding other provisions of law, any on-line access or access via other electronic means  
34 granted to such persons or entities may be limited to the persons or entities providing such  
35 electronic filing, issuance or renewal services.

36         6. A transcript, exemplification or certified copy of any electronically filed motor  
37 vehicle, driver's license or tax reports, records, returns and other related document upon  
38 certification of the director of revenue shall be admissible in evidence in all courts or  
39 administrative agencies without further proof. "Records, reports, returns, and other related  
40 documents" include, but are not limited to, papers, documents, facsimile information,  
41 microphotographic process, electronically generated or electronically recorded information,  
42 deposited or filed with the department of revenue.

43         7. Notwithstanding other provisions of law, the department of revenue **and the state**  
44 **highways and transportation commission** may determine alternative methods for the signing,  
45 subscribing or verifying of a record, report, return, application, driver's license, or other related  
46 document that shall have the same validity and consequences as the actual signing by the person  
47 providing the record, report, return, or related document.

48         8. The director of revenue may renew motor vehicle registrations by electronic means  
49 when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to

50 accompany such application are provided to the director electronically in a format prescribed by  
51 the director of revenue.

52 9. The director of revenue may prescribe rules and regulations for the effective  
53 administration of this section. Any rule or portion of a rule, as that term is defined in section  
54 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall  
55 become effective only if it has been promulgated pursuant to the provisions of chapter 536,  
56 RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule  
57 filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536,  
58 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested  
59 with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date  
60 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
61 rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and  
62 void.

33.571. The attorney general's court costs fund established by section 27.080, RSMo;  
2 the microfilming service revolving fund established by section 28.085, RSMo; the central check  
3 mailing service revolving fund established by section 30.245, RSMo; the revenue sharing trust  
4 fund established by section 30.900, RSMo; the Missouri veterans home fund and the Missouri  
5 state [rehabilitation center] **chest hospital** fund established by section 31.010, RSMo; the state  
6 institutions gift trust fund established by section 33.563; the Missouri state surplus property  
7 clearing fund established by section 37.090, RSMo; [the tort defense fund established by section  
8 105.710, RSMo; the grade crossing fund established by section 152.032, RSMo;] the  
9 handicapped children's trust fund established by section 162.790, RSMo; the state guaranty  
10 student loan fund established by section 173.120, RSMo; the special fund for the vocational  
11 rehabilitation of persons established by section 178.630, RSMo; [the library service fund  
12 established by section 181.025, RSMo;] the medical services fund established by section  
13 192.255, RSMo; the crippled children's service fund established by section 201.090, RSMo; [the  
14 Missouri clean water fund established by section 644.051, RSMo;] the housing development  
15 fund established by section 215.050, RSMo; the national historic preservation fund established  
16 by section 253.022, RSMo; the [state park board] **department of natural resources** building  
17 fund established by section 253.230, RSMo; [the Missouri federal water projects recreation fund  
18 established by section 640.510, RSMo;] the marketing development fund established by section  
19 261.035, RSMo; the state fair [fees] **fee** fund established by section 262.260, RSMo; the state  
20 fair trust fund established by section 262.262, RSMo; [the abandoned fund account established  
21 by section 362.395, RSMo;] the public service commission fund established by section 386.370,  
22 RSMo; [the escheats fund established by section 470.020, RSMo; the professional liability  
23 review board fund established by section 538.055, RSMo;] and the highway patrol academy fund

24 established by section 590.145, RSMo, are abolished. All balances in any of those funds on  
25 September 28, 1983, may be, as deemed necessary by the state treasurer and commissioner of  
26 administration, transferred to the general revenue fund. Prior to such date, any of the funds listed  
27 in this section which may be determined to be required for the continued custody or receipt of  
28 money or property under the terms of any testamentary instrument or indenture of trust, or from  
29 which repayment of any bonded indebtedness is to be made, shall be certified by the  
30 commissioner of administration to the state treasurer and upon such certification, shall be  
31 exempted from the provisions of this section. He shall notify the revisor of statutes if such  
32 changes are made so that appropriate notations may be made in the revised statutes.

33       2. The state treasurer and the commissioner of administration shall establish appropriate  
34 accounts within the state treasury and in accordance with the state's accounting methods, and  
35 those accounts shall be the successors to the enumerated funds. Any receipt required to be  
36 deposited in the treasury to the credit of a particular fund which is abolished shall be deposited  
37 in the general revenue fund instead and shall be credited to the successor account. Any  
38 disbursement required to be made from a particular fund which is abolished shall be made from  
39 the general revenue fund and shall be charged to the successor account, but no disbursement  
40 from the general revenue fund shall be approved whenever such disbursement exceeds the  
41 balance available in the designated successor account. When enacting appropriations, the  
42 general assembly may establish such accounts within the general revenue fund as it deems  
43 necessary and appropriate to control expenditures, and any appropriation authorizing an  
44 expenditure from the general revenue fund shall specify the appropriate account within the  
45 general revenue fund.

46       3. The state treasurer, the director of revenue, the commissioner of administration and  
47 others are specifically empowered to make necessary changes and adjustments so as to properly  
48 reflect state receipts and disbursements which may be received or expended for particular  
49 purposes, but it is the intent of the general assembly by this enactment to transfer moneys  
50 affected thereby to the general revenue fund for handling and investment. The revisor of statutes  
51 shall prepare necessary bills to change the revised statutes so as to reflect this intent.

67.133. 1. A fee of ten dollars shall be assessed in all cases in which the defendant is  
2 convicted of a nonfelony violation of any provision of chapters 252, 301, 302, 304, 306, 307 and  
3 [390] **308**, RSMo, and any infraction otherwise provided by law, twenty-five dollars in all  
4 misdemeanor cases otherwise provided by law, and seventy-five dollars in all felony cases, in  
5 criminal cases including violations of any county ordinance or any violation of a criminal or  
6 traffic law of the state, except that no such fees shall be collected in any proceeding in any court  
7 when the proceeding or the defendant has been dismissed by the court or when costs are to be  
8 paid by the state, county or municipality. All fees collected under the provisions of this section

9 shall be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo,  
10 and payable to the county treasurer who shall deposit those funds in the county treasury.

11 2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all  
12 sums collected on recognizances given to the state in criminal cases, which are or may become  
13 forfeited, if not more than five hundred dollars, and fifteen percent of all sums over five hundred  
14 dollars, to be paid out of the amount collected.

104.805. 1. Employees who are earning creditable service in the closed plan of the  
2 Missouri state employees' retirement system and who are, as a result of the provisions of this  
3 section and sections [226.008] **308.010**, 389.005, 389.610, and 621.040, RSMo, transferred to  
4 the department of transportation will not become members of the closed plan of the highways  
5 and transportation employees' and highway patrol retirement system unless they elect to transfer  
6 membership and creditable service to the closed plan of the highways and transportation  
7 employees' and highway patrol retirement system. The election must be in writing and must be  
8 made within ninety days of July 11, 2002. Any election to transfer membership and creditable  
9 service to the highways and transportation employees' and highway patrol retirement system shall  
10 result in the forfeiture of any rights or benefits in the Missouri state employees' retirement  
11 system. Any failure to elect to transfer membership and creditable service pursuant to this  
12 subsection will result in the employees remaining in the closed plan of the Missouri state  
13 employees' retirement system. If an election is made, the effective date for commencement of  
14 membership and transfer of such creditable service shall be January 1, 2003.

15 2. Employees who are earning credited service in the year 2000 plan of the Missouri state  
16 employees' retirement system and who are, as a result of the provisions of this section and  
17 sections [226.008] **308.010**, 389.005, 389.610, and 621.040, RSMo, transferred to the  
18 department of transportation will remain in the year 2000 plan administered by the Missouri state  
19 employees' retirement system unless they elect to transfer membership and credited service to  
20 the year 2000 plan administered by the highways and transportation employees' and highway  
21 patrol retirement system. The election must be in writing and must be made within ninety days  
22 of July 11, 2002. Any election to transfer membership and credited service to the year 2000 plan  
23 administered by the highways and transportation employees' and highway patrol retirement  
24 system shall result in the forfeiture of any rights or benefits in the Missouri state employees'  
25 retirement system. Any failure to elect to transfer membership and credited service pursuant to  
26 this subsection will result in the employees remaining in the year 2000 plan administered by the  
27 Missouri state employees' retirement system. If an election is made, the effective date for  
28 commencement of membership and transfer of such creditable service shall be January 1, 2003.

29 3. For any employee who elects under subsection 1 or 2 of this section to transfer to the  
30 highways and transportation employees' and highway patrol retirement system, the Missouri state

31 employees' retirement system shall pay to the highways and transportation employees' and  
32 highway patrol retirement system, by December 31, 2002, an amount actuarially determined to  
33 equal the liability transferred from the Missouri state employees' retirement system.

34 4. In no event shall any employee receive service credit for the same period of service  
35 under more than one retirement system as a result of the provisions of this section.

36 5. For any transferred employee who elects under subsection 1 or 2 of this section to  
37 transfer to the highways and transportation employee's and highway patrol retirement system, the  
38 only medical coverage available for the employee shall be the medical coverage provided in  
39 section 104.270. The effective date for commencement of medical coverage shall be January 1,  
40 2003. However, this does not preclude medical coverage for the transferred employee as a  
41 dependent under any other health care plan.

137.095. 1. The real and tangible personal property of all corporations operating in any  
2 county in the state of Missouri and in the city of St. Louis, and subject to assessment by county  
3 or township assessors, shall be assessed and taxed in the county in which the property is situated  
4 on the first day of January of the year for which the taxes are assessed, and every general or  
5 business corporation having or owning tangible personal property on the first day of January in  
6 each year, which is situated in any other county than the one in which the corporation is located,  
7 shall make return to the assessor of the county or township where the property is situated, in the  
8 same manner as other tangible personal property is required by law to be returned, except that  
9 all motor vehicles which are the property of the corporation and which are subject to regulation  
10 under chapter [390] **308**, RSMo, shall be assessed for tax purposes in the county in which the  
11 motor vehicles are based.

12 2. For the purposes of subsection 1 of this section, the term "based" means the place  
13 where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or  
14 otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of  
15 the driver or, if the residence of the driver is unknown, at the location of the lessee.

142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles,  
2 buses as defined in section 301.010, RSMo, or commercial motor vehicles registered in this state  
3 which are powered by alternative fuel, and for which a valid decal has been acquired as provided  
4 in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed  
5 by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on  
6 each passenger motor vehicle, school bus as defined in section 301.010, RSMo, and commercial  
7 motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one  
8 hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen  
9 thousand pounds but not more than thirty-six thousand pounds used for farm or farming  
10 transportation operations and registered with a license plate designated with the letter "F"; one

11 hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of  
12 eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each  
13 passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059,  
14 301.061 and 301.063, RSMo; two hundred fifty dollars on each motor vehicle with a licensed  
15 gross weight in excess of thirty-six thousand pounds used for farm or farming transportation  
16 operations and registered with a license plate designated with the letter "F"; and one thousand  
17 dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six  
18 thousand pounds.

19         2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as  
20 defined in section [142.617] **308.660, RSMo**, the tax imposed by section 142.803 shall not apply  
21 to motor vehicles registered outside this state which are powered by alternative fuel, and for  
22 which a valid temporary alternative fuel decal has been acquired as provided in this section. The  
23 owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803,  
24 pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall  
25 be valid for a period of fifteen days from the date of issuance and shall be attached to the lower  
26 right-hand corner of the front windshield on the motor vehicle for which it was issued. Such  
27 decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as  
28 specified in section 142.345. Alternative fuel dealers selling such decals in accordance with  
29 rules and regulations prescribed by the director shall be allowed to retain fifty cents for each  
30 decal fee timely remitted to the director.

31         3. The director shall annually, on or before January thirty-first of each year, collect or  
32 cause to be collected from owners or operators of the motor vehicles specified in subsection 1  
33 of this section the annual decal fee. Applications for such decals shall be supplied by the  
34 department of revenue. In the case of a motor vehicle which is not in operation by January  
35 thirty-first of any year, a decal may be purchased for a fractional period of such year, and the  
36 amount of the decal fee shall be reduced by one-twelfth for each complete month which shall  
37 have elapsed since the beginning of such year.

38         4. Upon the payment of the fee required by subsection 1 of this section, the director shall  
39 issue a decal, which shall be valid for the current calendar year and shall be attached to the lower  
40 right-hand corner of the front windshield on the motor vehicle for which it was issued.

41         5. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall  
42 be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas  
43 equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in  
44 another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in  
45 accordance with rules and regulations promulgated by the director.

46         6. It shall be unlawful for any person to operate a motor vehicle required to have an

47 alternative fuel decal upon the highways of this state without a valid decal.

48         7. No person shall cause to be put, or put, LP gas or natural gas into the fuel supply  
49 receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle  
50 has a valid decal attached to it. Sales of fuel placed in the supply receptacle of a motor vehicle  
51 displaying such decal shall be recorded upon an invoice, which invoice shall include the decal  
52 number, the motor vehicle license number and the number of gallons placed in such supply  
53 receptacle.

54         8. Any person violating any provision of this section is guilty of an infraction and shall,  
55 upon conviction thereof, be fined five hundred dollars.

56         9. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing  
57 and reporting requirements of this chapter.

142.923. 1. Except as expressly provided in subsection 2 of this section, no person shall  
2 sell, use, deliver, or store in this state, or import for sale, use, delivery or storage in this state,  
3 motor fuel as to which the tax imposed by section 142.803 has not been previously paid to or  
4 accrued by either a licensed supplier, or permissive supplier, at the time of removal from a  
5 terminal, or a licensed distributor provided all the conditions of section 142.929 applicable to  
6 lawful import by the distributor shall have been met.

7         2. The provisions of subsection 1 of this section shall not apply to:

8         (1) A supplier with respect to motor fuel held within the bulk transfer/terminal system  
9 in this state which was manufactured in this state or imported into this state in a bulk transfer;

10         (2) A consumer with respect to motor fuel placed in the vehicle supply tank of that  
11 person outside of this state, except an interstate motor fuel user;

12         (3) Diesel fuel dyed in accordance with this chapter;

13         (4) Motor fuel in the process of exportation by a supplier or a distributor in accordance  
14 with the shipping papers required by section 142.914 and a statement meeting the requirements  
15 of section 142.926 is shown on the shipping papers;

16         (5) Kerosene used in aircraft subject to the conditions and exceptions in subsection 1 of  
17 section 142.815;

18         (6) Fuel in possession of a consumer as to which a refund has been issued;

19         (7) Government and other exempt fuel under subdivisions (3) and (4) of subsection 2 of  
20 section 142.815 and section [142.617] **308.660, RSMo**; or

21         (8) A distributor who has met the conditions of section 142.926.

22         3. A person who violates this section shall be guilty of a class A misdemeanor and shall  
23 be subject to impoundment and seizure of the vehicle and its cargo.

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to  
2 144.525 have the meanings ascribed to them in this section, except when the context indicates

3 a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and other similar  
5 accommodations and charges made therefor and amount paid for admission, exclusive of any  
6 admission tax imposed by the federal government or by sections 144.010 to 144.525;

7 (2) "Business" includes any activity engaged in by any person, or caused to be engaged  
8 in by him, with the object of gain, benefit or advantage, either direct or indirect, and the  
9 classification of which business is of such character as to be subject to the terms of sections  
10 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service,  
11 substance, or thing, by a person not engaged in such business, does not constitute engaging in  
12 business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross  
13 receipts from such sales, exclusive of receipts from the sale of tangible personal property by  
14 persons which property is sold in the course of the partial or complete liquidation of a household,  
15 farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The  
16 provisions of this subdivision shall not be construed to make any sale of property which is  
17 exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

18 (3) "Gross receipts", except as provided in section 144.012, means the total amount of  
19 the sale price of the sales at retail including any services other than charges incident to the  
20 extension of credit that are a part of such sales made by the businesses herein referred to, capable  
21 of being valued in money, whether received in money or otherwise; except that, the term "gross  
22 receipts" shall not include the sale price of property returned by customers when the full sale  
23 price thereof is refunded either in cash or by credit. In determining any tax due under sections  
24 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be  
25 specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the  
26 sale price above mentioned shall be deemed to be the amount received. It shall also include the  
27 lease or rental consideration where the right to continuous possession or use of any article of  
28 tangible personal property is granted under a lease or contract and such transfer of possession  
29 would be taxable if outright sale were made and, in such cases, the same shall be taxable as if  
30 outright sale were made and considered as a sale of such article, and the tax shall be computed  
31 and paid by the lessee upon the rentals paid;

32 (4) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to,  
33 ostrich and emu, aquatic products as defined in section 277.024, RSMo, elk documented as  
34 obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised  
35 in confinement for human consumption;

36 (5) "Motor vehicle leasing company" shall be a company obtaining a permit from the  
37 director of revenue to operate as a motor vehicle leasing company. Not all persons renting or  
38 leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to

39 obtain such a permit may avail [itself] **himself or herself** of the optional tax provisions of  
40 subsection 5 of section 144.070, as hereinafter provided;

41 (6) "Person" includes any individual, firm, copartnership, joint [adventure] **venture**,  
42 association, corporation, municipal or private, and whether organized for profit or not, state,  
43 county, political subdivision, state department, commission, board, bureau or agency, except the  
44 state transportation department, estate, trust, business trust, receiver or trustee appointed by the  
45 state or federal court, syndicate, or any other group or combination acting as a unit, and the plural  
46 as well as the singular number;

47 (7) "Purchaser" means a person who purchases tangible personal property or to whom  
48 are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

49 (8) "Research or experimentation activities"[.] are the development of an experimental  
50 or pilot model, plant process, formula, invention or similar property, and the improvement of  
51 existing property of such type. Research or experimentation activities do not include activities  
52 such as ordinary testing or inspection of materials or products for quality control, efficiency  
53 surveys, advertising promotions or research in connection with literary, historical or similar  
54 projects;

55 (9) "Sale" or "sales" includes installment and credit sales, and the exchange of properties  
56 as well as the sale thereof for money, every closed transaction constituting a sale, and means any  
57 transfer, exchange or barter, conditional or otherwise, in any manner or by any means  
58 whatsoever, of tangible personal property for valuable consideration and the rendering,  
59 furnishing or selling for a valuable consideration any of the substances, things and services  
60 herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

61 (10) "Sale at retail" means any transfer made by any person engaged in business as  
62 defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use  
63 or consumption and not for resale in any form as tangible personal property, for a valuable  
64 consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed  
65 thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,  
66 optometrists and veterinarians and used in the practice of their professions shall be deemed to  
67 be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts,  
68 computer output or microfilm or microfiche and computer-assisted photo compositions to a  
69 purchaser to enable the purchaser to obtain for his or her own use the desired information  
70 contained in such computer printouts, computer output on microfilm or microfiche and  
71 computer-assisted photo compositions shall be considered as the sale of a service and not as the  
72 sale of tangible personal property. Where necessary to conform to the context of sections  
73 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to  
74 embrace:

75 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of  
76 amusement, entertainment and recreation, games and athletic events;

77 (b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic,  
78 commercial or industrial consumers;

79 (c) Sales of local and long distance telecommunications service to telecommunications  
80 subscribers and to others through equipment of telecommunications subscribers for the  
81 transmission of messages and conversations, and the sale, rental or leasing of all equipment or  
82 services pertaining or incidental thereto;

83 (d) Sales of service for transmission of messages by telegraph companies;

84 (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern,  
85 inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in  
86 which rooms, meals or drinks are regularly served to the public;

87 (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express  
88 car, boat, airplane, and such buses and trucks as are licensed by the [division of motor carrier and  
89 railroad safety of the department of economic development of Missouri] **state highways and**  
90 **transportation commission**, engaged in the transportation of persons for hire;

91 (11) "Seller" means a person selling or furnishing tangible personal property or rendering  
92 services, on the receipts from which a tax is imposed pursuant to section 144.020;

93 (12) The noun "tax" means either the tax payable by the purchaser of a commodity or  
94 service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities  
95 or services during the period for which he or she is required to report his or her collections, as  
96 the context may require;

97 (13) "Telecommunications service", for the purpose of this chapter, the transmission of  
98 information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar  
99 means. As used in this definition, "information" means knowledge or intelligence represented  
100 by any form of writing, signs, signals, pictures, sounds, or any other symbols.  
101 Telecommunications service does not include the following if such services are separately stated  
102 on the customer's bill or on records of the seller maintained in the ordinary course of business:

103 (a) Access to the Internet, access to interactive computer services or electronic  
104 publishing services, except the amount paid for the telecommunications service used to provide  
105 such access;

106 (b) Answering services and one-way paging services;

107 (c) Private mobile radio services which are not two-way commercial mobile radio  
108 services such as wireless telephone, personal communications services or enhanced specialized  
109 mobile radio services as defined pursuant to federal law; or

110 (d) Cable or satellite television or music services; and

111 (14) "Product which is intended to be sold ultimately for final use or consumption"  
112 means tangible personal property, or any service that is subject to state or local sales or use taxes,  
113 or any tax that is substantially equivalent thereto, in this state or any other state.

114 2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other  
115 provisions of law pertaining to sales or use taxes which incorporate the provisions of sections  
116 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning  
117 given it in section 700.010, RSMo.

118 3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of  
2 engaging in the business of selling tangible personal property or rendering taxable service at  
3 retail in this state. The rate of tax shall be as follows:

4 (1) Upon every retail sale in this state of tangible personal property, including but not  
5 limited to motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard  
6 motors, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale  
7 involves the exchange of property, a tax equivalent to four percent of the consideration paid or  
8 charged, including the fair market value of the property exchanged at the time and place of the  
9 exchange, except as otherwise provided in section 144.025;

10 (2) A tax equivalent to four percent of the amount paid for admission and seating  
11 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation,  
12 games and athletic events;

13 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of  
14 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or  
15 industrial consumers;

16 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local  
17 and long distance telecommunications service to telecommunications subscribers and to others  
18 through equipment of telecommunications subscribers for the transmission of messages and  
19 conversations and upon the sale, rental or leasing of all equipment or services pertaining or  
20 incidental thereto; except that, the payment made by telecommunications subscribers or others,  
21 pursuant to section 144.060, and any amounts paid for access to the Internet or interactive  
22 computer services shall not be considered as amounts paid for telecommunications services;

23 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of  
24 services for transmission of messages of telegraph companies;

25 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,  
26 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore,  
27 dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are  
28 regularly served to the public;

29 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets  
30 by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such  
31 buses and trucks as are licensed by the [division of motor carrier and railroad safety of the  
32 department of economic development of Missouri] **state highways and transportation**  
33 **commission**, engaged in the transportation of persons for hire;

34 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease of  
35 tangible personal property, provided that if the lessor or renter of any tangible personal property  
36 had previously purchased the property under the conditions of "sale at retail" as defined in  
37 subdivision [(8)] **(10)** of section 144.010 or leased or rented the property and the tax was paid  
38 at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply  
39 or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that  
40 property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds,  
41 motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this  
42 section and section 144.070. In no event shall the rental or lease of boats and outboard motors  
43 be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation  
44 nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of  
45 amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be  
46 taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles  
47 and trailers. Tangible personal property which is exempt from the sales or use tax under section  
48 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental  
49 thereof.

50 2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525  
51 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the  
52 words "This ticket is subject to a sales tax."

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

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

13 and sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of  
15 such excise tax is refunded pursuant to section [142.584] **142.824**, RSMo; or upon the sale at  
16 retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current  
17 or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to  
18 be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed,  
19 limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when  
20 harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in  
21 processed form at retail; economic poisons registered pursuant to the provisions of the Missouri  
22 pesticide registration law (sections [281.220] **281.210** to 281.310, RSMo) which are to be used  
23 in connection with the growth or production of crops, fruit trees or orchards applied before,  
24 during, or after planting, the crop of which when harvested will be sold at retail or will be  
25 converted into foodstuffs which are to be sold ultimately in processed form at retail;

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

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

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely  
39 required for the installation or construction of such replacement machinery, equipment, and  
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is  
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and  
42 the materials and supplies required solely for the operation, installation or construction of such  
43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,  
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material  
45 recovery processing plant" means a facility which converts recovered materials into a new  
46 product, or a different form which is used in producing a new product, and shall include a facility  
47 or equipment which is used exclusively for the collection of recovered materials for delivery to  
48 a material recovery processing plant but shall not include motor vehicles used on highways. For

49 purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning  
50 pursuant to section 301.010, RSMo;

51 (5) Machinery and equipment, and parts and the materials and supplies solely required  
52 for the installation or construction of such machinery and equipment, purchased and used to  
53 establish new or to expand existing manufacturing, mining or fabricating plants in the state if  
54 such machinery and equipment is used directly in manufacturing, mining or fabricating a product  
55 which is intended to be sold ultimately for final use or consumption;

56 (6) Tangible personal property which is used exclusively in the manufacturing,  
57 processing, modification or assembling of products sold to the United States government or to  
58 any agency of the United States government;

59 (7) Animals or poultry used for breeding or feeding purposes;

60 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and  
61 other machinery, equipment, replacement parts and supplies used in producing newspapers  
62 published for dissemination of news to the general public;

63 (9) The rentals of films, records or any type of sound or picture transcriptions for public  
64 commercial display;

65 (10) Pumping machinery and equipment used to propel products delivered by pipelines  
66 engaged as common carriers;

67 (11) Railroad rolling stock for use in transporting persons or property in interstate  
68 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or  
69 more or trailers used by common carriers, as defined in section [390.020] **308.020**, RSMo, solely  
70 in the transportation of persons or property in interstate commerce;

71 (12) Electrical energy used in the actual primary manufacture, processing, compounding,  
72 mining or producing of a product, or electrical energy used in the actual secondary processing  
73 or fabricating of the product, or a material recovery processing plant as defined in subdivision  
74 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical  
75 energy so used exceeds ten percent of the total cost of production, either primary or secondary,  
76 exclusive of the cost of electrical energy so used or if the raw materials used in such processing  
77 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.  
78 For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts  
79 performed upon materials to transform and reduce them to a different state or thing, including  
80 treatment necessary to maintain or preserve such processing by the producer at the production  
81 facility;

82 (13) Anodes which are used or consumed in manufacturing, processing, compounding,  
83 mining, producing or fabricating and which have a useful life of less than one year;

84 (14) Machinery, equipment, appliances and devices purchased or leased and used solely

85 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies  
86 solely required for the installation, construction or reconstruction of such machinery, equipment,  
87 appliances and devices, and so certified as such by the director of the department of natural  
88 resources, except that any action by the director pursuant to this subdivision may be appealed to  
89 the air conservation commission which may uphold or reverse such action;

90 (15) Machinery, equipment, appliances and devices purchased or leased and used solely  
91 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies  
92 solely required for the installation, construction or reconstruction of such machinery, equipment,  
93 appliances and devices, and so certified as such by the director of the department of natural  
94 resources, except that any action by the director pursuant to this subdivision may be appealed to  
95 the Missouri clean water commission which may uphold or reverse such action;

96 (16) Tangible personal property purchased by a rural water district;

97 (17) All amounts paid or charged for admission or participation or other fees paid by or  
98 other charges to individuals in or for any place of amusement, entertainment or recreation, games  
99 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a  
100 municipality or other political subdivision where all the proceeds derived therefrom benefit the  
101 municipality or other political subdivision and do not inure to any private person, firm, or  
102 corporation;

103 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,  
104 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of  
105 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically  
106 including hearing aids and hearing aid supplies and all sales of drugs which may be legally  
107 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to  
108 administer those items, including samples and materials used to manufacture samples which may  
109 be dispensed by a practitioner authorized to dispense such samples and all sales of medical  
110 oxygen, home respiratory equipment and accessories, hospital beds and accessories and  
111 ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,  
112 electronic Braille equipment and, if purchased by or on behalf of a person with one or more  
113 physical or mental disabilities to enable them to function more independently, all sales of  
114 scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and  
115 augmentative communication devices, and items used solely to modify motor vehicles to permit  
116 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or  
117 nonprescription drugs to individuals with disabilities;

118 (19) All sales made by or to religious and charitable organizations and institutions in  
119 their religious, charitable or educational functions and activities and all sales made by or to all  
120 elementary and secondary schools operated at public expense in their educational functions and

121 activities;

122 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce  
123 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,  
124 including fraternal organizations which have been declared tax exempt organizations pursuant  
125 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic  
126 or charitable functions and activities and all sales made to eleemosynary and penal institutions  
127 and industries of the state, and all sales made to any private not-for-profit institution of higher  
128 education not otherwise excluded pursuant to subdivision (19) of this subsection or any  
129 institution of higher education supported by public funds, and all sales made to a state relief  
130 agency in the exercise of relief functions and activities;

131 (21) All ticket sales made by benevolent, scientific and educational associations which  
132 are formed to foster, encourage, and promote progress and improvement in the science of  
133 agriculture and in the raising and breeding of animals, and by nonprofit summer theater  
134 organizations if such organizations are exempt from federal tax pursuant to the provisions of the  
135 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any  
136 fair conducted by a county agricultural and mechanical society organized and operated pursuant  
137 to sections 262.290 to 262.530, RSMo;

138 (22) All sales made to any private not-for-profit elementary or secondary school, all sales  
139 of feed additives, medications or vaccines administered to livestock or poultry in the production  
140 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for  
141 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,  
142 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying  
143 agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and  
144 trailers. As used in this subdivision, the term "feed additives" means tangible personal property  
145 which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock  
146 or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop  
147 oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance  
148 the effect of a pesticide and the foam used to mark the application of pesticides and herbicides  
149 for the production of crops, livestock or poultry. As used in this subdivision, the term "farm  
150 machinery" means new or used farm tractors and such other new or used farm machinery and  
151 equipment and repair or replacement parts thereon and lubricants used exclusively for such farm  
152 machinery and equipment and one-half of each purchaser's purchase of diesel fuel therefor which  
153 is:

- 154 (a) Used exclusively for agricultural purposes;  
155 (b) Used on land owned or leased for the purpose of producing farm products; and  
156 (c) Used directly in producing farm products to be sold ultimately in processed form or

157 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold  
158 ultimately in processed form at retail;

159 (23) Except as otherwise provided in section 144.032, all sales of metered water service,  
160 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil  
161 for domestic use and in any city not within a county, all sales of metered or unmetered water  
162 service for domestic use;

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

171 (b) Regulated utility sellers shall determine whether individual purchases are exempt or  
172 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file  
173 with and approved by the Missouri public service commission. Sales and purchases made  
174 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf  
175 of the occupants of residential apartments or condominiums through a single or master meter,  
176 including service for common areas and facilities and vacant units, shall be considered as sales  
177 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales  
178 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility  
179 service rate classification and the provision of service thereunder shall be conclusive as to  
180 whether or not the utility must charge sales tax;

181 (c) Each person making domestic use purchases of services or property and who uses any  
182 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day  
183 of the fourth month following the year of purchase, and without assessment, notice or demand,  
184 file a return and pay sales tax on that portion of nondomestic purchases. Each person making  
185 nondomestic purchases of services or property and who uses any portion of the services or  
186 property so purchased for domestic use, and each person making domestic purchases on behalf  
187 of occupants of residential apartments or condominiums through a single or master meter,  
188 including service for common areas and facilities and vacant units, under a nonresidential utility  
189 service rate classification may, between the first day of the first month and the fifteenth day of  
190 the fourth month following the year of purchase, apply for credit or refund to the director of  
191 revenue and the director shall give credit or make refund for taxes paid on the domestic use  
192 portion of the purchase. The person making such purchases on behalf of occupants of residential

193 apartments or condominiums shall have standing to apply to the director of revenue for such  
194 credit or refund;

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

198 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,  
199 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of  
200 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local  
201 sales taxes on such excise taxes;

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

207 (27) All sales made to an interstate compact agency created pursuant to sections 70.370  
208 to [70.430] **70.441**, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the  
209 functions and activities of such agency as provided pursuant to the compact;

210 (28) Computers, computer software and computer security systems purchased for use  
211 by architectural or engineering firms headquartered in this state. For the purposes of this  
212 subdivision, "headquartered in this state" means the office for the administrative management  
213 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

214 (29) All livestock sales when either the seller is engaged in the growing, producing or  
215 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering  
216 or leasing of such livestock;

217 (30) All sales of barges which are to be used primarily in the transportation of property  
218 or cargo on interstate waterways;

219 (31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately  
220 consumed in connection with the manufacturing of cellular glass products;

221 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or  
222 herbicides used in the production of crops, aquaculture, livestock or poultry;

223 (33) Tangible personal property purchased for use or consumption directly or exclusively  
224 in the research and development of prescription pharmaceuticals consumed by humans or  
225 animals;

226 (34) All sales of grain bins for storage of grain for resale;

227 (35) All sales of feed which are developed for and used in the feeding of pets owned by  
228 a commercial breeder when such sales are made to a commercial breeder, as defined in section

229 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

230 (36) All purchases by a contractor on behalf of an entity located in another state,  
231 provided that the entity is authorized to issue a certificate of exemption for purchases to a  
232 contractor under the provisions of that state's laws. For purposes of this subdivision, the term  
233 "certificate of exemption" shall mean any document evidencing that the entity is exempt from  
234 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.  
235 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's  
236 exemption certificate as evidence of the exemption. If the exemption certificate issued by the  
237 exempt entity to the contractor is later determined by the director of revenue to be invalid for any  
238 reason and the contractor has accepted the certificate in good faith, neither the contractor or the  
239 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result  
240 of use of the invalid exemption certificate. Materials shall be exempt from all state and local  
241 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible  
242 personal property which is used in fulfilling a contract for the purpose of constructing, repairing  
243 or remodeling facilities for the following:

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

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

249 (37) Tangible personal property purchased for use or consumption directly or exclusively  
250 in research or experimentation activities performed by life science companies and so certified  
251 as such by the director of the department of economic development or the director's designees;  
252 except that, the total amount of exemptions certified pursuant to this [section] **subdivision** shall  
253 not exceed one million three hundred thousand dollars in state and local taxes per fiscal year.  
254 For purposes of this subdivision, the term "life science companies" means companies whose  
255 primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients,  
256 and whose North American Industry Classification System (NAICS) Codes fall under industry  
257 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940  
258 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,  
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business  
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any  
4 public way or place of the state of Missouri unless such person holds a currently valid license  
5 from the department for an ambulance service issued pursuant to the provisions of sections  
6 190.001 to [190.245] **190.250**.

7           2. No ground ambulance shall be operated for ambulance purposes, and no individual  
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless  
9 the ground ambulance is under the immediate supervision and direction of a person who is  
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this  
11 section shall be construed to mean that a duly registered nurse or a duly licensed physician be  
12 required to hold an emergency medical technician's license. Each ambulance service is  
13 responsible for assuring that any person driving its ambulance is competent in emergency vehicle  
14 operations and has a safe driving record. Each ground ambulance shall be staffed with at least  
15 two licensed individuals when transporting a patient, except as provided in section 190.094.

16           3. No license shall be required for an ambulance service, or for the attendant of an  
17 ambulance, which:

18           (1) Is rendering assistance in the case of an emergency, major catastrophe or any other  
19 unforeseen event or series of events which jeopardizes the ability of the local ambulance service  
20 to promptly respond to emergencies; or

21           (2) Is operated from a location or headquarters outside of Missouri in order to transport  
22 patients who are picked up beyond the limits of Missouri to locations within or outside of  
23 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for  
24 transportation to locations within Missouri, except as provided in subdivision (1) of this  
25 subsection.

26           4. The issuance of a license pursuant to the provisions of sections 190.001 to [190.245]  
27 **190.250** shall not be construed so as to authorize any person to provide ambulance services or  
28 to operate any ambulances without a franchise in any city not within a county or in a political  
29 subdivision in any county with a population of over nine hundred thousand inhabitants, or a  
30 franchise, contract or mutual-aid agreement in any other political subdivision which has enacted  
31 an ordinance making it unlawful to do so.

32           5. Sections 190.001 to [190.245] **190.250** shall not preclude the adoption of any law,  
33 ordinance or regulation not in conflict with such sections by any city not within a county, or at  
34 least as strict as such sections by any county, municipality or political subdivision except that no  
35 such regulations or ordinances shall be adopted by a political subdivision in a county with a  
36 population of over nine hundred thousand inhabitants except by the county's governing body.

37           6. In a county with a population of over nine hundred thousand inhabitants, the  
38 governing body of the county shall set the standards for all ambulance services which shall  
39 comply with subsection 5 of this section. All such ambulance services must be licensed by the  
40 department. The governing body of such county shall not prohibit a licensed ambulance service  
41 from operating in the county, as long as the ambulance service meets county standards.

42           7. An ambulance service or vehicle when operated for the purpose of transporting

43 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or  
44 contract carrier under the jurisdiction of the [Missouri division of motor carrier and railroad  
45 safety] **state highways and transportation commission.**

46 8. Sections 190.001 to [190.245] **190.250** shall not apply to, nor be construed to include,  
47 any motor vehicle used by an employer for the transportation of such employer's employees  
48 whose illness or injury occurs on private property, and not on a public highway or property, nor  
49 to any person operating such a motor vehicle.

50 9. A political subdivision that is authorized to operate a licensed ambulance service may  
51 establish, operate, maintain and manage its ambulance service, and select and contract with a  
52 licensed ambulance service. Any political subdivision may contract with a licensed ambulance  
53 service.

54 10. Except as provided in subsections 5 and 6 **of this section**, nothing in section 67.300,  
55 RSMo, or subsection 2 of section 190.109, shall be construed to authorize any municipality or  
56 county which is located within an ambulance district or a fire protection district that is authorized  
57 to provide ambulance service to promulgate laws, ordinances or regulations related to the  
58 provision of ambulance services. This provision shall not apply to any municipality or county  
59 which operates an ambulance service established prior to August 28, 1998.

60 11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be  
61 construed to authorize any municipality or county which is located within an ambulance district  
62 or a fire protection district that is authorized to provide ambulance service to operate an  
63 ambulance service without a franchise in an ambulance district or a fire protection district that  
64 is authorized to provide ambulance service which has enacted an ordinance making it unlawful  
65 to do so. This provision shall not apply to any municipality or county which operates an  
66 ambulance service established prior to August 28, 1998.

67 12. No provider of ambulance service within the state of Missouri which is licensed by  
68 the department to provide such service shall discriminate regarding treatment or transportation  
69 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national  
70 origin, ancestry, handicap, medical condition or ability to pay.

71 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,  
72 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter  
73 or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and  
74 villages pursuant to chapter 67, RSMo.

75 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of  
76 such service shall notify the department of the change in ownership within thirty days of such  
77 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the  
78 ambulance service to verify compliance with the licensure standards of sections 190.001 to

79 190.245.

190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate,  
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business  
3 or service of the transportation of passengers by stretcher van upon the streets, alleys, or any  
4 public way or place of the state of Missouri unless such person holds a currently valid license  
5 from the department for a stretcher van service issued pursuant to the provisions of sections  
6 190.525 to 190.537 notwithstanding any provisions of chapter [390 or 622] **308**, RSMo, to the  
7 contrary.

8 2. Subsection 1 of this section shall not preclude any political subdivision that is  
9 authorized to operate a licensed ambulance service from adopting any law, ordinance or  
10 regulation governing the operation of stretcher vans that is at least as strict as the minimum state  
11 standards, and no such regulations or ordinances shall prohibit stretcher van services that were  
12 legally picking up passengers within a political subdivision prior to January 1, 2002, from  
13 continuing to operate within that political subdivision and no political subdivision which did not  
14 regulate or prohibit stretcher van services as of January 1, 2002, shall implement unreasonable  
15 regulations or ordinances to prevent the establishment and operation of such services.

16 3. In any county with a charter form of government and with more than one million  
17 inhabitants, the governing body of the county shall set reasonable standards for all stretcher van  
18 services which shall comply with subsection 2 of this section. All such stretcher van services  
19 must be licensed by the department. The governing body of such county shall not prohibit a  
20 licensed stretcher van service from operating in the county, as long as the stretcher van service  
21 meets county standards.

22 4. Nothing shall preclude the enforcement of any laws, ordinances or regulations of any  
23 political subdivision authorized to operate a licensed ambulance service that were in effect prior  
24 to August 28, 2001.

25 5. Stretcher van services may transport passengers.

26 6. A stretcher van shall be staffed by at least two individuals when transporting  
27 passengers.

28 7. The crew of the stretcher van is required to immediately contact the appropriate  
29 ground ambulance service if a passenger's condition deteriorates.

30 8. Stretcher van services shall not transport patients, persons currently admitted to a  
31 hospital or persons being transported to a hospital for admission or emergency treatment.

32 9. The department of health and senior services shall promulgate regulations, including  
33 but not limited to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance,  
34 vehicle specifications, vehicle communications, passenger safety and records and reports.

35 10. The department of health and senior services shall issue service licenses for a period

36 of no more than five years for each service meeting the established rules.

37       11. Application for a stretcher van license shall be made upon such forms as prescribed  
38 by the department in rules adopted pursuant to sections 190.525 to 190.537. The application  
39 form shall contain such information as the department deems necessary to make a determination  
40 as to whether the stretcher van agency meets all the requirements of sections 190.525 to 190.537  
41 and rules promulgated pursuant to sections 190.525 to 190.537. The department shall conduct  
42 an inspection of the stretcher van service to verify compliance with the licensure standards of  
43 sections 190.525 to 190.537.

44       12. Upon the sale or transfer of any stretcher van service ownership, the owner of the  
45 stretcher van service shall notify the department of the change in ownership within thirty days  
46 prior to the sale or transfer. The department shall conduct an inspection of the stretcher van  
47 service to verify compliance with the licensure standards of sections 190.525 to 190.537.

48       13. Ambulance services licensed pursuant to this chapter or any rules promulgated by  
49 the department of health and senior services pursuant to this chapter may provide stretcher van  
50 and wheelchair transportation services pursuant to sections 190.525 to 190.537.

51       14. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
52 is created under the authority delegated in this section shall become effective only if it complies  
53 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
54 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
55 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
56 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
57 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
58 invalid and void.

226.135. 1. The state highways and transportation commission shall have the authority  
2 to enter into one or more agreements with appropriate authorities within other states for the  
3 issuance of a multistate or regional permit for vehicles and equipment exceeding the legal  
4 limitations on width, length, height and weight, or which are unable to maintain minimum speed  
5 limits. Such permits shall be issued by the chief engineer of the state department of  
6 transportation, or his counterpart in another state subject to such an agreement with the  
7 commission, for good cause shown and when the public safety or public interest so justifies.  
8 Such permits shall be issued only for a single trip or for a definite period, not exceeding the  
9 maximum period set forth in the multistate agreement with the commission, and shall designate  
10 the highways and bridges within Missouri which may be used under the authority of such permit.

11       2. The chief engineer of the department of transportation shall have authority to collect  
12 permit fees for Missouri and for the other state or states subject to an agreement authorized in  
13 subsection 1 of this section, in the same manner as [he] **the engineer** now collects fees for

14 permits for vehicles and equipment exceeding width, length, height and weight limits, or which  
15 are unable to maintain minimum speed limits, for travel exclusively within Missouri. Within  
16 each agreement authorized in this section, the **state** highways and transportation commission  
17 may authorize officials in another state or states subject to that agreement to collect fees for and  
18 on behalf of the commission as well as other states, in compensation for the issuance of such  
19 permits for those vehicles and equipment to travel on Missouri highways and bridges. Permit  
20 fees for multistate travel for such vehicles and equipment shall be established and reestablished  
21 within each agreement authorized in this section, and any amendments thereto.

22         3. The permit fees collected by the chief engineer on behalf of other jurisdictions under  
23 agreements made under subsection 1 of this section **and sections 308.600, 308.660, and**  
24 **308.655, RSMo**, are hereby designated as "nonstate funds" within the meaning of section 15,  
25 article IV, Constitution of Missouri, and shall be immediately transmitted to the department of  
26 revenue of the state for deposit to the credit of a special [fund] **account** which is hereby created  
27 and designated as the "[Over-Dimension Permit Fund] **Interstate Carrier Holding Account**".  
28 The chief engineer shall [not less frequently than once each month] direct the payment of, and  
29 the director of revenue shall pay, the fees so collected to the appropriate other jurisdictions. All  
30 income derived from the investment of the [over-dimension permit fund] **account** by the director  
31 of revenue shall be credited to the state road fund. The portion of those permit fees collected by  
32 another state or states pursuant to the terms of the agreement authorized by this section and  
33 owing to the [Missouri] **state** highways and transportation commission shall be deposited into  
34 the state road fund, as provided in the agreement.

260.203. 1. Any infectious waste transferred from the premises of the generator shall  
2 be taken to an infectious waste processing facility that holds a valid permit issued by the  
3 department, or a hospital as defined in section 197.020, RSMo.

4         2. No infectious waste shall be placed into a solid waste disposal area except as  
5 otherwise provided for in sections 260.200 to [260.245] **260.255** unless it has been treated or  
6 rendered innocuous by a permitted infectious waste processing facility as provided in sections  
7 260.200 to [260.245] **260.255**, or by a hospital as defined in section 197.020, RSMo, by  
8 autoclaving, incineration, chemical disinfection, or other methods of treatment approved by the  
9 department. The department of health and senior services shall promulgate rules covering the  
10 handling and treatment of infectious waste by hospitals as defined in section 197.020, RSMo,  
11 and such rules shall be consistent with the rules of the department under sections 260.200 to  
12 [260.245] **260.255**, and shall be effective no later than January 1, 1989.

13         3. All such wastes[,] when transported off the premises of the generator shall be  
14 packaged and transported as provided by rule under sections 260.200 to [260.245] **260.255 and**  
15 **chapter 308, RSMo**, except that hospitals and small quantity generators as defined by the

16 department under this section may transport infectious waste to a hospital for treatment, an  
17 infectious waste processing facility for treatment or to a central collection point using their  
18 employees and vehicles as long as they meet all other requirements of sections 260.200 to  
19 [260.245] **260.255 and chapter 308, RSMo**, and the rules and regulations promulgated under  
20 sections 260.200 to [260.245] **260.255 and chapter 308, RSMo**.

21 4. The department of health and senior services shall provide for a registration process  
22 for all hospitals pursuant to the provisions of sections 260.200 to [260.245] **260.255** and section  
23 192.005, RSMo. The process shall include a completed and signed application on forms  
24 provided by the department of health and senior services. The forms shall contain the following:

25 (1) A statement certifying that the applicant understands and will comply with the  
26 applicable requirements of sections 260.200 to [260.245] **260.255**; and

27 (2) Other requirements established by the department of health and senior services.

28 5. Registrations shall be renewed annually.

29 6. Unless otherwise provided for in sections 260.200 to [260.245] **260.255**, any person  
30 who treats infectious waste to the specifications of the department of natural resources or the  
31 department of health and senior services, and who proposes to dispose of the residue thereof in  
32 a sanitary landfill shall properly identify the waste and shall certify to the transporter and the  
33 sanitary landfill operator that the waste has been rendered innocuous and may be legally placed  
34 in a sanitary landfill pursuant to the provisions of this section. Persons found to be in violation  
35 of this subsection shall be guilty of a class A misdemeanor.

36 7. Facilities permitted to treat infectious waste shall adhere to an operation plan for the  
37 handling and treatment of infectious waste approved by the department of natural resources as  
38 provided by rule, and hospitals, as defined in section 197.020, RSMo, allowed to treat infectious  
39 waste shall adhere to an operation plan for the handling and treatment of infectious waste  
40 approved by the department of health and senior services as provided by rule. The plan shall  
41 include, but not be limited to, methods of handling and treating the waste, protection of  
42 employees and the public and the maximum amount of waste which may be handled per month.  
43 Approval for acceptance of infectious waste may be withdrawn for noncompliance with the  
44 operation plan. No permitted infectious waste treatment facility shall operate unless it has a solid  
45 waste technician trained in the handling of infectious waste on site during any treatment process.  
46 Such operator shall meet the requirements established by the department pursuant to section  
47 260.205.

48 8. Any transporter or generator who delivers infectious waste to an infectious waste  
49 processing facility, except small quantity generators and hospitals located in Missouri and  
50 defined in section 197.020, RSMo, shall pay a fee of two dollars for each ton of infectious waste  
51 so delivered. Such fees shall be collected by the infectious waste processing facility accepting

52 the waste and transmitted to the department. The department shall promptly transmit funds  
53 collected under this section to the director of the department of revenue for deposit in the solid  
54 waste management fund. Moneys, upon appropriation, shall be used to help pay for the  
55 administrative costs associated with infectious waste management. Any transporter or generator  
56 who transports infectious waste for more than three hundred miles for management in Missouri  
57 shall pay, in addition to the charges above, an additional charge equal to ten percent of the gross  
58 charge charged by the processing facility for the management of such waste. Such fees shall be  
59 collected by the infectious waste processing facility accepting the waste and transmitted to the  
60 department which shall promptly transmit such fees to the department of revenue for deposit in  
61 the general revenue fund.

62 9. Hospitals defined in chapter 197, RSMo, and located in Missouri, may manage  
63 infectious waste generated on the premises by autoclaving, incineration, chemical disinfection  
64 or other methods of treatment approved by the department of health and senior services. Such  
65 hospitals may also treat infectious waste produced by small quantity generators and other  
66 hospitals located in Missouri upon the approval of the department of natural resources and the  
67 department of health and senior services. Failure of either department to respond by issuing a  
68 certification to accept infectious waste in writing to a hospital which has filed in writing to both  
69 departments a notice of intent to treat waste from another hospital within ninety days constitutes  
70 approval of the treatment. All hospitals licensed by the state of Missouri pursuant to chapter  
71 197, RSMo, are exempt from all taxes or fees imposed pursuant to sections 260.350 to [260.480]  
72 **260.482**, provided that no more than twenty-five percent, by weight, of the infectious waste  
73 managed by such hospitals is produced by other generators which are not owned or operated by  
74 the hospital.

75 10. Persons generating one hundred kilograms or less of infectious waste per month are  
76 exempt from the provisions of this section except that the department of health and senior  
77 services shall specify by rule, in accordance with section 192.005, RSMo, infectious waste that  
78 shall be rendered innocuous regardless of quantity. Any person who disposes of waste exempt  
79 from the provisions of [this act] **sections 260.350 to 260.482** in a sanitary landfill shall certify  
80 to the transporter or the sanitary landfill operator that the waste has been handled in a manner  
81 consistent with the law and may be legally placed in a sanitary landfill. Rules promulgated by  
82 the department of natural resources and the department of health and senior services pursuant  
83 to this subsection shall be effective no later than July 1, 1989. Persons found to be in violation  
84 of this subsection shall be guilty of a class A misdemeanor.

85 11. A generator of infectious waste who operates single or multiple site research  
86 facilities for research and experimental activities as defined in Section 174 of the [1986] Internal  
87 Revenue Code **of 1986, as amended**, who generates such waste as a part of research and

88 experimentation activities, and who manages such waste on site, shall not be required to obtain  
89 an infectious waste processing facility permit under this section to manage infectious waste. The  
90 generator may accept infectious waste from other sites of the parent research company located  
91 in Missouri but shall not accept infectious waste from other sources and shall comply with all  
92 other requirements and provisions of sections 260.200 to 260.245, and the rules and regulations  
93 promulgated thereunder. The University of Missouri Ellis Fischel Cancer Center and the other  
94 facilities of the University of Missouri-Columbia shall be considered a multiple site research  
95 facility for the purposes of this section.

96 12. Nothing in this section shall prohibit the transportation of infectious or hazardous  
97 waste from the state of Missouri for management in another state.

98 13. The department of natural resources shall establish, by rule, inspection fees to be paid  
99 to the department by owners or operators of commercial infectious waste incinerators. The fees  
100 shall not exceed the costs of the inspections and shall not exceed ten thousand dollars per year  
101 for a facility. Funds derived from these inspection fees shall be used for the purpose of funding  
102 the inspection of commercial infectious waste incinerators.

103 14. All owners or operators of commercial infectious waste incinerators shall pay the  
104 fees, established by the department by rule, for inspections conducted by the department pursuant  
105 to this section.

106 15. There is hereby created the "Infectious Waste Incinerator Inspection Fund". All  
107 funds received from infectious waste incinerator inspection fees shall be paid to the director of  
108 the department of revenue and deposited in the state treasury to the credit of the infectious waste  
109 incinerator inspection fund. Moneys from such fund shall be used by the department of natural  
110 resources for conducting inspections at commercial infectious waste incinerators.

111 16. The department shall furnish to the person, firm or corporation operating the  
112 commercial infectious waste facility a complete, full and detailed accounting of the cost of the  
113 department's inspection of the facility each time the facility is inspected within thirty days after  
114 the inspection is commenced. Failure to do so shall require the department to refund the  
115 inspection fee.

260.270. 1. (1) It shall be unlawful for any person to haul for commercial profit, collect,  
2 process, or dispose of waste tires in the state except as provided in this section. This section  
3 shall not be construed to prohibit waste tires from being hauled to a lawfully operated facility in  
4 another state. Waste tires shall be collected at a waste tire site, waste tire processing facility,  
5 waste tire end-user facility, or a waste tire collection center. A violation of this subdivision shall  
6 be a class C misdemeanor for the first violation. A second and each subsequent violation shall  
7 be a class A misdemeanor. A third and each subsequent violation, in addition to other penalties  
8 authorized by law, may be punishable by a fine not to exceed five thousand dollars and

9 restitution may be ordered by the court.

10 (2) A person shall not maintain a waste tire site unless the site is permitted by the  
11 department of natural resources for the proper and temporary storage of waste tires or the site is  
12 an integral part of the person's permitted waste tire processing facility or registered waste tire  
13 end-user facility. No new waste tire sites shall be permitted by the department after August 28,  
14 1997, unless they are located at permitted waste tire processing facilities or registered waste tire  
15 end-user facilities. A person who maintained a waste tire site on or before August 28, 1997,  
16 shall not accept any quantity of additional waste tires at such site after August 28, 1997, unless  
17 the site is an integral part of the person's waste tire processing or end-user facility, or unless the  
18 person who maintains such site can verify that a quantity of waste tires at least equal to the  
19 number of additional waste tires received was shipped to a waste tire processing or end-user  
20 facility within thirty days after receipt of such additional waste tires.

21 (3) A person shall not operate a waste tire processing facility unless the facility is  
22 permitted by the department. A person shall not maintain a waste tire end-user facility unless  
23 the facility is registered by the department. The inventory of unprocessed waste tires on the  
24 premises of a waste tire processing or end-user facility shall not exceed the estimated inventory  
25 that can be processed or used in six months of normal and continuous operation. This estimate  
26 shall be based on the volume of tires processed or used by the facility in the last year or the  
27 manufacturer's estimated capacity of the processing or end-user equipment. This estimate may  
28 be increased from time to time when new equipment is obtained by the owner of the facility, and  
29 shall be reduced if equipment used previously is removed from active use. The inventory of  
30 processed waste tires on the premises of a waste tire processing or end-user facility shall not  
31 exceed two times the permitted inventory of an equivalent volume of unprocessed waste tires.

32 (4) Any person selling new, used, or remanufactured tires at retail shall accept, at the  
33 point of transfer, in a quantity equal to the number of tires sold, waste tires from customers, if  
34 offered by such customers. Any person accepting waste tires may charge a reasonable fee  
35 reflecting the cost of proper management of any waste tires accepted; except that the fee shall  
36 not exceed two dollars per waste tire for any tire designed for a wheel of a diameter of sixteen  
37 inches or less and which tire is required to be accepted on a one-for-one basis at the time of a  
38 retail sale pursuant to this subdivision. All tire retailers or other businesses that generate waste  
39 tires shall use a waste tire hauler permitted by the [department] **state highways and**  
40 **transportation commission**, except that businesses that generate or accept waste tires in the  
41 normal course of business may haul such waste tires without a permit, if such hauling is  
42 performed without any consideration and such business maintains records on the waste tires  
43 hauled as required by sections 260.270 to [260.276] **260.278 and chapter 308, RSMo**. Retailers  
44 shall not be liable for illegal disposal of waste tires after such waste tires are delivered to a waste

45 tire hauler[,] **permitted by the state highways and transportation commission, or a** waste tire  
46 collection center, waste tire site, waste tire processing facility or waste tire end-user facility if  
47 such entity is permitted by the department of natural resources.

48 (5) It shall be unlawful for any person to transport waste tires for consideration within  
49 the state [without a permit] **unless permitted as a waste tire hauler by the state highways and**  
50 **transportation commission.**

51 (6) Waste tires may not be deposited in a landfill unless the tires have been cut, chipped  
52 or shredded.

53 2. Within six months after August 28, 1990, owners and operators of any waste tire site  
54 shall provide the department of natural resources with information concerning the site's location,  
55 size, and approximate number of waste tires that have been accumulated at the site and shall  
56 initiate steps to comply with sections 260.270 to [260.276] **260.278.**

57 3. The department of natural resources **and, if applicable, the state highways and**  
58 **transportation commission** shall promulgate rules and regulations pertaining to collection,  
59 storage and processing and transportation of waste tires and such rules and regulations shall  
60 include:

61 (1) Methods of collection, storage and processing of waste tires. Such methods shall  
62 consider the general location of waste tires being stored with regard to property boundaries and  
63 buildings, pest control, accessibility by fire-fighting equipment, and other considerations as they  
64 relate to public health and safety;

65 (2) Procedures for permit application and permit fees for waste tire sites and commercial  
66 waste tire haulers, and by January 1, 1996, procedures for permitting of waste tire processing  
67 facilities and registration of waste tire end-user facilities. The only purpose of such registration  
68 shall be to provide information for the documentation of waste tire handling as described in  
69 subdivision (5) of this subsection, and registration shall not impose any additional requirements  
70 on the owner of a waste tire end-user facility;

71 (3) Requirements for performance bonds or other forms of financial assurance for waste  
72 tire sites;

73 (4) Exemptions from the requirements of sections 260.270 to [260.276] **260.278;** and

74 (5) By January 1, 1996, requirements for record-keeping procedures for retailers and  
75 other businesses that generate waste tires, waste tire haulers, waste tire collection centers, waste  
76 tire sites, waste tire processing facilities, and waste tire end-user facilities. Required record  
77 keeping shall include the source and number or weight of tires received and the destination and  
78 number of tires or weight of tires or tire pieces shipped or otherwise disposed of and such records  
79 shall be maintained for at least three years following the end of the calendar year of such activity.  
80 Detailed record keeping shall not be required where any charitable, fraternal, or other nonprofit

81 organization conducts a program which results in the voluntary cleanup of land or water  
82 resources or the turning in of waste tires.

83 4. Permit fees for waste tire sites and commercial waste tire haulers shall be established  
84 by rule and shall not exceed the cost of administering sections 260.270 to [260.275] **260.278**.  
85 Permit fees shall be deposited into an appropriate subaccount of the solid waste management  
86 fund.

87 5. The department shall:

88 (1) Encourage the voluntary establishment of waste tire collection centers at retail tire  
89 selling businesses and waste tire processing facilities; and

90 (2) Investigate, locate and document existing sites where tires have been or currently are  
91 being accumulated, and initiate efforts to bring these sites into compliance with rules and  
92 regulations promulgated pursuant to the provisions of sections 260.270 to [260.276] **260.278**.

93 6. Any person licensed as an auto dismantler and salvage dealer under chapter 301,  
94 RSMo, may without further license, permit or payment of fee, store but shall not bury on [his]  
95 **the person's** property[,] up to five hundred waste tires that have been chipped, cut or shredded,  
96 if such tires are only from vehicles acquired by [him] **such person**, and such tires are stored in  
97 accordance with the rules and regulations adopted by the department pursuant to this section.  
98 Any tire retailer or wholesaler may hold more than five hundred waste tires for a period not to  
99 exceed thirty days without being permitted as a waste tire site, if such tires are stored in a manner  
100 which protects human health and the environment pursuant to regulations adopted by the  
101 department.

102 7. Notwithstanding any other provisions of sections 260.270 to [260.276] **260.278**, a  
103 person who leases or owns real property may use waste tires for soil erosion abatement and  
104 drainage purposes in accordance with procedures approved by the department, or to secure  
105 covers over silage, hay, straw or agricultural products.

106 8. The department of transportation shall, beginning July 1, 1991, undertake, as part of  
107 its currently scheduled highway improvement projects, demonstration projects using recovered  
108 rubber from waste tires as surfacing material, structural material, subbase material and fill,  
109 consistent with standard engineering practices. The department shall evaluate the efficacy of  
110 using recovered rubber in highway improvements, and shall encourage the modification of road  
111 construction specifications, when possible, for the use of recovered rubber in highway  
112 improvement projects.

113 9. The director **or the state highways and transportation commission** may request a  
114 prosecuting attorney to institute a prosecution for any violation of this section. In addition, the  
115 prosecutor of any county or circuit attorney of any city not within a county may, by information  
116 or indictment, institute a prosecution for any violation of this section.

260.370. 1. Where proven technology is available and the economic impact is reasonable, pursuant to rules and regulations promulgated by the commission, the hazardous waste management commission shall encourage that every effort is made to effectively treat, recycle, detoxify, incinerate or otherwise treat hazardous waste to be disposed of in the state of Missouri in order that such wastes are not disposed of in a manner which is hazardous to the public health and the environment. Where proven technology is available with respect to a specific hazardous waste and the economic impact is reasonable, pursuant to rules and regulations promulgated by the commission, the hazardous waste management commission shall direct that disposal of the specific hazardous wastes using land filling as the primary method is prohibited.

2. The hazardous waste management commission shall, by rules and regulations, categorize hazardous waste by taking into account toxicity, persistence and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness and other hazardous characteristics. The commission shall by rules and regulations further establish within each category the wastes which may or may not be disposed of through alternative hazardous waste management technologies including, but not limited to, treatment facilities, incinerators, landfills, landfarms, storage facilities, surface impoundments, recycling, reuse and reduction. The commission shall specify, by rule and regulation, the frequency of inspection for each method of hazardous waste management and for the different waste categories at hazardous waste management sites. The inspection may be daily when the hazardous waste management commission deems it necessary. The hazardous waste management commission shall specify, by rule, fees to be paid to the department by owners or operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste from off-site sources, but not including wastes generated by the same person at other sites located in Missouri or within a metropolitan statistical area located partially in Missouri and owned or operated by the same person and transferred to the hazardous waste facility, for treatment, storage or disposal, for inspections conducted by the department to determine compliance with sections 260.350 to [260.430] **260.434** and the regulations promulgated thereunder. Funds derived from these inspection fees shall be used for the purpose of funding the inspection of hazardous waste facilities, as specified in subsection 3 of section 260.391. Such fees shall not exceed twelve thousand dollars per year per facility and the commission shall establish a graduated fee scale based on the volume of hazardous waste accepted with reduced fees for facilities accepting smaller volumes of hazardous waste. The department shall furnish, upon request, to the person, firm or corporation operating the hazardous waste facility a complete, full and detailed accounting of the cost of the department's inspections of the facility

37 for the twelve-month period immediately preceding the request within forty-five days after  
38 receipt of the request. Failure to provide the accounting within forty-five days shall require the  
39 department to refund the inspection fee paid during the twelve-month-time period.

40 3. In addition to any other powers vested in it by law, the commission shall have the  
41 following powers:

42 (1) From time to time adopt, amend or repeal, after due notice and public hearing,  
43 standards, rules and regulations to implement, enforce and carry out the provisions of sections  
44 260.350 to [260.430] **260.434** and any required of this state by any federal hazardous waste  
45 management act and as the commission may deem necessary to provide for the safe management  
46 of hazardous wastes to protect the health of humans and the environment. In implementing this  
47 subsection, the commission shall consider the variations within this state in climate, geology,  
48 population density, quantities and types of hazardous wastes generated, availability of hazardous  
49 waste facilities and such other factors as may be relevant to the safe management of hazardous  
50 wastes. Within two years after September 28, 1977, the commission shall adopt rules and  
51 regulations including the following:

52 (a) Rules and regulations establishing criteria and a listing for the determination of  
53 whether any waste or combination of wastes is hazardous for the purposes of sections 260.350  
54 to 260.430, taking into account toxicity, persistence and degradability in nature, potential for  
55 accumulation in tissue, and other related factors such as flammability, corrosiveness and other  
56 hazardous characteristics;

57 (b) Rules and regulations for the storage, treatment and disposal of hazardous wastes;

58 (c) Rules and regulations for the transportation, containerization and labeling of  
59 hazardous wastes, which shall be consistent with those issued by the [Missouri public service  
60 commission] **state highways and transportation commission**;

61 (d) Rules and regulations establishing standards for the issuance, modification,  
62 suspension, revocation or denial of such licenses and permits as are consistent with the purposes  
63 of sections 260.350 to [260.430] **260.434**;

64 (e) Rules and regulations establishing standards and procedures for the safe operation  
65 and maintenance of hazardous waste facilities in order to protect the health of humans and other  
66 living organisms;

67 (f) Rules and regulations listing those wastes or combinations of wastes, for which  
68 criteria have been established under paragraph (a) of this subdivision and which are not  
69 compatible and which may not be stored or disposed of together;

70 (g) Rules and regulations establishing procedures and requirements for the reporting of  
71 the generation, storage, transportation, treatment or disposal of hazardous wastes;

72 (2) Adopt and publish, after notice as required by the provisions of chapter 536, RSMo,

73 pertaining to administrative rulemaking, and public hearing, a state hazardous waste management  
74 plan to provide for the safe and effective management of hazardous wastes within this state. This  
75 plan shall be adopted within two years after September 28, 1977, and revised at least once every  
76 five years thereafter;

77 (3) Hold hearings, issue notices of hearings and subpoenas requiring the attendance of  
78 witnesses and the production of evidence, administer oaths and take testimony as the commission  
79 deems necessary to accomplish the purposes of sections 260.350 to 260.430 or as required by  
80 any federal hazardous waste management act. Unless otherwise specified in sections 260.350  
81 to 260.430, any of these powers may be exercised on behalf of the commission by any members  
82 thereof or a hearing officer designated by it;

83 (4) Grant individual variances in accordance with the provisions of sections 260.350 to  
84 [260.430] **260.434**;

85 (5) Make such orders as are necessary to implement, enforce and effectuate the powers,  
86 duties and purposes of sections 260.350 to [260.430] **260.434**.

87 4. No rule or portion of a rule promulgated under the authority of sections 260.350 to  
88 [260.480] **260.482** and sections 260.565 to 260.575 shall become effective unless it has been  
89 promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

260.375. The department shall:

2 (1) Exercise general supervision of the administration and enforcement of sections  
3 260.350 to [260.430] **260.434** and all standards, rules and regulations, orders or license and  
4 permit terms and conditions adopted or issued pursuant to sections 260.350 to [260.430]  
5 **260.434**;

6 (2) Develop and implement programs to achieve goals and objectives set by the state  
7 hazardous waste management plan;

8 (3) Retain, employ, provide for and compensate, within appropriations available therefor,  
9 such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as  
10 may be necessary to carry out the provisions of sections 260.350 to [260.430] **260.434** and  
11 prescribe the times at which they shall be appointed and their powers and duties;

12 (4) Budget and receive duly appropriated moneys for expenditures to carry out the  
13 provisions of sections 260.350 to [260.430] **260.434**;

14 (5) Accept, receive and administer grants or other funds or gifts from public and private  
15 agencies including the federal government for the purpose of carrying out any of the functions  
16 of sections 260.350 to [260.430] **260.434**. Funds received by the department pursuant to this  
17 section shall be deposited with the state treasurer and held and disbursed by him or her in  
18 accordance with the appropriations of the general assembly;

19 (6) Provide the commission all necessary support the commission may require to carry

20 out its powers and duties including, but not limited to: keeping of records of all meetings;  
21 notification, at the direction of the chairman of the commission, of the members of the  
22 commission of the time, place and purpose of each meeting by written notice; drafting, for  
23 consideration of the commission, a state hazardous waste management plan and standards, rules  
24 and regulations necessary to carry out the purposes of sections 260.350 to [260.430] **260.434**;  
25 and investigation of petitions for variances and complaints made to the commission and  
26 submission of recommendations thereto;

27 (7) Collect and maintain, and require any person to collect and maintain, such records  
28 and information of hazardous waste generation, storage, transportation, resource recovery,  
29 treatment and disposal in this state, including quantities and types imported and exported across  
30 the borders of this state and install, calibrate and maintain and require any person to install,  
31 calibrate and maintain such monitoring equipment or methods, and make reports consistent with  
32 the purposes of sections 260.350 to [260.430] **260.434**;

33 (8) Secure necessary scientific, technical, administrative and operational services,  
34 including laboratory facilities, by contract or otherwise;

35 (9) Develop facts and make inspections and investigations, including gathering of  
36 samples and performing of tests and analyses, consistent with the purposes of sections 260.350  
37 to [260.430] **260.434**, and in connection therewith, to enter or authorize any representative of the  
38 department to enter, at all reasonable times, in or upon any private or public property for any  
39 purpose required by sections 260.350 to [260.430] **260.434** or any federal hazardous waste  
40 management act. Such entry may be for the purpose, without limitation, of developing or  
41 implementing standards, rules and regulations, orders or license or permit terms and conditions,  
42 of inspecting or investigating any records required to be kept by sections 260.350 to [260.430]  
43 **260.434** or any license or permit issued pursuant to sections 260.350 to [260.430] **260.434** or any  
44 hazardous waste management practice which the department or commission believes violates  
45 sections 260.350 to [260.430] **260.434**, or any standard, rule or regulation, order or license or  
46 permit term or condition adopted or issued pursuant to sections 260.350 to [260.430] **260.434**,  
47 or otherwise endangers the health of humans or the environment, or the site of any suspected  
48 violation of sections 260.350 to [260.430] **260.434**, or any standard, rule or regulation, order, or  
49 license or permit term or condition adopted or issued pursuant to sections 260.350 to [260.430]  
50 **260.434**. The results of any such investigation shall be reduced to writing and shall be furnished  
51 to the owner or operator of the property. No person shall refuse entry or access requested for the  
52 purpose of inspection pursuant to this subdivision to an authorized representative of the  
53 department or commission who presents appropriate credentials, nor obstruct or hamper the  
54 representative in carrying out the inspection. A suitably restricted search warrant, upon a  
55 showing of probable cause in writing and upon oath, shall be issued by any judge or associate

56 circuit judge having jurisdiction to any such representative for the purpose of enabling the  
57 representative to make such inspection;

58 (10) Require each hazardous waste generator located within this state and each  
59 hazardous waste generator located outside of this state before utilizing any hazardous waste  
60 facility in this state to file a registration report containing such information as the commission  
61 by regulation may specify relating to types and quantities of hazardous waste generated and  
62 methods of hazardous waste management, and to meet all other requirements placed upon  
63 hazardous waste generators by sections 260.350 to [260.430] **260.434** and the standards, rules  
64 and regulations and orders adopted or issued pursuant to sections 260.350 to [260.430] **260.434**;

65 (11) Require each hazardous waste transporter operating in this state to obtain a license  
66 **in accordance with the provisions of chapter 308, RSMo**, and to meet all applicable  
67 requirements of sections 260.350 to [260.430] **260.434** and the standards, rules and regulations,  
68 orders and license terms and conditions adopted or issued pursuant to sections 260.350 to  
69 [260.430] **260.434**;

70 (12) Require each hazardous waste facility owner and operator to obtain a permit for  
71 each such facility and to meet all applicable requirements of sections 260.350 to [260.430]  
72 **260.434** and the standards, rules and regulations, orders and permit terms and conditions adopted  
73 or issued pursuant to sections 260.350 to [260.430] **260.434**;

74 (13) Issue, continue in effect, revoke, modify or deny in accordance with the standards,  
75 rules and regulations, hazardous waste transporter licenses **in accordance with chapter 308,**  
76 **RSMo**, and hazardous waste facility permits **in accordance with this chapter**;

77 (14) Encourage voluntary cooperation by persons or affected groups to achieve the  
78 purposes of sections 260.350 to [260.430] **260.434**;

79 (15) Enter such order or determination as may be necessary to effectuate the provisions  
80 of sections 260.350 to [260.430] **260.434** and the standards, rules and regulations, and license  
81 and permit terms and conditions adopted or issued pursuant to sections 260.350 to [260.430]  
82 **260.434**;

83 (16) Enter such order or cause to be instituted in a court of competent jurisdiction such  
84 legal proceedings as may be necessary in a situation of imminent hazard, as prescribed in section  
85 260.420;

86 (17) Settle or compromise as it may deem advantageous to the state, with the approval  
87 of the commission, any suit undertaken by the commission for recovery of any penalty or for  
88 compelling compliance with any provision of sections 260.350 to [260.430] **260.434** or any  
89 standard, rule or regulation, order, or license or permit term or condition adopted or issued  
90 pursuant to sections 260.350 to [260.430] **260.434**;

91 (18) Advise, consult and cooperate with other agencies of the state, the federal

92 government, other states and interstate agencies and with affected groups, political subdivisions  
93 and industries in furtherance of the purposes of sections 260.350 to [260.430] **260.434** and, upon  
94 request, consult with persons subject to sections 260.350 to [260.430] **260.434** on the proper  
95 measures necessary to comply with the requirements of sections 260.350 to [260.430] **260.434**  
96 and rules and regulations adopted pursuant to sections 260.350 to [260.430] **260.434**;

97 (19) Encourage, coordinate, participate in or conduct studies, investigations, research and  
98 demonstrations relating to hazardous waste management as it may deem advisable and necessary  
99 for the discharge of its duties pursuant to sections 260.350 to [260.430] **260.434**;

100 (20) Represent the state of Missouri in all matters pertaining to interstate hazardous  
101 waste management including the negotiation of interstate compacts or agreements;

102 (21) Arrange for the establishment, staffing, operation and maintenance of collection  
103 stations, within appropriations or other funding **made** available [therefor], for householders,  
104 farmers and other exempted persons as provided in section 260.380;

105 (22) Collect and disseminate information relating to hazardous waste management;

106 (23) Conduct education and training programs on hazardous waste problems and  
107 management;

108 (24) Encourage and facilitate public participation in the development, revision and  
109 implementation of the state hazardous waste program;

110 (25) Encourage waste reduction, resource recovery, exchange and energy conservation  
111 in hazardous waste management;

112 (26) Exercise all powers necessary to carry out the provisions of sections 260.350 to  
113 [260.430] **260.434**, assure that the state of Missouri complies with any federal hazardous waste  
114 management act and retains maximum control thereunder, and receives all desired federal grants,  
115 aid and other benefits;

116 (27) Present to the public, at a public meeting, and to the governor and the members of  
117 the general assembly, an annual report on the status of the state hazardous waste program;

118 (28) Develop comprehensive plans and programs to aid in the establishment of  
119 hazardous waste disposal sites as needed within the various geographical areas of the state within  
120 a reasonable period of time;

121 (29) Control, abate or clean up any hazardous waste placed into or on the land in a  
122 manner which endangers or is reasonably likely to endanger the health of humans or the  
123 environment and, in aid thereof, may cause to be filed by the attorney general or a prosecuting  
124 attorney[,] a suit seeking mandatory or prohibitory injunctive relief or such other relief as may  
125 be appropriate. The department shall also take such action as is necessary to recover all costs  
126 associated with the cleanup of any hazardous waste from the person responsible for the waste.  
127 All money received shall be deposited in the hazardous waste fund created in section 260.391;

128 (30) Oversee any corrective action work undertaken pursuant to sections 260.350 to  
129 [260.430] **260.434** and rules promulgated pursuant to sections 260.350 to [260.430] **260.434** to  
130 investigate, monitor, or clean up releases of hazardous waste or hazardous constituents to the  
131 environment at hazardous waste facilities. The department shall review the technical and  
132 regulatory aspects of corrective action plans, reports, documents, and associated field activities,  
133 and attest to their accuracy and adequacy. Owners or operators of hazardous waste facilities  
134 performing corrective actions shall pay to the department all reasonable costs, as determined by  
135 the commission, incurred by the department pursuant to this subdivision. All such funds  
136 remitted by owners or operators of hazardous waste facilities performing corrective actions shall  
137 be deposited in the hazardous waste fund created in section 260.391.

260.380. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste generators  
3 shall:

4 (1) Promptly file and maintain with the department, on registration forms it provides for  
5 this purpose, information on hazardous waste generation and management as specified by rules  
6 and regulations, and the hazardous waste generator may provide such information in a single  
7 registration form for all hazardous waste generation sites owned or operated by the hazardous  
8 waste generator or may register each hazardous waste generation site separately for the purposes  
9 of subdivision (10) of this subsection. Hazardous waste generators shall pay a one hundred  
10 dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee  
11 annually thereafter to maintain an active registration. Such fees shall be deposited in the  
12 hazardous waste fund created in section 260.391;

13 (2) Containerize and label all hazardous wastes as specified by standards, rules and  
14 regulations;

15 (3) Segregate all hazardous wastes from all nonhazardous wastes and from  
16 noncompatible wastes, materials and other potential hazards as specified by standards, rules and  
17 regulations;

18 (4) Provide safe storage and handling, including spill protection, as specified by  
19 standards, rules and regulations, for all hazardous wastes from the time of their generation to the  
20 time of their removal from the site of generation;

21 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste  
22 transporter holding a license pursuant to [sections 260.350 to 260.430] **chapter 308, RSMo**, for  
23 the removal of all hazardous wastes from the premises where they were generated;

24 (6) Unless provided otherwise in the rules and regulations **of the state highways and**  
25 **transportation commission**, provide a separate manifest to the transporter for each load of  
26 hazardous waste transported from the premises where it was generated. The generator shall

27 specify the destination of such load on the manifest. The manner in which the manifest shall be  
28 completed, signed and filed with the department **or the state highways and transportation**  
29 **commission** shall be in accordance with **applicable** rules and regulations;

30 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,  
31 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to [260.430]  
32 **260.434** or the federal Resource Conservation and Recovery Act, or a state hazardous waste  
33 management program authorized pursuant to the federal Resource Conservation and Recovery  
34 Act, or any facility exempted from the permit required pursuant to section [260.395] **308.305,**  
35 **RSMo;**

36 (8) Collect and maintain such records, perform such monitoring or analyses, and submit  
37 such reports on any hazardous waste generated, its transportation and final disposition, as  
38 specified in sections 260.350 to [260.430] **260.434** and rules and regulations adopted pursuant  
39 to sections 260.350 to [260.430] **260.434;**

40 (9) Make available to the department upon request samples of waste and all records  
41 relating to hazardous waste generation and management for inspection and copying and allow  
42 the department to make unhampered inspections at any reasonable time of hazardous waste  
43 generation and management facilities located on the generator's property and hazardous waste  
44 generation and management practices carried out on the generator's property;

45 (10) Pay annually, on or before January first of each year, effective January 1, 1982, a  
46 fee to the state of Missouri to be placed in the hazardous waste fund to be used solely for the  
47 administrative costs of the program. The fee shall not exceed one dollar per ton of hazardous  
48 waste registered with the department as specified in subdivision (1) of this subsection for the  
49 twelve-month period ending June thirtieth of the previous year. The amount of the fee shall be  
50 established annually by the commission by rule or regulation. However, the fee shall not exceed  
51 ten thousand dollars per generator per year and no fee shall be imposed upon any generator who  
52 registers less than ten tons of hazardous waste annually with the department;

53 (a) All moneys payable pursuant to the provisions of this subdivision shall be promptly  
54 transmitted to the department of revenue, which shall deposit the same in the state treasury to the  
55 credit of the hazardous waste fund created in section 260.391;

56 (b) The hazardous waste management commission shall establish and submit to the  
57 department of revenue procedures relating to the collection of the fees authorized by this  
58 subdivision. Such procedures shall include, but not be limited to, necessary records identifying  
59 the quantities of hazardous waste registered, the form and submission of reports to accompany  
60 the payment of fees, the time and manner of payment of fees, which shall not be more often than  
61 quarterly.

62 2. Exempted from the requirements of this section are individual householders and

63 farmers who generate only small quantities of hazardous waste and any person the commission  
64 determines generates only small quantities of hazardous waste on an infrequent basis, except  
65 that:

66 (1) Householders, farmers and exempted persons shall manage all hazardous wastes they  
67 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to  
68 the environment, or create a public nuisance; and

69 (2) The department may determine that a specific quantity of a specific hazardous waste  
70 requires special management. Upon such determination and after public notice by press release  
71 or advertisement thereof, including instructions for handling and delivery, generators exempted  
72 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a  
73 licensed hazardous waste transporter, such waste to:

74 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections  
75 260.350 to [260.430] **260.434** or the federal Resource Conservation and Recovery Act, or a state  
76 hazardous waste management program authorized pursuant to the federal Resource Conservation  
77 and Recovery Act which the department designates for this purpose; or

78 (b) A collection station or vehicle which the department may arrange for and designate  
79 for this purpose.

260.390. 1. [After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370,] Hazardous waste facility  
3 owners or operators shall:

4 (1) Not construct, substantially alter or operate, including all postclosure activities and  
5 operations specified in the rules and regulations, a hazardous waste facility without first  
6 obtaining a hazardous waste facility permit from the department as specified in section [260.395]  
7 **308.305, RSMo;**

8 (2) Operate the facility according to the standards, rules and regulations adopted under  
9 sections 260.350 to [260.430] **260.434** and all terms and conditions of the permit;

10 (3) Unless otherwise provided in sections 260.350 to [260.430] **260.434** or the rules and  
11 regulations adopted hereunder, accept delivery of hazardous waste only if delivery is by a  
12 hazardous waste transporter holding a license under [sections 260.350 to 260.430] **chapter 308,**  
13 **RSMo**, the shipment is accompanied by a manifest properly completed by both the generator and  
14 transporter and their facility is the destination indicated by the generator on the manifest.  
15 Exempted from the requirements of this subsection are deliveries, when directed by the  
16 department, from householders, farmers and other persons exempted from generator  
17 responsibilities under provisions of section 260.380 and deliveries made in emergency situations  
18 as specified in sections 260.350 to [260.550] **260.552** or the rules and regulations adopted  
19 hereunder. For such exempted deliveries they shall make a record of any waste accepted, its

20 type, quantity, origin and the identity of the person making the delivery and promptly report this  
21 information to the department;

22 (4) Complete, sign and file the facility operator portion of the manifest as specified in  
23 rules and regulations adopted under sections 260.350 to [260.430] **260.434**;

24 (5) Whenever final disposition is to be achieved at another hazardous waste or exempted  
25 facility, initiate a new manifest and comply with the other responsibilities of generators specified  
26 in sections 260.350 to [260.430] **260.434** and in rules and regulations and terms and conditions  
27 of their permit adopted or issued hereunder;

28 (6) Collect and maintain such records, submit such reports and perform such monitoring  
29 as specified in sections 260.350 to [260.430] **260.434** and in rules and regulations and terms and  
30 conditions of their permit adopted or issued hereunder;

31 (7) Make available to the department, upon request, samples of wastes received and all  
32 records, for inspection and copying, relating to hazardous waste management and allow the  
33 department to make unhampered inspections at any reasonable time of all facilities and  
34 equipment.

35 2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous  
36 waste generator or transporter, a tax equal to two percent of the gross charges and fees charged  
37 such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used  
38 solely for the administration of sections 260.350 to [260.430] **260.434**. The tax shall be  
39 accounted for separately on the statement of charges and fees made to the hazardous waste  
40 generator and shall be collected at the time of the collection of such charges and fees. All  
41 moneys payable under the provisions of this subsection shall be promptly transmitted to the  
42 department of revenue, which shall daily deposit the same in the state treasury to the credit of  
43 the hazardous waste fund. The hazardous waste management commission shall establish and  
44 submit to the department of revenue procedures relating to the collection of the taxes authorized  
45 by this subsection. Such procedures shall include, but not be limited to, necessary records  
46 identifying the quantities of hazardous waste received, the form and submission of reports to  
47 accompany the payment of taxes, the time and manner of payment of taxes, which shall not be  
48 more often than quarterly.

49 3. The owner or operator of a hazardous waste disposal facility must close that facility  
50 upon termination of its operation, and shall after closure of the facility provide for protection  
51 during a postclosure care period, in accordance with the requirements of the commission,  
52 including the funds necessary for same. Protection shall include, but not be limited to,  
53 monitoring and maintenance subject to the rules and regulations of the hazardous waste  
54 management commission. The owner or operator shall maintain a hazardous waste facility  
55 permit for the postclosure care period. The operator and the state may enter into an agreement

56 consistent with the rules and regulations of the hazardous waste management commission where  
57 the state may accept deed to, [and] monitor, and maintain the site.

58 4. All owners or operators of hazardous waste facilities who have obtained, or are  
59 required to obtain, a hazardous waste facility permit from the department and who accept, on a  
60 commercial basis for remuneration, hazardous waste from off-site sources, but not including  
61 wastes generated by the same person at other sites located in Missouri or within a metropolitan  
62 statistical area located partially in Missouri and owned or operated by the same person and  
63 transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for  
64 inspections conducted by the department to determine compliance with sections 260.350 to  
65 [260.430] **260.434** and the rules promulgated thereunder. Hazardous waste facility inspection  
66 fees shall be specified by the hazardous waste management commission by rule. The inspection  
67 fees shall be used by the department as specified in subsection 3 of section 260.391.

260.396. 1. For the purposes of this section, "PCB" or "polychlorinated biphenyls" shall  
2 mean any chemical substance that is limited to the biphenyl molecule which has been chlorinated  
3 to varying degrees or any combination of substances which contain such substances at  
4 concentrations of fifty parts per million or above; and "PCB-facility" shall mean any facility,  
5 including brokerage, storage, treatment and disposal facilities, which accepts PCBs and PCB  
6 contaminated materials on a commercial basis for remuneration.

7 2. All commercial PCB facilities located in the state shall be permitted as hazardous  
8 waste management facilities in accordance with the provisions of section 260.350 to [260.430]  
9 **260.434**, or permitted under the provisions of the federal Toxic Substances Control Act, 15  
10 U.S.C. 2601, et. seq., whichever are more stringent. Such facilities shall require the consignor  
11 to prepare a hazardous waste manifest which shall accompany shipments of PCBs and PCB-  
12 contaminated materials from the point of origin to the final destination.

13 3. The department of natural resources shall compile and maintain a list of all  
14 commercial PCB facilities in the state.

15 4. [All commercial PCB facilities in operation on August 13, 1986, will have one  
16 hundred twenty days from August 13, 1986, to meet the requirements of this section.] A PCB  
17 facility shall be considered in compliance with the provisions of this section if a letter of intent  
18 has been filed with the department to construct, alter or operate a commercial PCB facility and  
19 the PCB facility otherwise complies with the provisions of subsection [7 of section 260.395] **1**  
20 **of section 260.398**, and until such time as the department may grant or deny a permit for the  
21 facility.

**260.398. 1. After six months from the effective date of the standards, rules and**  
2 **regulations adopted by the hazardous waste management commission pursuant to section**  
3 **260.370, it shall be unlawful for any person to construct, substantially alter or operate,**

4 including postclosure activities and operations specified in the rules and regulations, a  
5 hazardous waste facility without first obtaining a hazardous waste facility permit for such  
6 construction, alteration or operation from the department of natural resources. Such  
7 person must submit to the department at least ninety days prior to submitting a permit  
8 application a letter of intent to construct, substantially alter, or operate any hazardous  
9 waste disposal facility. The person must file an application within one hundred eighty days  
10 of the filing of a letter of intent unless granted an extension by the commission. The  
11 department shall publish such letter of intent as specified in section 493.050, RSMo, within  
12 ten days of receipt of such letter. The letter shall be published once each week for four  
13 weeks in the county where the hazardous waste disposal facility is proposed. Once such  
14 letter is submitted, all conditions for the permit application evaluation purposes in  
15 existence as of the date of submission shall be deemed frozen, in that no subsequent action  
16 by any person to change such conditions in an attempt to thwart a fair and impartial  
17 decision on the application for a permit shall be allowed as grounds for denial of the  
18 permit. Any person before constructing, substantially altering, or operating a hazardous  
19 waste facility in this state shall file an application for a permit which shall:

20 (1) Be submitted on a form provided for this purpose by the department and shall  
21 furnish the department with plans, specifications, and such other data as may be necessary  
22 to demonstrate to the satisfaction of the department that such facility does or will provide  
23 adequate protection of the health of humans and the environment and does or will comply  
24 with the provisions of any federal hazardous waste management act and sections 260.350  
25 to 260.434 and the standards, rules, and regulations adopted pursuant to sections 260.350  
26 to 260.434;

27 (2) Include plans, designs, engineering reports, and relevant data for construction,  
28 alteration, or operation of a hazardous waste facility, to be submitted to the department  
29 by a registered professional engineer licensed by this state;

30 (3) Include, as specified by rules and regulations, demonstration of financial  
31 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond  
32 or any combination thereof, which shall be related to type and size of facility;

33 (4) Include such environmental and geologic information, assessments, and studies  
34 as required by the rules and regulations of the commission;

35 (5) Include with the application for a hazardous waste disposal or treatment facility  
36 a profile of the environmental and economic characteristics of the area as required by the  
37 commission, including the extent of air pollution and groundwater contamination; and a  
38 profile of the health characteristics of the area which identifies all serious illness, the rate  
39 of which exceeds the state average for such illness, which might be attributable to

40 environmental contamination;

41 (6) Include a fee payable to the state of Missouri which shall not exceed one  
42 thousand dollars, which shall cover the first year of the permit, if issued, but which is not  
43 refundable. If the permit is issued for more than one year, a fee equal in amount to the  
44 first year's fee shall be paid to the state of Missouri prior to issuance of the permit for each  
45 year the permit is to be in effect beyond the first year.

46

47 The department shall supervise any field work undertaken to collect geologic and  
48 engineering data for submission with the application. The state geologist and departmental  
49 engineers shall review the geologic and engineering plans, respectively, and attest to their  
50 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the  
51 commission, incurred by the department pursuant to this subsection.

52 2. (1) Prior to issuing or renewing a hazardous waste facility permit, the  
53 department shall:

54 (a) Issue public notice by press release or advertisement, and shall notify all record  
55 owners of adjoining property by mail directed to the last known address, and the village,  
56 town, or city, if any, and the county in which the hazardous waste facility is located; and

57 (b) Upon request, hold a public hearing after public notice as required in this  
58 subsection at a location convenient to the area affected by the issuance of the permit.

59 (2) Prior to issuing, reviewing every five years as required in subsection 6 of this  
60 section, or renewing a hazardous waste disposal facility permit the department shall:

61 (a) Issue public notice by press release and advertisement and shall notify all record  
62 owners of property, within one mile of the outer boundaries of the site, by mail directed to  
63 the last known address; and

64 (b) Hold a public hearing after public notice as required in this subsection at a  
65 location convenient to the area affected by the issuance of the permit.

66 3. If the department determines that the application conforms to the provisions of  
67 any federal hazardous waste management act and sections 260.350 to 260.434 and the  
68 standards or rules adopted pursuant to sections 260.350 to 260.434, it shall issue the  
69 hazardous waste facility permit with such terms and conditions, and require such testing  
70 and construction supervision as it deems necessary to protect the health of humans or the  
71 environment. The department shall act within one hundred eighty days after receipt of the  
72 application. If the department denies the permit, it shall issue a report to the applicant  
73 stating the reason for denial of a permit.

74 4. A permit may be suspended or revoked whenever the department determines  
75 that the hazardous waste facility is, or has been, operated in violation of any provision of

sections 260.350 to 260.434 or any standard, rule, order, permit term, or condition adopted or issued pursuant to sections 260.350 to 260.434 poses a threat to the health of humans or the environment or is creating a public nuisance.

5. Whenever a permit is issued, renewed, denied, suspended, or revoked by the department, any aggrieved person, by petition filed with the department within thirty days of the decision, may appeal such decision and shall be entitled to a hearing as provided in section 260.400.

6. A permit shall be issued for a fixed term, which shall not exceed ten years in the case of any land disposal facility, storage facility, incinerator, or other treatment facility. Each permit for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of federal and state law. Nothing in this subsection shall preclude the department from reviewing and modifying a permit at any time during its term. Review of any application for a permit renewal shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations. Each permit issued pursuant to this section shall contain such terms and conditions as the department determines necessary to protect human health and the environment, and upon proper application by the holder and a determination by the department that the applicant is in compliance with all provisions of sections 260.350 to 260.434 and all standards, rules, orders, permit terms, and conditions adopted or issued pursuant to sections 260.350 to 260.434.

7. A hazardous waste facility permit is not required for:

(1) On-site storage of hazardous wastes where such storage is exempted by the commission by rule or regulation; however, such storage must conform to the provisions of any federal hazardous waste management act and sections 260.350 to 260.434 and the applicable standards or rules adopted pursuant to sections 260.350 to 260.434 and any other applicable hazardous materials storage and spill-prevention requirements provided by law;

(2) A publicly owned treatment works which has an operating permit pursuant to section 644.051, RSMo, and is in compliance with that permit;

(3) A resource recovery facility which the department certifies uses hazardous waste as a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is manufacture of a product rather than treatment or disposal of hazardous wastes;

(4) That portion of a facility engaged in hazardous waste resource recovery, when the facility is engaged in both resource recovery and hazardous waste treatment or

disposal, provided the owner or operator can demonstrate to the department's satisfaction and the department finds that such portion is not intended and is not used for hazardous waste treatment or disposal.

8. Facilities exempted pursuant to subsection 7 of this section must comply with the provisions of subdivisions (3) to (7) of subsection 1 of section 260.390 and such other requirements, to be specified by rules and regulations, as are necessary to comply with any federal hazardous waste management act or regulations. Generators who use such an exempted facility shall keep records of hazardous wastes transported, except by legal flow through sewer lines, to the facility and submit such records to the department in accordance with the provisions of section 260.380 and the standards or rules adopted pursuant to sections 260.350 to 260.434. Any person, before constructing, altering or operating a resource recovery facility in this state, shall file an application for certification. Such application shall include:

(1) Plans, designs, engineering reports, and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and

(2) An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391.

The department shall review such application for conformance with applicable laws, rules, and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.

9. A license or permit shall not be issued under this chapter or chapter 308, RSMo, to any person who:

(1) Is determined to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or the environment or who is determined by the department to habitually violate or to have habitually violated the requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states, or federal laws pertaining to hazardous waste; or

(2) Has been adjudged in contempt of any court order enforcing the provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other

states, or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review.

For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

10. No person, otherwise qualified pursuant to sections 260.350 to 260.434 and chapter 308, RSMo, for a license to transport hazardous wastes or for a permit to construct, substantially alter, or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.434 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then-existing permitted hazardous waste facilities.

11. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling, and primary smelting operations.

12. Any railroad corporation as defined in section 388.010, RSMo, that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.

260.420. 1. [From September 28, 1977, and] Notwithstanding any other provision of sections 260.350 to [260.430] **260.434** or any other law to the contrary, upon receipt of information that any activity subject to sections 260.350 to [260.430] **260.434** may present an imminent hazard, by placing or allowing escape of any hazardous waste into the environment or exposure of people to such waste which may be cause of death, disabling personal injury,

6 serious acute or chronic disease, or serious environmental harm, the department director or the  
7 commission may take action necessary to protect the health of humans and the environment from  
8 such hazard. The action the department director, **hazardous waste management** commission  
9 or the designee of the commission, **and, as applicable to a hazardous waste transporter, the**  
10 **state highways and transportation commission** may take includes, but is not limited to:

11 (1) Issuing an order directing the hazardous waste generator, transporter, facility operator  
12 or any other person who is the custodian or has control of the waste, which constitutes such  
13 hazard, to eliminate such hazard. Such action may include, with respect to a site or facility,  
14 permanent or temporary cessation of operation;

15 (2) Issuing an order directing a permitted commercial hazardous waste facility to treat,  
16 store or dispose of any waste cleaned up in accordance with this section;

17 (3) Acquiring by purchase, donation, agreement or condemnation any lands, or rights in  
18 lands, sites, objects, or facilities necessary to protect the health of humans and the environment  
19 in accordance with sections 260.350 to [260.550] **260.552** only after it is proven cost effective  
20 and all other options have been exhausted by the **hazardous waste management** commission.  
21 In the event any property is condemned, then the procedures and assessment of damages shall  
22 be in accordance with chapter 523, RSMo;

23 (4) Selling or leasing any property that has been cleaned up in accordance with sections  
24 260.350 to [260.550] **260.552** so as to no longer constitute a threat to the health of people or to  
25 the environment. The proceeds of such sales or leases shall be deposited in the hazardous waste  
26 remedial fund created in section 260.480; and

27 (5) Causing to be filed by the attorney general or a prosecuting attorney in the name of  
28 the people of the state of Missouri, suit for a temporary restraining order, temporary injunction  
29 or permanent injunction which action shall be given precedence over all other matters pending  
30 in the circuit courts.

31 2. In any civil action brought pursuant to this section in which a temporary restraining  
32 order or temporary injunction is sought, there must be allegations of the types of injury or harm  
33 specified in these imminent hazard provisions; it shall be necessary to allege and prove at the  
34 proceeding that irreparable damage will occur and that the remedy at law is inadequate, and the  
35 temporary restraining order or temporary injunction shall not issue without such allegations and  
36 without such proof.

37 3. This section shall not apply to any alleged imminent hazard that is covered by the  
38 federal Occupational Safety and Health Act, so long as the hazardous waste is contained on the  
39 site so covered. This subsection shall not prevent the department from taking action necessary  
40 to prevent escape of the hazardous waste from such site.

260.425. 1. It is unlawful for any person to cause or permit any acts or hazardous waste

2 management practices which violate sections 260.350 to [260.430] **260.434** or any standard, rule  
3 or regulation, order or license or permit term or condition adopted or issued hereunder. In the  
4 event the commission or the department determines that any provision of sections 260.350 to  
5 [260.430] **260.434** or any standard, rule or regulation, order or determination, or license or  
6 permit term or condition adopted or issued hereunder by the commission or the department, or  
7 any filing requirement under sections 260.350 to [260.430] **260.434** or any provision which this  
8 state is required to enforce under any federal hazardous waste management act, is being, was,  
9 or is in imminent danger of being violated, the commission or department may, in addition to  
10 other remedies under sections 260.350 to [260.430] **260.434**, cause to have instituted a civil  
11 action in any court of competent jurisdiction for injunctive relief to prevent any such violation  
12 or further violation or for the assessment of a civil penalty not to exceed ten thousand dollars per  
13 day for each day, or part thereof, the violation occurred and continues to occur, or both, as the  
14 court deems proper. A civil monetary penalty under this section shall not be assessed for a  
15 violation where an administrative penalty was assessed under section 260.412. The commission  
16 or the department may request either the attorney general or a prosecuting attorney to bring any  
17 action authorized in this section in the name of the people of the state of Missouri. Suit may be  
18 brought in any county where the defendant's principal place of business is located or was located  
19 at the time the violation occurred, or has or may cause injury or threat to the health of humans  
20 or the environment. Any offer of settlement to resolve a civil penalty under this section shall be  
21 in writing, shall state that an action for imposition of a civil penalty may be initiated by the  
22 attorney general or a prosecuting attorney representing the department under authority of this  
23 section, and shall identify any dollar amount as an offer of settlement which shall be negotiated  
24 in good faith through conference, conciliation and persuasion.

25       2. Moneys received pursuant to this section which are not required by article IX, section  
26 7, of the constitution to be distributed to schools shall be deposited in the hazardous waste fund  
27 created in section 260.391.

28       3. Any person who knowingly:

29       (1) Transports any hazardous waste to a facility which is not authorized to receive such  
30 waste pursuant to sections 260.350 to [260.430] **260.434** or permits or causes any other  
31 hazardous waste transportation practice in violation of any provision of sections 260.350 to  
32 [260.430] **260.434**;

33       (2) Treats, stores or disposes of any hazardous waste either:

34       (a) Without authorization to do so pursuant to sections 260.350 to [260.430] **260.434**;

35 or

36       (b) In knowing violation of any material condition or requirement of such authorization;

37 or

38 (c) In violation of any provision of sections 260.350 to [260.430] **260.434**;  
39 (3) Makes any false material statement, representation or certification in any application,  
40 label, permit, record, report, manifest or other document filed, maintained, or required to be  
41 maintained under sections 260.350 to [260.430] **260.434**;  
42 (4) Falsifies, tampers with, or renders inaccurate any monitoring device or result  
43 therefrom used, filed, maintained, or required to be maintained under sections 260.350 to  
44 [260.430] **260.434**;  
45 (5) Generates, treats, stores, transports, disposes of or otherwise handles any hazardous  
46 waste, and who in connection therewith knowingly destroys, alters or conceals any record  
47 required to be maintained pursuant to sections 260.350 to [260.430] **260.434**; or  
48 (6) Owns, maintains or operates any hazardous waste disposal facility in a manner which  
49 permits any acts or hazardous waste management practices in violation of sections 260.350 to  
50 [260.430] **260.434**,  
51  
52 shall, upon conviction, be punished by a fine of not less than twenty-five hundred dollars nor  
53 more than twenty-five thousand dollars for each day of violation, or by confinement in the county  
54 jail for not more than one year, or by both such fine and confinement. Second and successive  
55 convictions for violation of this section shall be punished by a fine of not less than five thousand  
56 dollars nor more than fifty thousand dollars for each day of violation, or by imprisonment for not  
57 less than ten years, or by both such fine and imprisonment.

58 4. Whenever the director or [his] **the director's** designee observes or has reason to  
59 believe any such person is violating or has violated the provisions of sections 260.350 to  
60 [260.430] **260.434** relating to hazardous waste facilities, the director or [his] **the director's**  
61 designee may request the sheriff or deputy sheriff of the county where the hazardous waste  
62 facility is located, or any law enforcement officer otherwise authorized by law to issue a  
63 summons, to make investigation. If the officer views any violation of sections 260.350 to  
64 [260.430] **260.434** or has probable cause to believe any violation of sections 260.350 to  
65 [260.430] **260.434** is occurring or has occurred, [he] **the officer** shall issue to the owner or  
66 operator a summons, in lieu of arrest, which shall state the nature of any alleged violations and  
67 shall command the owner or operator to appear in circuit court, associate division, at a stated  
68 time and place in answer thereto. If the owner or operator shall fail to appear as commanded by  
69 the summons, a warrant of arrest shall be issued.

70 5. In addition to the authority granted to it under chapter 43, RSMo, the Missouri state  
71 highway patrol, any of its officers, or any other law enforcement officer[,] who has probable  
72 cause to believe that such a violation of sections 260.350 to [260.430] **260.434 or chapter 308,**  
73 **RSMo**, has been committed may detain any equipment involved in the violation and arrest the

74 person controlling or operating such equipment. Any such officer shall also notify the  
75 department or the [Missouri public service] **state highways and transportation** commission  
76 as soon as practicable, which shall, in addition, take whatever civil action [they determine] is  
77 necessary to correct or eliminate such violation or any threat to the health of humans or the  
78 environment. It shall be the duty of the Missouri state highway patrol as it pertains to highway  
79 use, and all other officers of the state of Missouri charged with enforcement of criminal law, to  
80 further the purposes of sections 260.350 to [260.430] **260.434 or chapter 308, RSMo**, and to  
81 render and furnish to the department when requested all information and assistance in their  
82 possession and in their power.

83         6. The liabilities which shall be imposed pursuant to any provision of sections 260.350  
84 to [260.430] **260.434** upon persons violating the provisions of sections 260.350 to [260.430]  
85 **260.434** or any standard, rule or regulation, or license or permit term or condition adopted or  
86 issued hereunder shall not be imposed for any violation caused by a strike or an act of God, war,  
87 riot or other catastrophe.

88         7. No provision of sections 260.350 to [260.430] **260.434** shall be construed to limit any  
89 action at law or in equity from being brought by any person or political subdivision aggrieved  
90 by any violation of sections 260.350 to [260.430] **260.434** nor shall any provision be construed  
91 to prohibit any person from exercising otherwise existing rights to suppress nuisances.

287.020. 1. The word "employee" as used in this chapter shall be construed to mean  
2 every person in the service of any employer, as defined in this chapter, under any contract of hire,  
3 express or implied, oral or written, or under any appointment or election, including executive  
4 officers of corporations. Any reference to any employee who has been injured shall, when the  
5 employee is dead, also include his dependents, and other persons to whom compensation may  
6 be payable. The word "employee" shall also include all minors who work for an employer,  
7 whether or not such minors are employed in violation of law, and all such minors are hereby  
8 made of full age for all purposes under, in connection with, or arising out of this chapter. The  
9 word "employee" shall not include an individual who is the owner and operator of a motor  
10 vehicle which is leased or contracted with a driver to a for-hire common or contract motor  
11 vehicle carrier operating within a commercial zone as defined in section [390.020 or 390.041]  
12 **308.020 or 308.050**, RSMo, or operating under a certificate issued by the [motor carrier and  
13 railroad safety division of the department of economic development or by the interstate  
14 commerce commission] **state highways and transportation commission or the Federal Motor**  
15 **Carrier Safety Administration**.

16         2. The word "accident" as used in this chapter shall, unless a different meaning is clearly  
17 indicated by the context, be construed to mean an unexpected or unforeseen identifiable event  
18 or series of events happening suddenly and violently, with or without human fault, and producing

19 at the time objective symptoms of an injury. An injury is compensable if it is clearly work  
20 related. An injury is clearly work related if work was a substantial factor in the cause of the  
21 resulting medical condition or disability. An injury is not compensable merely because work was  
22 a triggering or precipitating factor.

23 3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen  
24 out of and in the course of employment. The injury must be incidental to and not independent  
25 of the relation of employer and employee. Ordinary, gradual deterioration or progressive  
26 degeneration of the body caused by aging shall not be compensable, except where the  
27 deterioration or degeneration follows as an incident of employment.

28 (2) An injury shall be deemed to arise out of and in the course of the employment only  
29 if:

30 (a) It is reasonably apparent, upon consideration of all the circumstances, that the  
31 employment is a substantial factor in causing the injury; and

32 (b) It can be seen to have followed as a natural incident of the work; and

33 (c) It can be fairly traced to the employment as a proximate cause; and

34 (d) It does not come from a hazard or risk unrelated to the employment to which workers  
35 would have been equally exposed outside of and unrelated to the employment in normal  
36 nonemployment life;

37 (3) The terms "injury" and "personal injuries" shall mean violence to the physical  
38 structure of the body and to the personal property which is used to make up the physical structure  
39 of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other  
40 prostheses which are placed in or on the body to replace the physical structure and such disease  
41 or infection as naturally results therefrom. These terms shall in no case except as specifically  
42 provided in this chapter be construed to include occupational disease in any form, nor shall they  
43 be construed to include any contagious or infectious disease contracted during the course of the  
44 employment, nor shall they include death due to natural causes occurring while the worker is at  
45 work.

46 4. "Death" when mentioned as a basis for the right to compensation means only death  
47 resulting from such violence and its resultant effects occurring within three hundred weeks after  
48 the accident; except that in cases of occupational disease, the limitation of three hundred weeks  
49 shall not be applicable.

50 5. Without otherwise affecting either the meaning or interpretation of the abridged  
51 clause, "personal injuries arising out of and in the course of such employment", it is hereby  
52 declared not to cover workers except while engaged in or about the premises where their duties  
53 are being performed, or where their services require their presence as a part of such service.

54 6. A person who is employed by the same employer for more than five and one-half

55 consecutive work days shall for the purpose of this chapter be considered an "employee".

56         7. The term "total disability" as used in this chapter shall mean inability to return to any  
57 employment and not merely mean inability to return to the employment in which the employee  
58 was engaged at the time of the accident.

59         8. As used in this chapter and all acts amendatory thereof, the term "commission" shall  
60 hereafter be construed as meaning and referring exclusively to the labor and industrial relations  
61 commission of Missouri, and the term "director" shall hereafter be construed as meaning the  
62 director of the department of insurance of the state of Missouri or such agency of government  
63 as shall exercise the powers and duties now conferred and imposed upon the department of  
64 insurance of the state of Missouri.

65         9. The term "division" as used in this chapter means the division of workers'  
66 compensation of the department of labor and industrial relations of the state of Missouri.

67         10. For the purposes of this chapter, the term "minor" means a person who has not  
68 attained the age of eighteen years; except that, for the purpose of computing the compensation  
69 provided for in this chapter, the provisions of section 287.250 shall control.

288.032. 1. After December 31, 1977, "employer" means:

2         (1) Any employing unit which in any calendar quarter in either the current or preceding  
3 calendar year paid for service in employment wages of one thousand five hundred dollars or  
4 more except that for the purposes of this definition, wages paid for "agricultural labor" as defined  
5 in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and for "domestic  
6 services" as defined in subdivisions (2) and [(12)] **(13)** of subsection 12 of section 288.034 shall  
7 not be considered;

8         (2) Any employing unit which for some portion of a day in each of twenty different  
9 calendar weeks, whether or not such weeks were consecutive, in either the current or the  
10 preceding calendar year, had in employment at least one individual (irrespective of whether the  
11 same individual was in employment in each such day); except that for the purposes of this  
12 definition, services performed in "agricultural labor" as defined in paragraph (a) of subdivision  
13 (1) of subsection 12 of section 288.034 and in "domestic services" as defined in subdivisions (2)  
14 and [(12)] **(13)** of subsection 12 of section 288.034 shall not be considered;

15         (3) Any governmental entity for which service in employment as defined in subsection  
16 7 of section 288.034 is performed;

17         (4) Any employing unit for which service in employment as defined in subsection 8 of  
18 section 288.034 is performed during the current or preceding calendar year;

19         (5) Any employing unit for which service in employment as defined in paragraph (b) of  
20 subdivision (1) of subsection 12 of section 288.034 is performed during the current or preceding  
21 calendar year;

22 (6) Any employing unit for which service in employment as defined in subsection 13 of  
23 section 288.034 is performed during the current or preceding calendar year;

24 (7) Any individual, type of organization or employing unit which has been determined  
25 to be a successor pursuant to section 288.110;

26 (8) Any individual, type of organization or employing unit which has elected to become  
27 subject to this law pursuant to subdivision (1) of subsection 3 of section 288.080;

28 (9) Any individual, type of organization or employing unit which, having become an  
29 employer, has not pursuant to section 288.080 ceased to be an employer;

30 (10) Any employing unit subject to the Federal Unemployment Tax Act or which, as a  
31 condition for approval of this law for full tax credit against the tax imposed by the Federal  
32 Unemployment Tax Act, is required, pursuant to such act, to be an employer pursuant to this law.

33 2. (1) Notwithstanding any other provisions of this law, any employer, individual,  
34 organization, partnership, corporation, other legal entity or employing unit that meets the  
35 definition of "lessor employing unit", as defined in subdivision (5) of this subsection, shall be  
36 liable for contributions on wages paid by the lessor employing unit to individuals performing  
37 services for client lessees of the lessor employing unit. Unless the lessor employing unit has  
38 timely complied with the provisions of subdivision (3) of this subsection, any employer,  
39 individual, organization, partnership, corporation, other legal entity or employing unit which is  
40 leasing individuals from any lessor employing unit shall be jointly and severally liable for any  
41 unpaid contributions, interest and penalties due pursuant to this law from any lessor employing  
42 unit attributable to wages for services performed for the client lessee entity by individuals leased  
43 to the client lessee entity, and the lessor employing unit shall keep separate records and submit  
44 separate quarterly contribution and wage reports for each of its client lessee entities. Delinquent  
45 contributions, interest and penalties shall be collected in accordance with the provisions of this  
46 chapter.

47 (2) Notwithstanding the provisions of subdivision (1) of this subsection, any  
48 governmental entity or nonprofit organization that meets the definition of "lessor employing  
49 unit", as defined in subdivision (5) of this subsection, and has elected to become liable for  
50 payments in lieu of contributions as provided in subsection 3 of section 288.090, shall pay the  
51 division payments in lieu of contributions, interest, penalties and surcharges in accordance with  
52 section 288.090 on benefits paid to individuals performing services for the client lessees of the  
53 lessor employing unit. If the lessor employing unit has not timely complied with the provisions  
54 of subdivision (3) of this subsection, any client lessees with services attributable to and  
55 performed for the client lessees shall be jointly and severally liable for any unpaid payments in  
56 lieu of contributions, interest, penalties and surcharges due pursuant to this law. The lessor  
57 employing unit shall keep separate records and submit separate quarterly contribution and wage

58 reports for each of its client lessees. Delinquent payments in lieu of contributions, interest,  
59 penalties and surcharges shall be collected in accordance with subsection 3 of section 288.090.  
60 The election to be liable for payments in lieu of contributions made by a governmental entity or  
61 nonprofit organization meeting the definition of "lessor employing unit", may be terminated by  
62 the division in accordance with subsection 3 of section 288.090.

63 (3) In order to relieve a client lessees from joint and several liability and the separate  
64 reporting requirements imposed pursuant to this subsection, any lessor employing unit may post  
65 and maintain a surety bond issued by a corporate surety authorized to do business in Missouri  
66 in an amount equivalent to the contributions or payments in lieu of contributions for which the  
67 lessor employing unit was liable in the last calendar year in which he or she accrued  
68 contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever  
69 amount is the greater, to ensure prompt payment of contributions or payments in lieu of  
70 contributions, interest, penalties and surcharges for which the lessor employing unit may be, or  
71 becomes, liable pursuant to this law. In lieu of a surety bond, the lessor employing unit may  
72 deposit in a depository designated by the director, securities with marketable value equivalent  
73 to the amount required for a surety bond. The securities so deposited shall include authorization  
74 to the director to sell any securities in an amount sufficient to pay any contributions or payments  
75 in lieu of contributions, interest, penalties and surcharges which the lessor employing unit fails  
76 to promptly pay when due. In lieu of a surety bond or securities as described in this subdivision,  
77 any lessor employing unit may provide the director with an irrevocable letter of credit, as defined  
78 in section [400.5-103] **400.5-102**, RSMo, issued by any state or federally chartered financial  
79 institution, in an amount equivalent to the amount required for a surety bond as described in this  
80 subdivision. In lieu of a surety bond, securities or an irrevocable letter of credit, a lessor  
81 employing unit may obtain a certificate of deposit issued by any state or federally chartered  
82 financial institution, in an amount equivalent to the amount required for a surety bond as  
83 described in this subdivision. The certificate of deposit shall be pledged to the director until  
84 release by the director. As used in this subdivision, the term "certificate of deposit" means a  
85 certificate representing any deposit of funds in a state or federally chartered financial institution  
86 for a specified period of time which earns interest at a fixed or variable rate, where such funds  
87 cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned  
88 interest.

89 (4) Any lessor employing unit which is currently engaged in the business of leasing  
90 individuals to client lessees shall comply with the provisions of subdivision (3) of this subsection  
91 by September 28, 1992. Lessor employing units not currently engaged in the business of leasing  
92 individuals to client lessees shall comply with subdivision (3) of this subsection before entering  
93 into a written lease agreement with client lessees.

94 (5) As used in this subsection, the term "lessor employing unit" means an independently  
95 established business entity, governmental entity as defined in subsection 1 of section 288.030  
96 or nonprofit organization as defined in subsection 3 of section 288.090 which, pursuant to a  
97 written lease agreement between the lessor employing unit and the client lessees, engages in the  
98 business of providing individuals to any other employer, individual, organization, partnership,  
99 corporation, other legal entity or employing unit referred to in this subsection as a client lessee.

100 (6) The provisions of this subsection shall not be applicable to private employment  
101 agencies who provide their employees to employers on a temporary help basis provided the  
102 private employment agencies are liable as employers for the payment of contributions on wages  
103 paid to temporary workers so employed.

104 3. After September 30, 1986, notwithstanding any provision of section 288.034, for the  
105 purpose of this law, in no event shall a for-hire motor carrier as regulated by the [Missouri  
106 division of motor carrier and railroad safety] **state highways and transportation commission**  
107 or whose operations are confined to a commercial zone be determined to be the employer of a  
108 lessor as defined in section 288.030 or of a driver receiving remuneration from a lessor,  
109 provided, however, the term "for-hire motor carrier" shall in no event include an organization  
110 described in Section 501(c)(3) of the Internal Revenue Code **of 1986, as amended**, or any  
111 governmental entity.

112 4. The owner or operator of a beauty salon or similar establishment shall not be  
113 determined to be the employer of a person who utilizes the facilities of the owner or operator but  
114 who receives neither salary, wages or other compensation from the owner or operator and who  
115 pays the owner or operator rent or other payments for the use of the facilities.

288.035. Notwithstanding the provisions of section 288.034, [RSMo,] in the case of an  
2 individual who is the owner and operator of a motor vehicle which is leased or contracted with  
3 driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone  
4 as defined in section [390.020 or 390.041] **308.020 or 308.050, RSMo**, or operating under a  
5 certificate issued by the [motor carrier and railroad safety division of the department of economic  
6 development under the provisions of this chapter or by the interstate commerce commission]  
7 **state highways and transportation commission pursuant to chapter 308, RSMo, or the**  
8 **Federal Motor Carrier Safety Administration**, such owner/operator shall not be deemed to  
9 be an employee, provided, however, such individual owner and operator shall be deemed to be  
10 in employment if the for-hire common or contract vehicle carrier is an organization described  
11 in Section 501(c)(3) of the Internal Revenue Code **of 1986, as amended**, or any governmental  
12 entity.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,  
2 RSMo, and sections 307.010 to [307.175] **307.178, RSMo**, 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 six hundred  
5 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be  
6 straddled by the operator, and handlebars for steering control;
- 7           (2) "Automobile transporter", any vehicle combination designed and used specifically  
8 for the transport of assembled motor vehicles;
- 9           (3) "Axle load", the total load transmitted to the road by all wheels whose centers are  
10 included between two parallel transverse vertical planes forty inches apart, extending across the  
11 full width of the vehicle;
- 12          (4) "Boat transporter", any vehicle combination designed and used specifically to  
13 transport assembled boats and boat hulls;
- 14          (5) "Body shop", a business that repairs physical damage on motor vehicles that are not  
15 owned by the shop or its officers or employees by mending, straightening, replacing body parts,  
16 or painting;
- 17          (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
18 passengers but not including shuttle buses;
- 19          (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
20 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
21 buses;
- 22          (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
23 speeds less than forty miles per hour from field to field or from field to market and return;
- 24          (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
25 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 26          (10) "Director" or "director of revenue", the director of the department of revenue;
- 27          (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person  
28 or motor carrier other than a dealer over any public highway, under its own power singly, or in  
29 a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery  
30 either before or after sale;
- 31          (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
32 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor  
33 equipped with a dromedary may carry part of a load when operating independently or in a  
34 combination with a semitrailer;
- 35          (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 36          (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 37          (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 38          (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last

39 vehicle in a saddlemount combination;

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

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

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

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

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

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

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

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

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

61 (b) An area that extends not more than a radius of twenty-five miles from its home base  
62 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
63 from projects not involving soil and water conservation. Nothing in this subdivision shall be  
64 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or  
65 local commercial motor vehicle;

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

73 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
74 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this

75 state, used to transport harvested forest products, operated solely at a forested site and in an area  
76 extending not more than a fifty-mile radius from such site, carries a load with dimensions not  
77 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the  
78 national system of interstate and defense highways described in Title 23, Section 103(e) of the  
79 United States Code, does not have more than four axles and does not pull a trailer which has  
80 more than two axles. A local log truck may not exceed the limits required by law, however, if  
81 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding  
82 any other provisions of law to the contrary, such truck shall be subject to the weight limits  
83 required by such sections as licensed for eighty thousand pounds;

84 (27) "Local transit bus", a bus whose operations are confined wholly within a municipal  
85 corporation, or wholly within a municipal corporation and a commercial zone, as defined in  
86 section [390.020] **308.020**, RSMo, adjacent thereto, forming a part of a public transportation  
87 system within such municipal corporation and such municipal corporation and adjacent  
88 commercial zone;

89 (28) "Log truck", a vehicle which is not a local log truck and is used exclusively to  
90 transport harvested forest products to and from forested sites which is registered pursuant to this  
91 chapter to operate as a motor vehicle on the public highways of this state for the transportation  
92 of harvested forest products;

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

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

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

101 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
102 receives a new, rebuilt or used engine, and which used the number stamped on the original  
103 engine as the vehicle identification number;

104 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,  
105 except farm tractors;

106 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational  
107 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
108 twelve thousand pounds:

109 (a) Offered for hire or lease; or

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

- 111 (35) "Motorcycle", a motor vehicle operated on two wheels;
- 112 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic  
113 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which  
114 produces less than three gross brake horsepower, and is capable of propelling the device at a  
115 maximum speed of not more than thirty miles per hour on level ground;
- 116 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
117 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.  
118 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 119 (38) "Municipality", any city, town or village, whether incorporated or not;
- 120 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- 121 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
122 compliance with United States emissions or safety standards;
- 123 (41) "Operator", any person who operates or drives a motor vehicle;
- 124 (42) "Owner", any person, firm, corporation or association, who holds the legal title to  
125 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
126 thereof with the right of purchase upon performance of the conditions stated in the agreement  
127 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
128 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
129 or mortgagor shall be deemed the owner for the purpose of this law;
- 130 (43) "Public garage", a place of business where motor vehicles are housed, stored,  
131 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
132 of business;
- 133 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
134 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 135 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original  
136 construction by the addition or substitution of two or more new or used major component parts,  
137 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 138 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or  
139 substantially modified so that it may be used and is used for the purposes of temporary housing  
140 quarters, including therein sleeping and eating facilities which are either permanently attached  
141 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
142 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
143 vehicle if the motor vehicle could otherwise be so registered;
- 144 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
145 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
146 wrecker or towing service;

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

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

(50) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

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

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

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

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

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

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

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

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

198 (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
199 property;

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

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

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

212 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
213 firm, corporation, association, city, county or state agency, or any member thereof, for the  
214 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
215 and from their place of employment; however, a vanpool shall not be included in the definition  
216 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
217 section, [nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
218 302.010, RSMo;] nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,

219 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
220 monetary profit other than for use in a ride-sharing arrangement;

221 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
222 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
223 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
224 operated by handicapped persons;

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

229 (66) "Wrecker or towing service", the act of transporting, towing or recovering with a  
230 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
231 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
232 compensation or other personal gain.

301.025. 1. No state registration license to operate any motor vehicle in this state shall  
2 be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax  
3 receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's  
4 registration is due and which reflects that all taxes, including delinquent taxes from prior years,  
5 have been paid, or a statement certified by the county or township collector of the county or  
6 township in which the applicant's property was assessed showing that the state and county  
7 tangible personal property taxes for such previous tax year and all delinquent taxes due have  
8 been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of  
9 this state and serving in the armed forces of the United States, the application is accompanied  
10 by a leave and earnings statement from such person verifying such status. In the event the  
11 registration is a renewal of a registration made two or three years previously, the application shall  
12 be accompanied by proof that taxes were not due or have been paid for the two or three years  
13 which immediately precede the year in which the motor vehicle's or trailer's registration is due.  
14 The county or township collector shall not be required to issue a receipt for the immediately  
15 preceding tax year until all personal property taxes, including all delinquent taxes currently due,  
16 are paid. If the applicant was a resident of another county of this state in the applicable  
17 preceding years, he or she must submit to the collector in the county or township of residence  
18 proof that the personal property tax was paid in the applicable tax years. Every county and  
19 township collector shall give each person a tax receipt or a certified statement of tangible  
20 personal property taxes paid. The receipt issued by the county collector in any county of the first  
21 classification with a charter form of government which contains part of a city with a population  
22 of at least three hundred fifty thousand inhabitants which is located in more than one county, any

23 county of the first classification without a charter form of government with a population of at  
24 least one hundred fifty thousand inhabitants which contains part of a city with a population of  
25 at least three hundred fifty thousand inhabitants which is located in more than one county and  
26 any county of the first classification without a charter form of government with a population of  
27 at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be  
28 determined null and void if the person paying tangible personal property taxes issues or passes  
29 a check or other similar sight order which is returned to the collector because the account upon  
30 which the check or order was drawn was closed or did not have sufficient funds at the time of  
31 presentation for payment by the collector to meet the face amount of the check or order. The  
32 collector may assess and collect in addition to any other penalty or interest that may be owed, a  
33 penalty of ten dollars or five percent of the total amount of the returned check or order whichever  
34 amount is greater to be deposited in the county general revenue fund, but in no event shall such  
35 penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or  
36 other similar sight order in payment of any tax currently owed plus penalty or interest from a  
37 person who previously attempted to pay such amount with a check or order that was returned to  
38 the collector unless the remittance is in the form of a cashier's check, certified check or money  
39 order. If a person does not comply with the provisions of this section, a tax receipt issued  
40 pursuant to this section is null and void and no state registration license shall be issued or  
41 renewed. Where no such taxes are due each such collector shall, upon request, certify such fact  
42 and transmit such statement to the person making the request. Each receipt or statement shall  
43 describe by type the total number of motor vehicles on which personal property taxes were paid,  
44 and no renewal of any state registration license shall be issued to any person for a number greater  
45 than that shown on his or her tax receipt or statement except for a vehicle which was purchased  
46 without another vehicle being traded therefor, or for a vehicle previously registered in another  
47 state, provided the application for title or other evidence shows that the date the vehicle was  
48 purchased or was first registered in this state was such that no personal property tax was owed  
49 on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal.  
50 The director of revenue shall make necessary rules and regulations for the enforcement of this  
51 section, and shall design all necessary forms. If electronic data is not available, residents of  
52 counties with a township form of government and with township collectors shall present personal  
53 property tax receipts which have been paid for the preceding two years when registering under  
54 this section.

55       2. Every county collector in counties with a population of over six hundred thousand and  
56 less than nine hundred thousand shall give priority to issuing tax receipts or certified statements  
57 pursuant to this section for any person whose motor vehicle registration expires in January. Such  
58 collector shall send tax receipts or certified statements for personal property taxes for the

59 previous year within three days to any person who pays the person's personal property tax in  
60 person, and within twenty working days[,] if the payment is made by mail. Any person wishing  
61 to have priority pursuant to this subsection shall notify the collector at the time of payment of  
62 the property taxes that a motor vehicle registration expires in January. Any person purchasing  
63 a new vehicle in December and licensing such vehicle in January of the following year[,] may  
64 use the personal property tax receipt of the prior year as proof of payment.

65 3. In addition to all other requirements, the director of revenue **and the state highways**  
66 **and transportation commission** shall not register any vehicle subject to the heavy vehicle use  
67 tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents  
68 proof of payment, or that such tax is not owing, in such form as may be prescribed by the United  
69 States Secretary of the Treasury. No proof of payment of such tax shall be required by the  
70 director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

71 4. [Beginning July 1, 2000,] A county or township collector may notify, by ordinary  
72 mail, any owner of a motor vehicle for which personal property taxes have not been paid that if  
73 full payment is not received within thirty days the collector may notify the director of revenue  
74 to suspend the motor vehicle registration for such vehicle. Any notification returned to the  
75 collector by the post office shall not result in the notification to the director of revenue for  
76 suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes  
77 the collector may notify the director of revenue of such failure. Such notification shall be on  
78 forms designed and provided by the department of revenue and shall list the motor vehicle  
79 owner's full name, including middle initial, the owner's address, and the year, make, model and  
80 vehicle identification number of such motor vehicle. Upon receipt of this notification the  
81 director of revenue may provide notice of suspension of motor vehicle registration to the owner  
82 at the owner's last address shown on the records of the department of revenue. Any suspension  
83 imposed may remain in effect until the department of revenue receives notification from a county  
84 or township collector that the personal property taxes have been paid in full. Upon the owner  
85 furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the  
86 director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a  
87 motor vehicle registration is suspended for nonpayment of personal property tax the owner so  
88 aggrieved may appeal to the circuit court of the county of his or her residence for review of such  
89 suspension at any time within thirty days after notice of motor vehicle registration suspension.  
90 Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536,  
91 RSMo, for the review of administrative decisions. The circuit court may order the director to  
92 reinstate such registration, sustain the suspension of registration by the director or set aside or  
93 modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil  
94 cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf

95 of the director, and prosecute or defend, as the case may require.

96         5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
97 is created under the authority delegated in this section shall become effective only if it complies  
98 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
99 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
100 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
101 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
102 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be  
103 invalid and void.

301.030. 1. The director shall provide for the retention of license plates by the owners  
2 of motor vehicles, other than commercial motor vehicles, and shall establish a system of  
3 registration on a monthly series basis to distribute the work of registering motor vehicles as  
4 uniformly as practicable throughout the twelve months of the calendar year. For the purpose of  
5 assigning license plate numbers, each type of motor vehicle shall be considered a separate class.  
6 [Commencing July 1, 1949,] Motor vehicles, other than commercial motor vehicles, shall be  
7 registered for a period of twelve consecutive calendar months. There are established twelve  
8 registration periods, each of which shall start on the first day of each calendar month of the year  
9 and shall end on the last date of the twelfth month from the date of beginning.

10         2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon  
11 the public highways of this state, to and including the fifteenth day of any given month, shall be  
12 subject to registration and payment of a fee for the twelve-month period commencing the first  
13 day of the month of such operation; motor vehicles, other than commercial motor vehicles,  
14 operated for the first time on the public highways of this state after the fifteenth day of any given  
15 month shall be subject to registration and payment of a fee for the twelve-month period  
16 commencing the first day of the next following calendar month.

17         3. All commercial motor vehicles and trailers, except those licensed under section  
18 301.035 and those operated under agreements as provided for in [sections 301.271 to 301.279]  
19 **chapter 308, RSMo**, shall be registered either on a calendar year basis or on a prorated basis as  
20 provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and  
21 driveaway vehicles, other than those to be operated under agreements as provided for in [sections  
22 301.271 to 301.279] **chapter 308, RSMo**, shall be payable not later than the last day of February  
23 of each year, except when such vehicle is licensed between April first and July first the fee shall  
24 be three-fourths the annual fee, when licensed between July first and October first the fee shall  
25 be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth  
26 the annual fee. Such license plates shall be made with fully reflective material with a common  
27 color scheme and design, shall be clearly visible at night, [and shall be aesthetically attractive,]

28 as prescribed by section 301.130. Local commercial motor vehicle license plates shall also be  
 29 so stamped, marked or designed as to indicate they are to be used only on local commercial  
 30 motor vehicles and, in addition to such stamp, mark or design, the letter "F" shall also be  
 31 displayed on local commercial motor vehicle license plates issued to motor vehicles used for  
 32 farm or farming transportation operations as defined in section 301.010 in the manner prescribed  
 33 by the advisory committee established in section 301.129. In addition, all commercial motor  
 34 vehicle license plates shall be so stamped or marked with a letter, figure or other emblem as to  
 35 indicate the gross weight for which issued.

36 4. The director shall, upon application, issue registration and license plates for nine  
 37 thousand pounds gross weight for property-carrying commercial motor vehicles referred to  
 38 herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided  
 39 in section 301.057.

301.057. The annual registration fee for property-carrying commercial motor vehicles[.]  
 2 **registered pursuant to this chapter or chapter 308, RSMo, but** not including  
 3 property-carrying local commercial motor vehicles, or land improvement contractors' commercial  
 4 motor vehicles, based on gross weight is:

5 6,000 pounds and under	\$ 25.50
6 6,001 pounds to 9,000 pounds	38.00
7 9,001 pounds to 12,000 pounds	38.00
8 12,001 pounds to 18,000 pounds	63.00
9 18,001 pounds to 24,000 pounds	100.50
10 24,001 pounds to 26,000 pounds	127.00
11 26,001 pounds to 30,000 pounds	180.00
12 30,001 pounds to 36,000 pounds	275.50
13 36,001 pounds to 42,000 pounds	413.00
14 42,001 pounds to 48,000 pounds	550.50
15 48,001 pounds to 54,000 pounds	688.00
16 54,001 pounds to 60,010 pounds	825.50
17 60,011 pounds to 66,000 pounds	1,100.50
18 66,001 pounds to 73,280 pounds	1,375.50
19 73,281 pounds to 78,000 pounds	1,650.50
20 78,001 pounds to 80,000 pounds	1,719.50

301.059. The annual registration fee for passenger-carrying commercial motor vehicles  
 2 **registered pursuant to this chapter or chapter 308, RSMo, (not including passenger-carrying**  
 3 local commercial motor vehicles, school buses or local transit buses) based on seating capacity  
 4 is:

5	10 passengers or less	\$ 100.50
6	11 to 18 passengers	180.50
7	19 to 25 passengers	250.50
8	26 to 29 passengers	290.50
9	30 to 33 passengers	330.50
10	34 to 37 passengers	370.50
11	38 to 41 passengers	410.50
12	42 [to 45] or more passengers	450.50

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the [motor carrier and railroad safety division of the department of economic development] **state highways and transportation commission**. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer or semitrailer which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

301.090. All fees for the registration of motor vehicles, trailers, certificates of title and motorcycles provided for [herein] **in this chapter and chapter 308, RSMo**, shall be collected by the director of revenue **or the state highways and transportation commission** and deposited with the state treasurer to the credit of the state [highway] **highways and transportation** department fund.

301.121. 1. When the owner of a commercial motor vehicle registered in excess of fifty-four thousand pounds returns the license plates to the [director of revenue] **appropriate official** as provided in section 301.120, but not for a license suspension or revocation, the owner shall receive a refund or credit of any pro rata amount to be determined by the calendar quarters remaining before expiration of the license plates. Such refund or credit shall be granted based upon the date the license plates are surrendered [to the director of revenue]. Any credit or refund may be applied toward any subsequent application for a Missouri registration only if a commercial motor vehicle. Any refunded portion of a registration fee which was distributed

9 according to the provisions of article IV, section 30(b) of the Constitution of Missouri shall be  
10 refunded proportionately from state, city and county funds.

11       2. **Pursuant to chapter 308, RSMo**, when the owner of a commercial motor vehicle  
12 registered in excess of fifty-four thousand pounds returns the license plate or plates to the  
13 appropriate official in the state where the license plate for the commercial motor vehicle was  
14 issued, a refund or credit shall be issued [by the director of revenue] as provided in subsection  
15 1 of this section. If the refund is to come from moneys previously transferred to another state  
16 by this state as a result of a reciprocity agreement, such refund [by the director of revenue] may  
17 only be made upon return of such **previously transferred** moneys [from that state to the  
18 director]. If such moneys are not returned by that state, such refund will not be made.

301.130. 1. The director of revenue, upon receipt of a proper application for registration,  
2 required fees and any other information which may be required by law, shall issue to the  
3 applicant a certificate of registration in such manner and form as the director of revenue may  
4 prescribe and a set of license plates, or other evidence of registration, as provided herein. Each  
5 set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME  
6 STATE", the month and year in which the registration shall expire, and an arrangement of  
7 numbers or letters, or both, as shall be assigned from year to year by the director of revenue.  
8 Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording  
9 on the license plates in preference to the words "SHOW-ME STATE" and special plates for  
10 members of the national guard will have the "NATIONAL GUARD" wording in preference to  
11 the words "SHOW-ME STATE".

12       2. The arrangement of letters and numbers of license plates shall be uniform throughout  
13 each classification of registration.

14       3. The background of all license plates, or the letters and numerals thereof, shall be  
15 coated with a material which will reflect the lights of other vehicles. The nature and  
16 specifications of this material shall be determined after a public hearing by the director of  
17 revenue, director of prison industries, and superintendent of the state highway patrol, and shall  
18 meet the standards established by the state [transportation] department **of transportation**.

19       4. Figures on license plates, except those which may be used to designate gross weights  
20 for which commercial motor vehicles are registered, shall not be less than three inches in height  
21 and the strokes thereof not less than five-sixteenths of an inch in width. In the case of  
22 motorcycles and motortricycles, the letters and figures shall be not less than one inch in height  
23 and the strokes thereof one-eighth of an inch in width. The director may provide for the  
24 arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the  
25 plates.

26       5. All property-carrying commercial motor vehicles to be registered at a gross weight in

27 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local  
28 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and  
29 driveaway vehicles shall be registered with the director of revenue as provided for in subsection  
30 3 of section 301.030, **or if applicable, shall register with the state highways and**  
31 **transportation commission pursuant to chapter 308, RSMo**, but only one license plate shall  
32 be issued for each such vehicle.

33 6. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the  
34 number, and the director may place upon the plates other letters or marks to distinguish  
35 commercial motor vehicles and trailers and other types of motor vehicles.

36 7. No motor vehicle or trailer shall be operated on any highway of this state unless it  
37 shall have displayed thereon the license plate or set of license plates issued by the director of  
38 revenue and authorized by section 301.140 **or issued by the state highways and transportation**  
39 **commission pursuant to chapter 308, RSMo**. Each such plate shall be securely fastened to the  
40 motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean  
41 so that the reflective qualities thereof are not impaired. License plates shall be fastened to all  
42 motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve  
43 thousand pounds on the front and rear of such vehicles not less than eight nor more than  
44 forty-eight inches above the ground, with the letters and numbers thereon right side up. The  
45 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on  
46 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate  
47 on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds  
48 shall be displayed on the front of such vehicles not less than eight nor more than forty-eight  
49 inches above the ground, with the letters and numbers thereon right side up. The license plate  
50 or plates authorized by section 301.140, when properly attached, shall be prima facie evidence  
51 that the required fees have been paid.

52 8. (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the  
53 annual payment of registration fees and the current registration of a vehicle in lieu of the set of  
54 plates; except that the director shall annually issue a new license plate or set of plates as provided  
55 in this section for [vehicles registered pursuant to subsection 2 of section 301.277,] commercial  
56 motor vehicles in excess of twelve thousand pounds, trailers, buses and dealers.

57 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such  
58 tab or tabs on the middle of the license plate, no more than one per plate.

59 (3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed  
60 manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

61 (4) Except as provided in subdivision (1) of this subsection, the director of revenue shall  
62 issue plates for a period of at least five years.

63 (5) For those commercial motor vehicles and trailers registered pursuant to section  
64 [301.041] **308.620, RSMo**, the plate issued by the [director of revenue] **state highways and**  
65 **transportation commission** shall be a permanent nonexpiring license plate for which no tabs  
66 shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently  
67 registered pursuant to this section from the obligation to pay the annual registration fee due for  
68 the vehicle. The permanent nonexpiring license plate shall be returned to the [director of  
69 revenue] **state highways and transportation commission** upon the sale or disposal of the  
70 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may  
71 be transferred to a replacement commercial motor vehicle when the owner files a supplemental  
72 application with the [Missouri highway reciprocity] **state highways and transportation**  
73 **commission** for the registration of such replacement commercial motor vehicle. Upon payment  
74 of the annual registration fee, the [director of revenue] **state highways and transportation**  
75 **commission** shall issue a certificate of registration, **cab card**, or other suitable evidence of  
76 payment of the annual fee, and such evidence of payment shall be carried at all times in the  
77 vehicle for which it is issued.

78 (6) Upon the sale or disposal of any vehicle permanently registered under this section,  
79 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued  
80 for such vehicle shall be returned to the director **or the state highways and transportation**  
81 **commission** and shall not be valid for operation of such vehicle, or the plate may be transferred  
82 to a replacement vehicle when the owner files a supplemental application with the [Missouri  
83 highway reciprocity] **state highways and transportation** commission for the registration of  
84 such replacement vehicle. If a vehicle which is permanently registered under this section is sold,  
85 wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for  
86 any unused portion of the annual registration fee when the vehicle is replaced by the purchase  
87 or lease of another vehicle during the registration year.

88 9. The director of revenue **and, if applicable, the state highways and transportation**  
89 **commission** may prescribe rules and regulations for the effective administration of this section.  
90 No rule or portion of a rule promulgated under the authority of this section shall become  
91 effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

301.175. 1. Upon the application for and payment of a fee of five dollars the director  
2 of revenue shall issue a **local commercial motor vehicle** maintenance trip permit at any office  
3 issuing motor vehicle license plates. Any holder of a local commercial motor vehicle license  
4 **plate** may apply for the maintenance trip permit by certifying on the application for such a permit  
5 that the permit will be used solely for the purpose of operating the motor vehicle and its mounted  
6 equipment, while empty, to or from a place of repair or maintenance, or place where its mounted  
7 equipment may be repaired or replaced, beyond the twenty-five mile [license] **commercial** zone.

8 The agent or deputy of the director who issues the permit shall enter on such permit the name  
9 of the registered owner of the vehicle, the address of the place to which the vehicle is registered,  
10 the place of origin for the trip, the destination for the trip, the number of the local commercial  
11 **motor vehicle license plate** issued for that vehicle, the vehicle make and year model, and the  
12 date, time and place of issuance.

13 2. Possession of a duly issued permit shall entitle the operator of a [locally licensed]  
14 **local** commercial **motor vehicle** to operate the vehicle beyond the twenty-five mile commercial  
15 zone for which licensed for the purposes set out in subsection 1 of this section.

16 3. "**Local commercial motor vehicle** maintenance trip permit", as used in this section,  
17 means a trip permit issued as a supplement to a local commercial **motor vehicle license plate**  
18 for the sole purpose of allowing the operation of a vehicle licensed as a local commercial **motor**  
19 vehicle, while empty, to or from a place of repair or maintenance within a period of ten days  
20 from the time of issuance.

21 4. All fees collected by the director of revenue under the provisions of this section shall  
22 be deposited with the state treasurer to the credit of the state highways and transportation  
23 department fund.

24 5. Notwithstanding any other provision of law to the contrary, whenever a public utility,  
25 as defined in section 386.020, RSMo, has customers without utility service due to a  
26 weather-related or other type of emergency, the public utility may use [locally licensed] **local**  
27 commercial **motor** vehicles to make service restoration trips to the areas of the service outages,  
28 even if such areas are outside the twenty-five-mile commercial [license] zone. The vehicles may  
29 operate in the areas of service outages until service is restored, and then such vehicles may make  
30 the return trip to their local area.

301.442. Whenever a business is sold by the owner thereof and as part of the sale the  
2 ownership of one or more commercial motor vehicles is transferred, or whenever an individual  
3 or partnership transfers ownership of a business and commercial motor vehicles owned by [him  
4 or them] **the individual or partnership** to a corporation substantially owned by [him or them]  
5 **the individual or partnership** in a nontaxable transfer under the provisions of the United States  
6 Internal Revenue Code, the original owner of any such vehicles may transfer the registration  
7 plates issued **pursuant to this chapter or chapter 308, RSMo**, for such vehicles to the new  
8 owner who, upon notification to the director of revenue of the sale or transfer of ownership of  
9 the business and transfer of the registration plates, may use those registration plates for the  
10 remainder of the current registration period as if [he] **the individual**, they, or it had originally  
11 purchased the plates. The director may prescribe the necessary forms for use in making the  
12 notification and may require that the notification be made under oath.

302.756. 1. Notwithstanding any other provision of law to the contrary, any driver who

2 violates or fails to comply with an out-of-service order is subject to a civil penalty of one  
3 thousand dollars, in addition to disqualification as provided by law. Any civil penalty  
4 established in this section shall not become effective and enforced until October 1, 1996.

5       2. Any employer who violates an out-of-service order, or who knowingly requires or  
6 permits a driver to violate or fail to comply with an out-of-service order, is subject to a civil  
7 penalty of two thousand five hundred dollars.

8       3. The [general] **chief** counsel to the [division of motor carrier and railroad safety within  
9 the department of economic development] **state highways and transportation commission**  
10 shall bring an action in accordance with the procedures under section [390.156] **308.975**, RSMo,  
11 to recover a civil penalty under this section against a driver who violates or fails to comply with  
12 an out-of-service order, or against an employer who violates an out-of-service order or  
13 knowingly requires or permits a driver to violate or fail to comply with an out-of-service order,  
14 or both.

15       4. In addition to any other remedies under this section, actions under this section may  
16 be brought against a driver or employer who violates or fails to comply with an out-of-service  
17 order with reference to a motor vehicle or combination of motor vehicles used in intrastate  
18 commerce which has a capacity of more than five passengers, excluding the driver.

[390.066.] **302.761.** 1. Each person who applies for employment as a driver of a  
2 commercial motor vehicle shall provide the employer at the time of the application with  
3 information of previous employment as a commercial motor vehicle driver, as prescribed by the  
4 Secretary of Transportation of the United States, for the ten years preceding the date of  
5 application.

6       2. Each employer shall require the information specified in subsection 1 of this section  
7 and advise the applicant of the purpose of such information as prescribed by the Secretary of  
8 Transportation of the United States.

9       3. No employer or shipper shall knowingly allow, permit, or authorize a driver to drive  
10 a commercial motor vehicle in the United States during any period in which the driver has a  
11 driver's license suspended, revoked, or canceled by a state, has lost the privilege to drive a  
12 commercial motor vehicle in a state, or has been disqualified from driving a commercial motor  
13 vehicle or is subject to an out-of-service order in any state, or in which the driver has more than  
14 one driver's license. Any employer or shipper in violation of this subsection may be convicted  
15 of a violation thereof and shall be guilty of a class A misdemeanor. [The Missouri division of  
16 motor carrier and railroad safety shall annually perform financial audits and surveys of a  
17 representative number of common carriers of commodities in bulk in dump trucks to determine  
18 and set the minimum rate or charge reasonably required and necessary for these carriers to  
19 maintain their equipment in a safe condition, to reasonably compensate drivers, so they may meet

20 and comply with state and federal requirements for safety, and to allow these carriers to  
21 reasonably pay their other necessary operating expenses including all required taxes, licenses and  
22 insurance. The provisions of this subsection relating to minimum rates shall not apply to  
23 common carriers transporting bulk commodities in dump trucks on any shipment weighing forty  
24 thousand pounds or more which is transported seventy-five miles or more from the point of  
25 origin of the shipment. On shipments exempted from prescribed minimum rates under this  
26 subsection, common carriers shall be subject to all other applicable laws, rules, regulations, and  
27 orders and decisions of the division, including those relating to prescribed maximum rates.  
28 Notwithstanding any other provision of law to the contrary, common carriers transporting  
29 shipments exempted from prescribed minimum rates under this subsection shall not be required  
30 to file and publish schedules showing the rates and charges for such transportation.]

303.026. 1. The director shall inform each owner who registers a motor vehicle of the  
2 following:

3 (1) The existence of the requirement that every motor vehicle owner in the state must  
4 maintain [his] **the owner's** financial responsibility;

5 (2) The requirement that every motor vehicle owner show an insurance identification  
6 card, or a copy thereof, or other proof of financial responsibility at the time of vehicle  
7 registration; this notice shall be given at least thirty days prior to the month for renewal and shall  
8 be shown in bold, colored print;

9 (3) The penalties which apply to violations of the requirement to maintain financial  
10 responsibility;

11 (4) The benefits of maintaining coverages in excess of those which are required;

12 (5) The director's authority to conduct samples of Missouri motor vehicle owners to  
13 ensure compliance.

14 2. No motor vehicle owner shall be issued registration for a vehicle unless the owner,  
15 or [his] **the owner's** authorized agent, signs an affidavit provided by the director of revenue at  
16 the time of registration of the vehicle certifying that such owner has and will maintain, during  
17 the period of registration, financial responsibility with respect to each motor vehicle that is  
18 owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but  
19 it shall be acknowledged by the person processing the form. The affidavit shall state clearly and  
20 in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri  
21 law.". In addition, every motor vehicle owner shall show proof of such financial responsibility  
22 by presenting his or her insurance identification card, as described in section 303.024, or a copy  
23 thereof, or some other proof of financial responsibility in the form prescribed by the director of  
24 revenue at the time of registration unless such owner registers his **or her** vehicle in conjunction  
25 with a reciprocity agreement entered into by the [Missouri highway reciprocity] **state highways**

26 **and transportation** commission pursuant to [sections 301.271 to 301.279] **chapter 308**, RSMo,  
27 or unless the owner insures the vehicle according to the requirements of the [division of motor  
28 carrier and railroad safety pursuant to section 390.126] **state highways and transportation**  
29 **commission under chapter 308**, RSMo.

30 3. To ensure compliance with this chapter, the director may utilize a variety of sampling  
31 techniques including but not limited to random samples of registrations subject to this section,  
32 uniform traffic tickets, insurance information provided to the director at the time of motor  
33 vehicle registration, and persons who during the preceding year have received a disposition of  
34 court-ordered supervision or suspension. The director may verify the financial responsibility of  
35 any person sampled or reported.

36 (1) [Beginning January 1, 2001,] The director may require such information, as in his  
37 or her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of  
38 this section, to be submitted from the person's insurer or insurance company. When requested  
39 by the director of revenue, all licensed insurance companies in this state which sell private  
40 passenger (noncommercial) motor vehicle insurance policies shall report information regarding  
41 the issuance, nonrenewal and cancellation of such policies to the director, excluding policies  
42 issued to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a  
43 commercial line policy. Such information shall be reported electronically in a format as  
44 prescribed by the director of the department of revenue by rule except that such rule shall provide  
45 for an exemption from electronic reporting for insurers with a statistically insignificant number  
46 of policies in force.

47 (2) The director may require the data described in subsection 2 of section 303.412 to be  
48 reported by insurance companies and require reporting periods of at least once per month. When  
49 required by the director of revenue, each insurance company shall provide to the department a  
50 record of each policy issued, canceled, terminated or revoked during the period since the  
51 previous report. Nothing in this section shall prohibit insurance companies from reporting more  
52 frequently than once per month.

53 (3) The director may use reports described in subdivision (1) of this subsection for  
54 sampling purposes as provided in this section.

55 4. Information provided to the department by an insurance company for use in  
56 accordance with this section is the property of the insurer and is not subject to disclosure  
57 pursuant to chapter 610, RSMo. Such information may be utilized by the department for  
58 enforcement of this chapter but may not be disclosed except that the department shall disclose  
59 whether an individual is maintaining the required insurance coverage upon request of the  
60 following individuals and agencies only:

61 (1) The individual;

- 62           (2) The parent or legal guardian of an individual if the individual is an unemancipated  
63 minor;
- 64           (3) The legal guardian of the individual if the individual is legally incapacitated;
- 65           (4) Any person who has power of attorney from the individual;
- 66           (5) Any person who submits a notarized release from the individual that is dated no more  
67 than ninety days before the request is made;
- 68           (6) Any person claiming loss or injury in a motor vehicle accident in which the  
69 individual is involved;
- 70           (7) The office of the state auditor, for the purpose of conducting any audit authorized by  
71 law.
- 72           5. The director, after consultation with the working group as provided for in section  
73 303.406, may adopt any rules and regulations necessary to carry out the provisions of  
74 subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that  
75 term is defined in section 536.010, RSMo, that is created under the authority delegated in this  
76 section shall become effective only if it complies with and is subject to all of the provisions of  
77 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,  
78 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to  
79 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are  
80 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
81 or adopted after August 28, 2000, shall be invalid and void.
- 82           6. Any person or agency who knowingly discloses information received from insurance  
83 companies pursuant to this section for any purpose, or to a person, other than those authorized  
84 in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for  
85 performing its duties pursuant to this section unless and to the extent the insurer commits a  
86 willful and wanton act of omission.
- 87           7. The department of revenue shall notify the department of insurance of any insurer who  
88 violates any provisions of this section. The department of insurance may, against any insurer  
89 who knowingly fails to comply with this section, assess an administrative penalty up to five  
90 hundred dollars per day of noncompliance. The department of insurance may excuse the  
91 administrative penalty if an assessed insurer provides acceptable proof that such insurer's  
92 noncompliance was inadvertent, accidental or the result of excusable neglect. [The penalty  
93 provisions of this section shall become effective six months after the rule issued pursuant to  
94 subsections 3 and 5 of this section is published in the code of state regulations.]
- 95           8. To verify that financial responsibility is being maintained, the director shall notify the  
96 owner or operator of the need to provide, within fifteen days, proof of the existence of the  
97 required financial responsibility. The request shall require the owner or the operator to state

98 whether or not the motor vehicle was insured on the verification date stated in the director's  
99 request. The request may include but not be limited to a statement of the names and addresses  
100 of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such  
101 information shall result in the suspension of the registration of the owner's motor vehicle, and  
102 where applicable, the owner's or the operator's driving privilege, for failing to meet such  
103 requirements, as is provided in this chapter.

303.350. Notwithstanding anything else herein contained, this chapter shall not apply  
2 with respect to any motor vehicle owned by the United States, the state of Missouri, or any  
3 political subdivision of this state, or any municipality therein, nor shall this chapter apply to any  
4 common carrier or contract carrier whose operations are subject to the jurisdiction of and are  
5 regulated by the [interstate commerce commission] **Federal Motor Carrier Safety**  
6 **Administration** or the [public service] **state highways and transportation** commission [of  
7 Missouri], or by regulatory ordinances of the municipalities served by such common or contract  
8 carrier, and which shall have satisfied any applicable requirements concerning bond, insurance  
9 or proof of financial responsibility imposed by the regulatory authority having jurisdiction over  
10 the carrier's operations.

304.011. 1. No person shall drive a motor vehicle at such a slow speed as to impede or  
2 block the normal and reasonable movement of traffic, except when reduced speed is necessary  
3 for safe operation or in compliance with law. Peace officers may enforce the provisions of this  
4 section by directions to drivers, and in the event of apparent willful disobedience [to this  
5 provision] and refusal to comply with direction of an officer in accordance herewith, the  
6 continued slow operation by a driver is a misdemeanor.

7 2. No vehicle shall be operated at a speed of less than forty miles per hour on any  
8 highway which is part of the interstate system of highways, unless:

9 (1) A slower speed is required for the safe operation of the vehicle because of weather  
10 or other special conditions; or

11 (2) Agricultural implements, self-propelled hay-hauling equipment, implements of  
12 husbandry and vehicles transporting such vehicles or equipment may be operated occasionally  
13 on interstate highways for short distances at a speed of less than forty miles per hour if such  
14 vehicle or equipment is operated pursuant to a special permit issued by the chief engineer of the  
15 state department of transportation pursuant to section [304.200] **308.700, RSMo**, and the  
16 regulations established pursuant to such section.

17 3. Any person who violates subsection 2 of this section is guilty of a class C  
18 misdemeanor.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal

3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a  
4 flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall  
5 yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible  
6 to the right of, the traveled portion of the highway and thereupon stop and remain in such  
7 position until such emergency vehicle has passed, except when otherwise directed by a police  
8 or traffic officer.

9       2. Upon approaching a stationary emergency vehicle displaying lighted red or red and  
10 blue lights, the driver of every motor vehicle shall:

11       (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety  
12 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary  
13 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the  
14 same direction as the approaching vehicle; or

15       (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe  
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17       3. The motorman of every streetcar shall immediately stop such car clear of any  
18 intersection and keep it in such position until the emergency vehicle has passed, except as  
19 otherwise directed by a police or traffic officer.

20       4. An "emergency vehicle" is a vehicle of any of the following types:

21       (1) A vehicle operated by the state highway patrol, the state water patrol or a state park  
22 ranger, those vehicles operated by enforcement personnel [by the division of motor carrier and  
23 railroad safety of the department of economic development] **of the state highways and**  
24 **transportation commission in relation to its authority under chapter 308, RSMo**, police or  
25 fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized  
26 to carry firearms and to make arrests for violations of the laws of the United States, traffic officer  
27 or coroner or by a privately owned emergency vehicle company;

28       (2) A vehicle operated as an ambulance or operated commercially for the purpose of  
29 transporting emergency medical supplies or organs;

30       (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

31       (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or  
32 public service corporation while performing emergency service;

33       (5) Any vehicle transporting equipment designed to extricate human beings from the  
34 wreckage of a motor vehicle;

35       (6) Any vehicle designated to perform emergency functions for a civil defense or  
36 emergency management agency established pursuant to the provisions of chapter 44, RSMo;

37       (7) Any vehicle operated by an authorized employee of the department of corrections,  
38 who as part of the employee's official duties, is responding to a riot, disturbance, hostage

39 incident, escape or other critical situation where there is the threat of serious physical injury or  
40 death, responding to mutual aid call from another criminal justice agency, or in accompanying  
41 an ambulance which is transporting an offender to a medical facility;

42 (8) Any vehicle designated to perform hazardous substance emergency functions  
43 established pursuant to the provisions of sections 260.500 to [260.550] **260.552**, RSMo.

44 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
45 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
46 responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
47 when responding to, but not upon returning from, a fire;

48 (2) The driver of an emergency vehicle may:

49 (a) Park or stand irrespective of the provisions of sections 304.014 to [304.026] **304.025**;

50 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
51 necessary for safe operation;

52 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or  
53 property;

54 (d) Disregard regulations governing direction of movement or turning in specified  
55 directions;

56 (3) The exemptions herein granted to an emergency vehicle shall apply only when the  
57 driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle  
58 as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp  
59 displaying a red light or blue light visible under normal atmospheric conditions from a distance  
60 of five hundred feet to the front of such vehicle.

61 6. No person shall purchase an emergency light as described in this section without  
62 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
63 emergency vehicle purposes.

64 7. Violation of this section shall be deemed a class C misdemeanor.

304.030. Every motor vehicle transporting passengers, for hire, every school bus, and  
2 every motor vehicle transporting high explosives, or poisonous or compressed inflammable  
3 gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids  
4 in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, other than  
5 a crossing that is specifically exempted from the stopping requirement by order of the [division  
6 of motor carrier and railroad safety of the department of economic development] **state highways  
7 and transportation commission**, be brought to a full stop within fifty feet, but not less than  
8 fifteen feet, from the nearest rail of such railroad grade crossing, and shall not proceed until due  
9 caution has been taken to ascertain that the course is clear, except that such full stop shall not be  
10 required at a streetcar crossing within a business or residence district, nor at a railroad grade

11 crossing protected by a watchman or traffic officer on duty or by a traffic control signal (not  
 12 railroad flashing signal) giving positive indication to approaching vehicles to proceed, nor when  
 13 the [division of motor carrier and railroad safety] **state highways and transportation**  
 14 **commission** has ordered the placement of an exempt sign at the crossing.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any  
 2 highway in this state having a greater weight than twenty thousand pounds on one axle, no  
 3 combination of vehicles operated by transporters of general freight over regular routes as defined  
 4 in section [390.020] **308.020**, RSMo, shall be moved or operated on any highway of this state  
 5 having a greater weight than the vehicle manufacturer's rating on a steering axle with the  
 6 maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall  
 7 be moved or operated on any state highway of this state having a greater weight than thirty-four  
 8 thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more  
 9 axles, arranged one behind another, the distance between the extremes of which is more than  
 10 forty inches and not more than ninety-six inches apart.

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

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

18

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

21	Maximum load in pounds				
22 feet	2 axles	3 axles	4 axles	5 axles	6 axles
23 4	34,000				
24 5	34,000				
25 6	34,000				
26 7	34,000				
27 8	34,000	34,000			
28 More than 8	38,000	42,000			
29 9	39,000	42,500			
30 10	40,000	43,500			
31 11	40,000	44,000			
32 12	40,000	45,000	50,000		

33	13	40,000	45,500	50,500		
34	14	40,000	46,500	51,500		
35	15	40,000	47,000	52,000		
36	16	40,000	48,000	52,500	58,000	
37	17	40,000	48,500	53,500	58,500	
38	18	40,000	49,500	54,000	59,000	
39	19	40,000	50,000	54,500	60,000	
40	20	40,000	51,000	55,500	60,500	66,000
41	21	40,000	51,500	56,000	61,000	66,500
42	22	40,000	52,500	56,500	61,500	67,000
43	23	40,000	53,000	57,500	62,500	68,000
44	24	40,000	54,000	58,000	63,000	68,500
45	25	40,000	54,500	58,500	63,500	69,000
46	26	40,000	55,500	59,500	64,000	69,500
47	27	40,000	56,000	60,000	65,000	70,000
48	28	40,000	57,000	60,500	65,500	71,000
49	29	40,000	57,500	61,500	66,000	71,500
50	30	40,000	58,500	62,000	66,500	72,000
51	31	40,000	59,000	62,500	67,500	72,500
52	32	40,000	60,000	63,500	68,000	73,000
53	33	40,000	60,000	64,000	68,500	74,000
54	34	40,000	60,000	64,500	69,000	74,500
55	35	40,000	60,000	65,500	70,000	75,000
56	36		60,000	66,000	70,500	75,500
57	37		60,000	66,500	71,000	76,000
58	38		60,000	67,500	72,000	77,000
59	39		60,000	68,000	72,500	77,500
60	40		60,000	68,500	73,000	78,000
61	41		60,000	69,500	73,500	78,500
62	42		60,000	70,000	74,000	79,000
63	43		60,000	70,500	75,000	80,000
64	44		60,000	71,500	75,500	80,000
65	45		60,000	72,000	76,000	80,000
66	46		60,000	72,500	76,500	80,000
67	47		60,000	73,500	77,500	80,000
68	48		60,000	74,000	78,000	80,000

69	49	60,000	74,500	78,500	80,000
70	50	60,000	75,500	79,000	80,000
71	51	60,000	76,000	80,000	80,000
72	52	60,000	76,500	80,000	80,000
73	53	60,000	77,500	80,000	80,000
74	54	60,000	78,000	80,000	80,000
75	55	60,000	78,500	80,000	80,000
76	56	60,000	79,500	80,000	80,000
77	57	60,000	80,000	80,000	80,000

78

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

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

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

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

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

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance [man] **worker** of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The **state** highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance [men] **workers** to enforce the provisions of such sections, and the maintenance [men] **workers** delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to

37 304.230 for prosecution by such proper officers.

38 3. The superintendent of the Missouri state highway patrol may assign qualified persons  
39 who are not highway patrol officers to supervise or operate permanent or portable weigh stations  
40 used in the enforcement of commercial vehicle laws. These persons shall be designated as  
41 commercial vehicle inspectors and have limited police powers:

42 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations  
43 of rules and regulations of the [division of motor carrier and railroad safety of the department of  
44 economic development] **state highways and transportation commission pursuant to chapter**  
45 **308, RSMo**, and department of public safety, and laws, rules, and regulations pertaining to  
46 commercial motor vehicles and trailers and related to size, weight, fuel tax, registration,  
47 equipment, driver requirements, transportation of hazardous materials and [operators' or  
48 chauffeurs'] **driver's** licenses, and the provisions of sections 303.024 and 303.025, RSMo;

49 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and  
50 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,  
51 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when  
52 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as  
53 defined by Title 49 of the Code of Federal Regulations;

54 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.

55

56 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in  
57 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training  
58 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right  
59 as peace officers to bear arms.

60 4. The superintendent of the Missouri state highway patrol may appoint qualified  
61 persons, who are not members of the highway patrol, designated as commercial vehicle  
62 enforcement officers, with the powers:

63 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining  
64 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the  
65 provisions of sections 303.024 and 303.025, RSMo;

66 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and  
67 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,  
68 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a  
69 cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting  
70 hazardous materials as defined by Title 49 of the Code of Federal Regulations;

71 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this  
72 subsection.

73 Commercial vehicle enforcement officers shall not have the authority to exercise the powers  
74 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed  
75 training approved by the superintendent of the Missouri state highway patrol. Commercial  
76 vehicle enforcement officers shall have the right as peace officers to bear arms.

77 5. Any additional employees needed for the implementation of this section shall be hired  
78 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

79 6. Any part of this section which shall be construed to be in conflict with the axle or  
80 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of  
81 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

304.240. Any person, firm, corporation, partnership or association violating any of the  
2 provisions of sections 304.170 to 304.230 shall be deemed guilty of a misdemeanor and upon  
3 conviction thereof shall be punished by a fine of not less than five dollars or by confinement in  
4 a county jail for not more than twelve months, or by both the fine and confinement; provided,  
5 however, that where load limits as defined in sections 304.180 to 304.220 have been violated,  
6 the fine shall be two cents for each pound of excess weight up to and including five hundred, and  
7 five cents for each pound of excess weight above five hundred and not exceeding one thousand,  
8 and ten cents for each pound in excess weight above one thousand; provided that, when any  
9 vehicle is being operated under a special permit as provided in section [304.200] **308.700,**  
10 **RSMo**, the term "excess weight" means only weight in excess of the amount permitted in the  
11 permit as issued. The court may, in its discretion, cause to be impounded the motor vehicle  
12 operated by any person violating the provisions of this section until such time as the fine and cost  
13 assessed by the court under this section is paid.

304.373. 1. For the purpose of this section, "hazardous materials" shall be as defined  
2 pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.

3 2. No person shall transport hazardous materials in or through any highway tunnel in this  
4 state. For purposes of this section, a tunnel shall be defined as a horizontal subterranean  
5 passageway through or under an obstruction of a length of one hundred yards or more.

6 3. No person shall park a vehicle containing hazardous materials within three hundred  
7 feet of any highway tunnel in this state except as provided pursuant to Part 397, Title 49, Code  
8 of Federal Regulations, as adopted and as such regulations have been and may periodically be  
9 amended.

10 4. Any person who is found or pleads guilty to a violation of this section shall be guilty  
11 of a class B misdemeanor. Any person who is found or pleads guilty to a second or subsequent  
12 violation of this section shall be guilty of a class A misdemeanor. Violations of this section shall  
13 be enforced pursuant to section [390.201] **308.110, RSMo**.

307.160. In addition to the penalty provided by section 307.155 in case of the violation

2 of sections 307.130 to 307.160 by any common carrier or person operating under a permit or a  
3 certificate of public convenience or necessity issued by the [Missouri public service] **state**  
4 **highways and transportation** commission, or other authorized body or person, said permit shall  
5 be revoked, or, in the discretion of the commission, suspended until the provisions of sections  
6 307.130 to 307.160 are satisfactorily complied with.

307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo,  
2 which is required to be registered in this state, except:

3 (1) New motor vehicles which have not been previously titled and registered, for the  
4 two-year period following their model year of manufacture;

5 (2) Those motor vehicles which are engaged in interstate commerce and are  
6 proportionately registered in this state with the [Missouri highway reciprocity] **state highways**  
7 **and transportation** commission, although the owner may request that such vehicle be inspected  
8 by an official inspection station, and a peace officer may stop and inspect such vehicles to  
9 determine whether the mechanical condition is in compliance with the safety regulations  
10 established by the United States Department of Transportation; and

11 (3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

12

13 shall submit such vehicles to a biennial inspection of their mechanism and equipment in  
14 accordance with the provisions of sections 307.350 to [307.390] **307.402** and obtain a certificate  
15 of inspection and approval and a sticker, seal, or other device from a duly authorized official  
16 inspection station. The inspection, except the inspection of school buses which shall be made  
17 at the time provided in section 307.375, shall be made at the time prescribed in the rules and  
18 regulations issued by the superintendent of the Missouri state highway patrol; but the inspection  
19 of a vehicle shall not be made more than sixty days prior to the date of application for  
20 registration or within sixty days of when a vehicle's registration is transferred. Any vehicle  
21 manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant  
22 to the safety inspection program established pursuant to sections 307.350 to [307.390] **307.402**  
23 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered  
24 model year vehicle shall be inspected and approved pursuant to sections 307.350 to [307.390]  
25 **307.402** in each odd-numbered year. The certificate of inspection and approval shall be a sticker,  
26 seal, or other device or combination thereof, as the superintendent of the Missouri state highway  
27 patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as  
28 prescribed by the regulations established by [him] **the superintendent**. The replacement of  
29 certificates of inspection and approval which are lost or destroyed shall be made by the  
30 superintendent of the Missouri state highway patrol under regulations prescribed by [him] **the**  
31 **superintendent**.

32           2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle  
33 over the most direct route between the owner's usual place of residence and an inspection station  
34 of such owner's choice, notwithstanding the fact that the vehicle does not have a current state  
35 registration license. It shall also be lawful to operate such a vehicle from an inspection station  
36 to another place where repairs may be made and to return the vehicle to the inspection station  
37 notwithstanding the absence of a current state registration license.

38           3. No person whose motor vehicle was duly inspected and approved as provided in this  
39 section shall be required to have the same motor vehicle again inspected and approved for the  
40 sole reason that such person wishes to obtain a set of any special personalized license plates  
41 available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant  
42 to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current  
43 registration.

44           4. Notwithstanding the provisions of section 307.390, violation of this section shall be  
45 deemed an infraction.

          307.400. 1. It is unlawful for any person to operate any commercial motor vehicle  
2 licensed for more than twelve thousand pounds either singly or in combination with a trailer, as  
3 both [vehicles] **terms** are defined in section 301.010, RSMo, unless such vehicles are equipped  
4 and operated as required by Parts [390 through 397] **40 and 379 through 399**, Title 49, Code  
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether  
6 intrastate transportation or interstate transportation. Members of the Missouri state highway  
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect  
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting  
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of  
10 the department of public safety is hereby authorized to further regulate the safety of commercial  
11 motor vehicles and trailers as [he] **the director** deems necessary to govern and control their  
12 operation on the public highways of this state by promulgating and publishing rules and  
13 regulations consistent with this chapter. Any such rules shall, in addition to any other provisions  
14 deemed necessary by the director, require:

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

17           (2) Accidents arising from or in connection with the operation of commercial motor  
18 vehicles and trailers to be reported to the department of public safety in such detail and in such  
19 manner as the director may require.

20

21 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this  
22 section shall not apply to any commercial motor vehicle operated in intrastate commerce and

23 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the  
24 transportation of solid waste or forty-two thousand pounds or less when the license plate has  
25 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,  
26 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal  
27 Regulations.

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

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

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

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

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

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

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

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

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

60 7. Violation of any provision of this section or any rule promulgated as authorized  
61 therein is a class B misdemeanor.

62 8. No rule or portion of a rule promulgated under the authority of this chapter shall  
63 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
64 RSMo.

[226.008.] **308.010.** 1. The **state** highways and transportation commission shall have  
2 responsibility and authority, as provided in this [section] **chapter** and sections 104.805, 389.005,  
3 389.610, and 621.040, RSMo, for the administration and enforcement of:

4 (1) Licensing, supervising and regulating motor carriers for the transportation of  
5 passengers, household goods and other property by motor vehicles within this state;

6 (2) Licensing motor carriers to transport hazardous waste, used oil, infectious waste and  
7 permitting waste tire haulers in intrastate or interstate commerce, or both, by motor vehicles  
8 within this state;

9 (3) Compliance by motor carriers and motor private carriers with applicable  
10 requirements relating to safety and hazardous materials transportation, within the terminals of  
11 motor carriers and motor private carriers of passengers or property;

12 (4) Compliance by motor carriers and motor private carriers with applicable  
13 requirements relating to safety and hazardous materials transportation wherever they possess,  
14 transport or deliver hazardous waste, used oil, infectious waste or waste tires. This authority is  
15 in addition to, and not exclusive of, the authority of the department of natural resources to ensure  
16 compliance with any and all applicable requirements related to the transportation of hazardous  
17 waste, used oil, infectious waste or waste tires;

18 (5) Collecting and regulating amounts payable to the state from interstate motor carriers  
19 in accordance with the provisions of the International Fuel Tax Agreement [in accordance with  
20 section 142.617, RSMo,] and any successor or similar agreements, including the authority to  
21 impose and collect motor fuel taxes due pursuant to chapter 142, RSMo, and such agreement;

22 (6) Registering and regulating interstate commercial motor vehicles operated upon the  
23 highways of this state, in accordance with the provisions of the International Registration Plan  
24 [in accordance with sections 301.271 through 301.277, RSMo,] and any successor or similar  
25 agreements, including the authority to issue license plates in accordance with [sections 301.130  
26 and 301.041, RSMo] **section 301.130, RSMo, and this chapter;**

27 (7) Permitting the transportation of over dimension or overweight motor vehicles or  
28 loads that exceed the maximum weights or dimensions otherwise allowed upon the public  
29 highways within the jurisdiction of the **state** highways and transportation commission; and

30 (8) Licensing intrastate housemovers.

31           2. The **state** highways and transportation commission shall carry out all powers, duties  
32 and functions relating to intrastate and interstate transportation previously performed by:

33           (1) The division of motor carrier and railroad safety within the department of economic  
34 development, and all officers or employees of that division;

35           (2) The department of natural resources, and all officers or employees of that division,  
36 relating to the issuance of licenses or permits to transport hazardous waste, used oil, infectious  
37 waste or waste tires by motor vehicles operating within the state;

38           (3) The highway reciprocity commission within the department of revenue, and all  
39 officers or employees of that commission; and the director of revenue's powers, duties and  
40 functions relating to the highway reciprocity commission, except that the **state** highways and  
41 transportation commission may allow the department of revenue to enforce the provisions of the  
42 International Fuel Tax Agreement, as required by such agreement; and

43           (4) The motor carrier services unit within the traffic functional unit of the department  
44 of transportation, relating to the special permitting of operations on state highways of motor  
45 vehicles or loads that exceed the maximum length, width, height or weight limits established by  
46 law or by the **state** highways and transportation commission.

47           3. All the powers, duties and functions described in subsections 1 and 2 of this section,  
48 including but not limited to, all powers, duties and functions pursuant to chapters 387, 390 and  
49 622, RSMo, including all rules and orders, are hereby transferred to the department of  
50 transportation, which is in the charge of the **state** highways and transportation commission, by  
51 type I transfer, as defined in the Omnibus State Reorganization Act of 1974, and the preceding  
52 agencies and officers shall no longer be responsible for those powers, duties and functions.

53           4. All the powers, duties and functions, including all rules and orders, of the  
54 administrative law judges of the division of motor carrier and railroad safety, as amended by the  
55 provisions of this section and sections 104.805, 389.005, 389.610, and 621.040, RSMo, are  
56 hereby transferred to the administrative hearing commission within the state office of  
57 administration.

58           5. The division of motor carrier and railroad safety and the highway reciprocity  
59 commission are abolished.

60           6. Personnel previously employed by the division of motor carrier and railroad safety and  
61 the highway reciprocity commission shall be transferred to the department of transportation, but  
62 the department of natural resources shall not be required to transfer any personnel pursuant to  
63 this section. The administrative law judge within the division of motor carrier and railroad safety  
64 shall be transferred to the administrative hearing commission.

65           7. Credentials issued by the transferring agencies or officials before July 11, 2002, shall  
66 remain in force or expire as provided by law. In addition, the **state** highways and transportation

67 commission shall have the authority to suspend, cancel or revoke such credentials after July 11,  
68 2002.

69 8. Notwithstanding any provision of law to the contrary, on and after July 11, 2002, all  
70 surety bonds, cash bonds, certificates of deposit, letters of credit, drafts, checks or other financial  
71 instruments payable to:

72 (1) The highway reciprocity commission or the department of revenue pursuant to  
73 section 301.041, RSMo, or pursuant to the International Fuel Tax Agreement; or

74 (2) Any other agency or official whose powers, duties or functions are transferred  
75 pursuant to this section,

76

77 shall be payable instead to the state highways and transportation commission.

78 9. The department of natural resources shall have authority to collect and establish by  
79 rule the amount of the fee paid by applicants for a permit to transport waste tires.

80 10. The Missouri hazardous waste management commission created in section 260.365,  
81 RSMo, shall have the authority to collect and establish by rule the amount of the fee paid by  
82 applicants for a license to transport hazardous waste, used oil, or infectious waste pursuant to  
83 section [260.395] **308.305**, RSMo.

[390.020.] **308.020. 1.** As used in this chapter, unless **otherwise defined in this**  
2 **chapter or** the context clearly requires otherwise, the **following** words and terms mean:

3 (1) "Agricultural commodities in bulk", commodities conforming to the meaning of  
4 "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural  
5 or forest products or any other products which are grown or produced on a farm or in a forest,  
6 and which have not undergone processing at any time since movement from the farm or forest,  
7 or processed or unprocessed grain, feed, feed ingredients, or forest products;

8 (2) "Certificate", a written document authorizing a common carrier to engage in  
9 intrastate commerce and issued under the provisions of this chapter;

10 (3) "Charter service", the transportation of a group of persons who, pursuant to a  
11 common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a  
12 passenger-carrying motor vehicle to travel together as a group from a point of origin to a  
13 specified destination or for a particular itinerary, either agreed upon in advance or modified by  
14 the chartering group after having left the place of origin;

15 (4) "Commercial zone", unless otherwise increased pursuant to the provisions of  
16 subdivision (4) of section [390.041] **308.050, RSMo**, any municipality within this state together  
17 with that territory either within or without the state of Missouri, extending one mile beyond the  
18 corporate limits of such municipality and one additional mile for each fifty thousand inhabitants  
19 or portion thereof; however, any commercial zone of a city not within a county shall extend

20 eighteen miles beyond that city's corporate limits and shall also extend throughout any first class  
21 charter county which adjoins that zone;

22 (5) **"Commission", the state highways and transportation commission created**  
23 **pursuant to article IV, section 29 of the Missouri Constitution;**

24 (6) "Commodities in bulk", commodities, which are fungible, flowable, capable of being  
25 poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are  
26 weighed or measured by volume and which conform to the shape of the vehicle transporting  
27 them;

28 [(6)] (7) "Common carrier", any person which holds itself out to the general public to  
29 engage in the transportation by motor vehicle of passengers or property for hire or compensation  
30 upon the public highways and airlines engaged in intrastate commerce. **Common carrier**  
31 **includes every motor carrier, and all express companies, freight companies, freightline**  
32 **companies, and every corporation, company, association, and partnership of every kind,**  
33 **and every person, their lessees, trustees, or receivers appointed by any court whatsoever,**  
34 **owning, holding, operating, controlling, or managing any such agency for public use in the**  
35 **conveyance of persons or property within this state;**

36 [(7)] (8) "Contract carrier", any person under individual contracts or agreements which  
37 engage in transportation by motor vehicles of passenger or property for hire or compensation  
38 upon the public highways;

39 [(8)] (9) "Corporate family", a group of corporations consisting of a parent corporation  
40 and all subsidiaries in which the parent corporation owns directly or indirectly a one hundred  
41 percent interest;

42 [(9) "Division", the division of motor carrier and railroad safety of the department of  
43 economic development;]

44 (10) **"Credential", includes any license, certificate, permit, registration, receipt, cab**  
45 **card, telegram, or other written authorization issued to a motor carrier by the commission;**

46 (11) "Driveaway operator", any motor carrier who moves any commercial motor vehicle  
47 or assembled automobile singly under its own power or in any other combination of two or more  
48 vehicles under the power of one of said vehicles upon any public highway for the purpose of  
49 delivery for sale or for delivery either before or after sale;

50 [(11)] (12) "Dump truck", any open-top vehicle, including dump trailers, and those  
51 trailers commonly referred to as hopper trailers and/or belly dump trailers, that discharges its  
52 load by tipping or opening the body in such a manner that the load is ejected or dumped by  
53 gravity but does not include tank or other closed-top vehicles, or vehicles that discharge cargo  
54 by means of an auger, conveyor belt, air pressure, pump or other mechanical means;

55 [(12) "Household goods", personal effects and property used or to be used in a dwelling

56 when a part of the equipment or supply of such dwelling; new or used furniture; store or office  
57 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and  
58 articles, which because of their unusual nature or value require specialized handling and  
59 equipment usually employed in moving household goods;]

60 (13) "Interstate commerce", commerce between a point in this state and a point outside  
61 this state, or between points outside this state when such commerce moves through this state  
62 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly  
63 by any other regulated means of transportation where the commodity does not come to rest or  
64 change its identity during the movement;

65 (14) "Intrastate commerce", commerce moving wholly between points within this state,  
66 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly  
67 by any other means of transportation;

68 (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle  
69 when not restricted to any specific route or routes within the area the motor carrier is authorized  
70 to serve;

71 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being  
72 transported on the motor vehicle at one time;

73 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and  
74 any other transportable building unit designed to be used for residential, commercial, industrial  
75 or recreational purposes, including special equipment, wheels, tires, axles, springs, racks,  
76 undercarriages and undersupports used or useful in connection with the transportation of mobile  
77 homes when transported as part of the transportation of mobile homes;

78 (18) "Motor carrier", any person engaged in the transportation of property or passengers,  
79 or both, for compensation or hire, over the public roads of this state by motor vehicle. The term  
80 includes both common and contract carriers;

81 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus  
82 or any self-propelled vehicle used upon the highways of the state in the transportation of property  
83 [or], passengers, **or hazardous waste or waste tires**;

84 (20) ["Party", any person admitted as a party to a division proceeding or seeking and  
85 entitled as a matter of right to admission to a division proceeding;

86 (21)] "Permit", **as used in sections 308.400 to 308.497, and section 308.610**, a permit  
87 issued [under the provisions of this chapter] to a contract carrier to engage in intrastate or  
88 interstate commerce or to a common carrier to engage in interstate commerce;

89 [(22)] **(21)** "Person", any individual or other legal entity, whether such entity is a  
90 proprietorship, partnership, corporation, company, association or joint-stock association,  
91 including the partners, officers, employees, and agents of the person, as well as any trustees,

92 assignees, receivers, or personal representatives of the person;

93 [(23)] **(22) "Private carrier", "private motor carrier", or "motor private carrier",** any  
94 person engaged in the transportation of property or passengers by motor vehicle upon public  
95 highways, but not as a common or contract carrier by motor vehicle; and includes any person  
96 who transports property by motor vehicle where such transportation is incidental to or in  
97 furtherance of his **or her** commercial enterprises;

98 [(24)] **(23) "Public highway",** every public street, road, highway or thoroughfare of any  
99 kind used by the public, whether actually dedicated to the public;

100 [(25)] **(24) "Regular route",** a specific and determined course to be traveled by a motor  
101 carrier's vehicle rendering service to, from or between various points or localities in this state;

102 [(26)] **(25) "School bus",** any motor vehicle while being used solely to transport students  
103 to or from school or to transport students to or from any place for educational purposes or school  
104 purposes;

105 [(27)] **(26) "Taxicab",** any motor vehicle performing a bona fide for-hire taxicab service  
106 having a capacity of not more than five passengers, exclusive of the driver, and not operated on  
107 a regular route or between fixed termini;

108 [(28)] **(27) "Truckload lot",** a lot or lots of freight tendered to a carrier by one consignor  
109 or one consignee for delivery at the direction of the consignor or consignee with the lot or lots  
110 being the only lot or lots transported on the motor vehicle at any one time.

111 **2. Except as otherwise defined in this chapter, the words and terms defined in**  
112 **sections 142.800, 260.200, 301.010, 304.001, and 389.011, RSMo, shall have the same**  
113 **meaning whenever used in this chapter.**

114 **3. The commission shall have the authority to delegate any of its powers pursuant**  
115 **to this chapter and chapter 389, RSMo, to any employee of the commission or any**  
116 **employee of the state department of transportation.**

[390.250. 1.] **308.023.** As used in [sections 390.250 to 390.350] **this chapter,** the  
2 following terms mean:

3 (1) ["Division", the division of motor carrier and railroad safety within the department  
4 of economic development of this state, which, after June 30, 1997, is known as the division of  
5 motor carrier and railroad safety;

6 (2)] "Household goods", personal effects and property used or to be used in a dwelling  
7 when part of the equipment or supplies of such dwelling and similar property, if the  
8 transportation of such effects or property[,] is either arranged and paid for by the householder,  
9 including transportation of property from a factory or store when the property is purchased by  
10 the householder with intent to use in his or her dwelling, or arranged and paid for by another  
11 party. The term "household goods" shall not include personal property which when tendered to

12 a motor carrier is crated or otherwise packaged to make it suitable for transportation by motor  
13 carriers of general commodities, freight or property;

14 [(3)] (2) "Property carrier registration", a document issued by the [division pursuant to  
15 sections 390.250 to 390.350] **state highways and transportation commission pursuant to**  
16 **sections 308.200 to 308.290** which identifies a person as a registered property carrier and  
17 qualifies that person to engage in the transportation by motor vehicle of property except  
18 household goods for hire or compensation in intrastate commerce on the public highways in this  
19 state;

20 [(4)] (3) "Registered property carrier", a person who is entitled [pursuant to subdivision  
21 (3) of this subsection] **by a property carrier registration issued pursuant to sections 308.200**  
22 **to 308.290** to engage in the transportation by motor vehicle of property, except household goods,  
23 for hire or compensation in intrastate commerce on the public highways in this state. This term  
24 is included within the term "common carrier" as defined in section [390.020] **308.020**.

25 [2. Notwithstanding any provisions of section 390.020, or chapter 622, RSMo, to the  
26 contrary, the provisions of this section which define words shall also apply to and determine the  
27 meaning of all words used in this chapter and chapter 622, RSMo. Except as otherwise provided  
28 in this section, or when the context clearly requires otherwise, the provisions of section 390.020,  
29 and chapter 622, RSMo, which define words shall also apply to and determine the meaning of  
30 words used in sections 390.250 to 390.350.]

[324.700.] **308.025**. As used in sections [324.700 to 324.745] **308.500 to 308.575**, unless  
2 the context provides otherwise, [the following terms shall mean:

3 (1) "Division", the division of motor carrier and railroad safety;

4 (2) "House", a dwelling or other structure intended for human habitat in excess of  
5 fourteen feet in width. A house does not include a manufactured home as defined in section  
6 700.010, RSMo, or a modular unit;

7 (3) "Housemover", a person actively engaged on a full-time basis in the intrastate  
8 movement of houses on public roads and highways of this state;

9 (4) "Housemoving", engaging actively and directly on a full-time basis in the intrastate  
10 movement of houses on public roads and highways of this state;

11 (5) "Person", an individual, corporation, partnership, association or any other business  
12 entity] **"house" means a dwelling or other structure intended for human habitat in excess**  
13 **of fourteen feet in width. A house does not include a manufactured home as defined in**  
14 **section 700.010, RSMo, or a modular unit.**

[390.011. It is hereby declared that the legislation contained in this chapter is enacted]  
2 **308.030. It is the intent of the general assembly to enact the provisions of this chapter for**  
3 the following purposes:

- 4 (1) To promote safe, adequate, economical and efficient transportation;
- 5 (2) To promote the most productive use of equipment and energy resources; [and]
- 6 (3) **To collect the fees and taxes due from motor carriers; and**
- 7 (4) To conserve the interests and convenience of the public.

8 No right, privilege, **credential**, or permit granted or obtained under or by virtue of the provisions  
9 of this chapter shall ever be construed as a vested right, privilege, **credential**, or permit; and the  
10 general assembly retains full legislative power over, concerning and pertaining to the subject or  
11 subjects legislated upon in this chapter and the power and right to alter, amend or repeal any  
12 provision of this chapter at its pleasure.

[622.090.] **308.040.** The jurisdiction, supervision, powers and duties of the [motor carrier  
2 and railroad safety division herein created and established] **state highways and transportation**  
3 **commission** shall extend under this chapter:

- 4 (1) [To all railroads within this state, and to all transportation of persons or property  
5 thereon, and to the person or corporation owning, leasing, operating or controlling the same, and  
6 to every person, corporation and entity that offers for transportation by railroad within this state  
7 hazardous or toxic materials as defined under the laws of this state or of the United States;
- 8 (2) To all street railroads within this state, and to all transportation of persons or property  
9 thereon, and to the person or corporation owning, leasing, operating or controlling the street  
10 railroad;
- 11 (3) To the extent authorized in section 389.1005, RSMo, to the operation of light rail,  
12 as defined in section 386.020, RSMo, located wholly or in part within this state, and to all  
13 transportation of persons and their baggage on light rail within this state;
- 14 (4) To such portion of the lines of any other railroad, light rail or street railroad as lie  
15 within this state, and to the person, corporation or entity owning, leasing, operating or controlling  
16 the same, so far as concerns the construction, maintenance, equipment, terminal facilities and  
17 local transportation facilities and local transportation of persons or property within this state;
- 18 (5) To all motor carriers[, railroad corporations, and street railroad corporations]  
19 operating or doing business within this state;
- 20 [(6)] (2) To all persons, corporations or partnerships engaged in the transportation of  
21 property or freight within the state; and
- 22 [(7)] (3) To all corporations and persons whatsoever subject to the provisions of chapters  
23 [387,] 388, 389, [390,] and 391, RSMo, and this chapter.

[390.041.] **308.050.** The [division of motor carrier and railroad safety] **state highways**  
2 **and transportation commission** is hereby vested with power and authority:

- 3 (1) To license, supervise and regulate every [common or contract] **motor** carrier in this  
4 state; to make, fix or approve just and reasonable minimum, maximum, or minimum and

5 maximum rates, fares and charges thereof; to make, fix or approve just and reasonable  
6 classifications, rules and regulations pertaining to rates, fares and charges thereof; by general  
7 order or otherwise, to establish reasonable requirements with respect to adequate and continuous  
8 service, uniform systems of accounts, records and reports, preservation of records; and to  
9 supervise and regulate every [common or contract] **motor** carrier in these and all other matters  
10 affecting their relationship with the public;

11 (2) To inquire, for purposes of administration of the provisions of this chapter, into the  
12 management of the business of motor carriers, and into the management of the business of  
13 persons controlling, controlled by, or under common control with, motor carriers to the extent  
14 that the business of such persons is related to the management of the business of one or more  
15 motor carriers, and the [division] **state highways and transportation commission** may require  
16 from such motor carriers or persons such information as the [division] **commission** deems  
17 necessary to carry out the provisions of this chapter;

18 (3) To establish just and reasonable classifications of types of carriers included in the  
19 term "common carriers" as the special nature of the services performed by such carriers shall  
20 require; including a separate classification for operations in vehicles licensed for a gross weight  
21 of nine thousand pounds or less; and by general order or otherwise, establish such just and  
22 reasonable rules, regulations and requirements, consistent with the provisions of this chapter to  
23 be observed by carriers so classified or grouped, as the [division] **state highways and**  
24 **transportation commission** deems necessary or desirable in the public interest;

25 (4) To define, but not reduce, by general order or otherwise, after hearing, the limits of  
26 a commercial zone contiguous or adjacent to any point or municipality, giving due regard in  
27 defining the commercial zone to that area which is adjacent to and commercially a part of the  
28 point or municipality;

29 (5) To enforce wholly within terminals the rules and regulations promulgated by the  
30 director of the department of public safety under section 307.400, RSMo, as they apply to motor  
31 vehicles.

[390.045.] **308.070.** 1. Duly authorized enforcement personnel of the [division] **state**  
2 **highways and transportation commission** may stop commercial motor vehicles when there is  
3 a probable cause that the operator has violated, or is violating, any part of this chapter, or the  
4 rules promulgated by the [division of motor carrier and railroad safety] **state highways and**  
5 **transportation commission**. Enforcement personnel may detain the vehicle and operator for  
6 a reasonable period of time to determine if in fact the commercial motor vehicle is in violation  
7 of this chapter or the rules promulgated by the [division] **state highways and transportation**  
8 **commission**. Information obtained during a stop may be used to file a complaint with the  
9 [director of the division through the general counsel of the division of motor carrier and railroad

10 safety with an administrative law judge] **administrative hearing commission** to ascertain the  
11 legality of the commercial motor vehicle operation.

12 2. Vehicles operated by [division of motor carrier and railroad safety] **state highways**  
13 **and transportation commission** enforcement personnel shall be considered emergency vehicles  
14 as defined in section 304.022, RSMo. Enforcement personnel of the [division of motor carrier  
15 and railroad safety] **commission** shall not have the right to bear firearms. Enforcement personnel  
16 shall be required to complete one hundred twenty hours of basic law enforcement training as  
17 required of peace officers as specified in chapter 590, RSMo.

[390.350.] **308.075.** 1. Notwithstanding any provisions of section [390.045,] **308.070**  
2 to the contrary, the [division] **state highways and transportation commission** shall by rule  
3 adopt reasonable training requirements for its enforcement personnel to prepare them for their  
4 actual duties of employment; this training need not require any basic law enforcement training  
5 as required of peace officers as specified in chapter 590, RSMo.

6 2. No rule or portion of a rule promulgated pursuant to the authority of [sections 390.250  
7 to 390.350] **this section** shall become effective unless it has been promulgated pursuant to the  
8 provisions of [section 536.024] **chapter 536**, RSMo.

[390.151.] **308.090.** No provision in [sections 390.011 to 390.176] **this chapter** shall  
2 be so construed as to deprive any county or municipality within this state of the right of police  
3 control over the use of its public highways, or the state highways and transportation commission  
4 of the right of police control over the use of the state highways.

**308.097. No person, partnership, firm, or corporation shall set up, install, operate,**  
2 **or cause to be operated upon the person's or its premises any sign or light commonly**  
3 **known as "red neon" or any other kind of red sign along, adjacent to, or in line of vision**  
4 **of any main line track of a railroad in this state, except if it is shaded or shielded to prevent**  
5 **it from being observed from the line of vision as viewed from an approaching locomotive**  
6 **cab, or where it may cause confusion to the persons in the locomotive cab, thereby**  
7 **endangering the safe and efficient operation of such train or locomotive. The state**  
8 **highways and transportation commission shall inspect such confusing signs, upon**  
9 **complaint, and determine if such sign or signs are confusing or dangerous, and advise the**  
10 **owner or operator of their findings and prescribe an adequate shield therefor.**

[390.201.] **308.110.** 1. Subject to any exceptions which are applicable under section  
2 307.400, RSMo, or subsection 6 of section [390.063] **308.420**, the officers and commercial  
3 motor vehicle inspectors of the state highway patrol, the enforcement personnel of the [division  
4 of motor carrier and railroad safety] **state highways and transportation commission**, and other  
5 authorized peace officers of this state and any civil subdivision of this state[, ] may enforce any  
6 of the provisions of Parts [350] **40, and 379** through 399 of Title 49, Code of Federal

7 Regulations, as those regulations have been and may periodically be amended, as they apply to  
8 motor vehicles and drivers operating in interstate or intrastate commerce within this state; except  
9 that the enforcement personnel of the [division of motor carrier and railroad safety] **state**  
10 **highways and transportation commission** shall be authorized to enforce those regulations  
11 wholly within the terminals of motor carriers and private carriers by motor vehicle.

[622.240. 1.] **308.120.** The [division] **state highways and transportation commission**  
2 may, after a hearing had upon its own motion or upon complaint, by general or special orders,  
3 rules or regulations, or otherwise, require every person, corporation, and carrier to maintain and  
4 operate its line, plant, system, equipment, apparatus, [tracks] and premises in such manner as to  
5 promote and safeguard the health and safety of its employees, passengers, customers, and the  
6 public. The [division] **commission** may prescribe, among other things, the installation, use,  
7 maintenance and operation of appropriate safety and other devices or appliances. The [division]  
8 **commission** may waive the requirements for notice and hearing and provide for expeditious  
9 issuance of an order in any case in which the [division] **commission** determines that the failure  
10 to do so would result in the likelihood of imminent threat of serious harm to life or property,  
11 except that the [division] **commission** shall include in such an order an opportunity for hearing  
12 as soon as practicable after the issuance of such order.

13 [2. No person, partnership, firm or corporation shall set up, install, operate or cause to  
14 be operated, upon the person's or its premises, any sign or light commonly known as "red neon"  
15 or any other kind of red signs, along, adjacent to or in line of vision of any main line track of a  
16 railroad in this state, except the same be shaded or shielded, so as to prevent them from being  
17 observed from the line of vision, as viewed from an approaching locomotive cab, or where they  
18 may cause confusion to the men in the locomotive cab, thereby endangering the safe and efficient  
19 operating of such train or locomotive. The division shall inspect such confusing signs, upon  
20 complaint, and determine if such sign or signs are confusing or dangerous, and advise the owner  
21 or operator of their findings and prescribe an adequate shield therefor.]

[622.555.] **308.125.** 1. The [division of motor carrier and railroad safety] **state**  
2 **highways and transportation commission** may grant a skill performance evaluation certificate  
3 to a person who is not physically qualified to drive under Code of Federal Regulations, Title 49,  
4 Section 391.41. A skill performance evaluation certificate granted pursuant to this section shall  
5 apply to intrastate transportation only. The skill performance evaluation certificate shall be in  
6 the possession of the commercial driver any time he or she is operating a commercial motor  
7 vehicle.

8 2. A person who wishes to obtain a skill performance evaluation certificate under this  
9 section shall submit to the [division] **state highways and transportation commission** the  
10 following information:

- 11 (1) The applicant's name, address, and telephone number;
  - 12 (2) The name, address, and telephone number of an employer co-applicant, if any;
  - 13 (3) A description of the applicant's experience in driving the type of vehicle to be
  - 14 operated under the skill performance evaluation certificate;
  - 15 (4) A description of the type of driving to be done under the skill performance evaluation
  - 16 certificate;
  - 17 (5) A description of any modifications to the vehicle the applicant intends to drive under
  - 18 the skill performance evaluation certificate that are designed to accommodate the applicant's
  - 19 medical condition or disability;
  - 20 (6) Whether the applicant has previously been granted another skill performance
  - 21 evaluation certificate pursuant to this section;
  - 22 (7) A copy of the applicant's current commercial driver's license;
  - 23 (8) A copy of a medical examiner's certificate showing that the applicant is medically
  - 24 unqualified to drive;
  - 25 (9) A statement from the applicant's treating physician that includes:
  - 26 (a) The extent to which the physician is familiar with the applicant's medical history;
  - 27 (b) A description of the applicant's medical condition for which a skill performance
  - 28 evaluation certificate is necessary;
  - 29 (c) Assurance that the applicant has the ability and willingness to follow any course of
  - 30 treatment prescribed by the physician, including the ability to self-monitor or manage the medical
  - 31 condition; and
  - 32 (d) The physician's professional opinion that the applicant's condition will not adversely
  - 33 affect the applicant's ability to operate a commercial motor vehicle safely; and
  - 34 (10) Any other information considered necessary by the [division] **commission** including
  - 35 requiring a physical examination or medical report from a physician who specializes in a
  - 36 particular field of medical practice.
- 37 3. The [division of motor carrier and railroad safety] **state highways and**
- 38 **transportation commission** shall promulgate rules and regulations to provide skill performance
- 39 evaluation certificates for individuals who have failed to meet the specified federal driver's
- 40 physical qualifications under 49 CFR 391.41. Any rule or regulation promulgated shall only
- 41 authorize such individual to operate a commercial motor vehicle within Missouri. The
- 42 regulations promulgated pursuant to this section may only be implemented if the United States
- 43 Department of Transportation (USDOT) will not impose any sanctions, including funding
- 44 sanctions, against the state.
- 45 4. As used in this section, the term "skill performance evaluation certificate" means
- 46 approval granted by the [division of motor carrier and railroad safety] **state highways and**

47 **transportation commission** allowing a driver to drive commercial motor vehicles intrastate  
48 even though the driver may not meet the minimum federal fitness standards to drive commercial  
49 motor vehicles interstate.

50 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
51 is created under the authority delegated in this section shall become effective only if it complies  
52 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
53 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
54 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
55 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
56 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
57 invalid and void.

[390.030.] **308.200.** 1. The provisions of [this chapter] **sections 308.200 to 308.290,**  
2 **sections 308.400 to 308.497, and section 308.610** shall not apply to:

- 3 (1) School buses;
- 4 (2) Taxicabs;
- 5 (3) Motor vehicles while being used exclusively to transport;
  - 6 (a) Stocker and feeder livestock from farm to farm, or from market to farm,
  - 7 (b) Farm or dairy products including livestock from a farm or dairy,
  - 8 (c) Agricultural limestone or fertilizer to farms,
  - 9 (d) Property from farm to farm,
  - 10 (e) Raw forest products from farm, or
  - 11 (f) Cotton, cottonseed, and cottonseed hulls;
- 12 (4) Motor vehicles when operated under contract with the federal government for  
13 carrying the United States mail and when on a trip provided in the contract;
- 14 (5) Motor vehicles used solely in the distribution of newspapers from the publisher to  
15 subscribers or distributors;
- 16 (6) The transportation of passengers or property performed by a carrier pursuant to a  
17 contract between the carrier and the state of Missouri or any civil subdivision thereof, where the  
18 transportation services are paid directly to the carrier by the state of Missouri or civil  
19 subdivision;
- 20 (7) Freight-carrying motor vehicles duly registered and licensed in conformity with the  
21 provisions of chapter 301, RSMo, for a gross weight of six thousand pounds or less;
- 22 (8) The transportation of passengers or property wholly within a municipality, or  
23 between contiguous municipalities, or within a commercial zone as defined in section [390.020]  
24 **308.020**, or within a commercial zone established by the [division of motor carrier and railroad  
25 safety] **state highways and transportation commission** pursuant to the provisions of

26 subdivision (4) of section [390.041] **308.050**; provided, the exemption in this subdivision shall  
27 not apply to motor carriers of persons operating to, from or between points located wholly or in  
28 part in counties now or hereafter having a population of more than three hundred thousand  
29 persons, where such points are not within the same municipality and to motor carriers of  
30 commodities in bulk to include liquids, in tank or hopper-type vehicles, and in a commercial  
31 zone as defined herein or by the [division] **commission**;

32 (9) Street railroads and public utilities other than common carriers as defined in section  
33 [386.020] **389.011**, RSMo;

34 (10) Motor vehicles whose operations in the state of Missouri are interstate in character  
35 and are limited exclusively to a municipality and its commercial zone;

36 (11) Motor vehicles, commonly known as tow trucks or wreckers, designed and  
37 exclusively used in the business of towing or otherwise rendering assistance to abandoned,  
38 disabled or wrecked vehicles;

39 (12) Motor vehicles while being used solely by a group of employees to commute to and  
40 from their place or places of employment, except that the motor vehicle must be driven by a  
41 member of the group.

42 2. Nothing contained in this section shall be deemed to exempt the vehicles of driveway  
43 operators.

44 3. Except for the provisions of subdivision (5) of section [390.041] **308.050**, the  
45 provisions of [this chapter] **sections 308.200 to 308.290, sections 308.400 to 308.497, and**  
46 **section 308.610** shall not apply to private carriers.

47 4. No agency of state government nor any county or municipality or their agencies shall  
48 discriminate against any motor carrier or private carrier or deny any such carrier operating a  
49 motor vehicle public access to any building, facility or area owned by or operated for the public  
50 unless such discrimination or denial is based solely on reasonable vehicle size or weight  
51 considerations. The provisions of this subsection shall only apply in cities not within a county  
52 and first class counties with a charter form of government which adjoin any city not within a  
53 county.

[390.260. 1.] **308.210**. The [division] **state highways and transportation commission**  
2 shall neither enforce any law nor make or enforce any rule or order relating to the prices, routes  
3 or services of registered property carriers or of common carriers or contract carriers of property  
4 for hire or compensation by motor vehicle in intrastate commerce on the public highways in this  
5 state, except with reference to the transportation of household goods or passengers or as  
6 expressly authorized [in sections 390.250 to 390.350] **by law**.

7 2. Except as preempted by [section 601 of the Federal Aviation Administration  
8 Authorization Act of 1994] **49 U.S.C. Section 14501(c)**, the powers, duties and functions of the

9 [division] **state highways and transportation commission** with reference to motor vehicles or  
10 common carriers pursuant to the provisions of this chapter [and chapters 386, 387 and 622,  
11 RSMo,] that are not inconsistent with the provisions of sections [390.250 to 390.350,] **308.210**  
12 **to 308.290** are hereby made applicable to the [division] **commission** with reference to registered  
13 property carriers, including the [division's] **commission's** power to enforce only within terminals  
14 the rules and regulations promulgated by the director of the department of public safety pursuant  
15 to section 307.400, RSMo, as they apply to motor vehicles.

16 3. The provisions of sections [390.051, 390.061, 390.062, 390.081, and 390.111]  
17 **308.400 to 308.497** shall not apply to the transportation of property in intrastate commerce,  
18 except with reference to household goods as defined in section [390.250] **308.023**.

[390.280.] **308.220**. 1. Certificates or permits, or both, which were issued before January  
2 1, 1995, and which authorized a person to transport any property in intrastate commerce by  
3 motor vehicle as a common carrier or contract carrier, or both, are void, except that to the extent  
4 such certificates or permits, or portions thereof, authorized a person to transport household goods  
5 over irregular routes or passengers in intrastate commerce, or any property or passengers in  
6 interstate commerce, those certificates or permits, or portions thereof, are exempt from the  
7 provisions of this subsection.

8 2. Persons who owned certificates or permits, or both, that were in active status with the  
9 division of **motor carrier and railroad safety** on December 31, 1994, and persons to whom the  
10 division issued certificates and permits after December 31, 1994, **or the state highways and**  
11 **transportation commission issued after July 11, 2002**, pursuant to emergency rules adopted  
12 by the division **or the commission**, are deemed to be qualified as registered property carriers,  
13 unless the person's certificate or permit has been suspended, revoked or transferred to another  
14 person as provided by law. A person deemed qualified pursuant to this subsection is not required  
15 to file an application pursuant to section [390.290] **308.240** to continue providing intrastate  
16 transportation as a registered property carrier, but rather, upon such person's compliance with the  
17 licensing and insurance requirements of the [division] **state highways and transportation**  
18 **commission** the person is deemed to have a property carrier registration in force as required  
19 pursuant to section [390.270] **308.230**, authorizing the person to transport property except  
20 household goods in intrastate commerce on the public highways, unless the person's property  
21 carrier registration is suspended, revoked or transferred to another person as provided by law.  
22 [Within a reasonable time after August 28, 1996, the division] **The state highways and**  
23 **transportation commission** shall issue property carrier registrations to all persons who are  
24 deemed to be qualified as registered property carriers and deemed to have property carrier  
25 registrations in force pursuant to this subsection.

26 3. Notwithstanding any provision of this section to the contrary, this section shall not be

27 construed as authorizing any person to transport any hazardous material as designated in Title  
28 49, Code of Federal Regulations, except hazardous materials which that person was expressly  
29 authorized to transport in intrastate commerce within this state on August 28, 1996. A person  
30 may file an application for property carrier registration pursuant to section [390.290] **308.240** to  
31 transport additional hazardous materials. Nothing in this section shall be construed to conflict  
32 with chapter 260, RSMo, or of relieving an applicant of any duty to obtain a license pursuant to  
33 **this** chapter [260, RSMo].

[390.270.] **308.230.** Except as otherwise provided in section [390.030] **308.200**, no  
2 person shall engage in the business of transporting property, except household goods, by motor  
3 vehicle for hire or compensation in intrastate commerce on any public highway in this state,  
4 unless there is in force with respect to that person a property carrier registration issued by the  
5 [division] **state highways and transportation commission** pursuant to the provisions of  
6 sections [390.260 to 390.350] **308.200 to 308.290**, which authorizes such transportation.

[390.290.] **308.240.** 1. Every application for a property carrier registration pursuant to  
2 sections [390.250 to 390.350] **308.200 to 308.290** shall be completed and filed in the form and  
3 manner prescribed by rule of the [division] **state highways and transportation commission**,  
4 shall be verified by the applicant under penalty of perjury and shall not be filed by the [division]  
5 **commission** until it has received the following:

6 (1) A certificate of insurance or surety bond executed by the applicant's insurer or surety,  
7 or order of the [division] **commission** approving self-insurance by the applicant, which certifies  
8 that the applicant is covered against personal injury and property damage liability, except damage  
9 to property transported as cargo by the applicant, resulting from negligent motor vehicle  
10 operations by the applicant in this state, which is completed and filed in the prescribed form,  
11 manner and amount and is approved by the [division] **commission** in accordance with rules of  
12 the [division] **commission** pursuant to section [390.126] **308.260**;

13 (2) A license fee application showing the number and type of vehicle licenses requested  
14 by the applicant for each motor vehicle to be operated in intrastate commerce in this state under  
15 the requested property carrier registration during the year for which the application is made,  
16 together with payment of the aggregate license fees payable with reference to those motor  
17 vehicles, which is completed, filed and paid in the form and manner prescribed by rule of the  
18 [division] **commission** pursuant to section [390.136] **308.280**; and

19 (3) Information required by rule of the [division] **commission** relating to the applicant's  
20 compliance and willingness to comply with any laws, rules, regulations or orders relating to  
21 registration, licensing, liability insurance or safety, and applicable to the applicant's motor  
22 vehicles, drivers or operations by motor vehicle, including any state or federal laws, rules,  
23 regulations or orders relating to the transportation of any hazardous material as designated in

24 Title 49, Code of Federal Regulations.

25       2. [One of the division's administrative law judges] **The state highways and**  
26 **transportation commission** shall determine **without a hearing** on the basis of the information  
27 filed by the applicant, evidence submitted by [the division] **commission** staff, and any other  
28 information received by the [division] **commission** and filed of record [in the case], whether the  
29 applicant is in compliance and willing to comply with the laws, rules, regulations and orders  
30 relating to registration, licensing, liability insurance, safety and hazardous materials, which are  
31 applicable to the applicant's motor vehicles, drivers or operations as a registered property carrier  
32 by motor vehicle. If the [administrative law judge] **commission** determines that the applicant  
33 is qualified, the application shall be granted and a property carrier registration shall be issued  
34 without a hearing. If the [administrative law judge] **commission** determines that the information  
35 on record concerning the applicant's qualifications is not adequate to finally determine the  
36 application, the [division] **commission** may investigate the applicant's qualifications more  
37 thoroughly before [the administrative law judge makes] **making** a final determination of the  
38 application. If the [administrative law judge or the division staff opposes] **commission denies**  
39 the issuance of a property carrier registration, then a hearing shall be held **by the administrative**  
40 **hearing commission**, not more than twenty days after a request for hearing **is filed** by the  
41 applicant **to the administrative hearing commission unless continued by the administrative**  
42 **hearing commission**, to determine the merits of the application and whether a property carrier  
43 registration shall be issued. The administrative [law judge] **hearing commission** shall determine  
44 the application not more than forty-five days after the close of the hearing, or else the application  
45 shall be approved, **unless continued by the administrative hearing commission**.

46       3. The [division] **state highways and transportation commission** shall not restrict the  
47 property carrier registration with reference to any specific commodities, routes or service, except  
48 that the [division] **commission** shall restrict the applicant's property carrier registration against  
49 the transportation of household goods, and shall further restrict against any hazardous material  
50 as designated in Title 49, Code of Federal Regulations, if the [division] **commission** finds that  
51 the applicant has not shown it is qualified to safely transport that hazardous material in  
52 compliance with all registration, liability insurance and safety requirements applicable to the  
53 transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations.

[390.300.] **308.250**. 1. A property carrier registration, including any certificate or permit,  
2 or both, which pursuant to section [390.280] **308.220** is deemed to identify a registered property  
3 carrier, may be transferred in its entirety by the registered property carrier to whom it was issued,  
4 but only if the transfer is approved by the [division] **state highways and transportation**  
5 **commission** as provided in this section. The [division] **commission** shall approve the transfer  
6 of the property carrier registration if the following requirements are met:

7 (1) The transfer application is joined in by both the registered property carrier or its  
8 authorized representative and the proposed transferee or its authorized representative;

9 (2) The transfer application is filed in the form and manner prescribed by rule of the  
10 [division] **commission**; and

11 (3) The [division] **commission** finds that the transferee is in all respects qualified as  
12 required of an applicant for a new property carrier registration pursuant to section [390.290]  
13 **308.240**.

14 2. Upon approval of the transfer of a property carrier registration pursuant to subsection  
15 1 of this section, the [division] **state highways and transportation commission** shall transfer  
16 the property carrier registration in its entirety, except that the [division] **commission** shall restrict  
17 the transferee's property carrier registration against the transportation of any hazardous material  
18 formerly authorized under the property carrier registration if the [division] **commission** finds that  
19 the transferee has not shown it is qualified to safely transport that hazardous material in  
20 compliance with all registration, liability insurance and safety requirements applicable to the  
21 transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations. The  
22 transferee may file a separate application for property carrier registration pursuant to section  
23 [390.290] **308.240** to transport additional hazardous materials.

[390.126.] **308.260**. 1. No motor carrier shall operate any motor vehicle on any public  
2 highway in this state until after such carrier shall have filed with, and same has been approved  
3 by the [division] **state highways and transportation commission**, a certificate of any insurance  
4 carrier duly authorized to do business in this state certifying that there is in effect a liability  
5 insurance policy or bond in some reliable insurance company or association or other insurer  
6 satisfactory to the [division] **commission** and authorized to transact insurance business in this  
7 state, in such forms and upon such conditions as the [division] **commission** may deem necessary  
8 adequately to protect the interests of the public in the use of the public highways and with due  
9 regard to the number of persons and amount of property transported, which liability insurance  
10 shall bind the obligors thereunder to make compensation for injuries to persons and loss of or  
11 damage to property resulting from the negligent operation of such motor carrier; provided, that  
12 any motor carrier who shall furnish annually to the [division] **commission**, and at such other  
13 times as may be required, satisfactory proof and evidence of such carrier's financial ability to  
14 properly protect the interests of the public and pay compensation for injuries to persons and loss  
15 or damage to property, on account of or arising out of negligent operation of such carrier's  
16 business, shall not be required to furnish liability insurance policy or bond therefor.

17 2. No other or additional policies, bonds or licenses than those prescribed in this chapter  
18 shall be required of any motor carrier to which the provisions of this chapter apply by any city,  
19 town or other subdivision of the state; provided, that this section shall not be so construed as to

20 interfere with the right of any county, city or other civil subdivision of the state, to levy and  
21 collect any property tax to which such motor carrier is liable under the general revenue laws of  
22 this state within such county, city or other civil subdivision wherein the property of such motor  
23 carrier may be subject to assessment and taxation.

[390.128.] **308.270.** 1. To assist motor carriers in certifying their motor vehicle financial  
2 responsibility as required pursuant to this chapter [and chapter 622, RSMo, the division of motor  
3 carrier and railroad safety within the state department of economic development], **the state**  
4 **highways and transportation commission** shall provide by rule for the electronic filing by  
5 insurance companies of certificates of insurance required by section [390.126, RSMo] **308.260.**  
6 The [division] **commission** may provide by rule for the confirmation of coverage by insurance  
7 companies authorized to do business in the state through national clearinghouses or private  
8 databases. The [division] **commission** may provide by rule for the acceptance of proof of  
9 insurance from insurance companies located outside of the state.

10 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
11 is created under the authority delegated in this section shall become effective only if it complies  
12 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
13 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
14 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
15 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
16 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be  
17 invalid and void.

[390.136.] **308.280.** 1. No motor carrier, except as **otherwise** provided [in section  
2 390.030] **by law**, shall operate any motor vehicle unless such vehicle shall be accompanied by  
3 an annual or seventy-two-hour license issued by the [motor carrier and railroad safety division  
4 of the department of economic development provided] **state highways and transportation**  
5 **commission; except** that when a motor carrier uses a truck-tractor for pulling trailers or  
6 semitrailers, such motor carrier may elect to license either the truck-tractor, trailer or semitrailer.  
7 The fee for each such annual license shall be ten dollars and shall be due and payable on or  
8 before the last day of February of each calendar year. Such annual license shall be issued after  
9 October first of each year in such form and shall be used pursuant to such reasonable rules and  
10 regulations as the [division of motor carrier and railroad safety] **commission** may, by general  
11 order or otherwise, prescribe.

12 2. Any annual license issued to a motor carrier for use in driveaway operations, as  
13 defined in this section, shall be issued to such motor carrier without reference to any particular  
14 vehicle and may be used interchangeably by the holder thereof on any motor vehicle or  
15 combinations thereof moving in driveaway operations under such carrier's **property carrier**

16 **registration**, certificate, or permit.

17         3. In case of emergency, temporary, unusual or a peak demand for transportation,  
18 additional vehicles as described in subsection 1 of this section may be operated upon issuance  
19 by the [division] **state highways and transportation commission** of a seventy-two-hour license  
20 for each vehicle so operated. The license fee for each such additional vehicle shall be the sum  
21 of five dollars for each seventy-two consecutive hours, or any portion thereof. Such licenses  
22 shall be issued in such form and shall be used pursuant to such reasonable rules and regulations  
23 as the [division] **commission** may, by general order or otherwise, prescribe. No such additional  
24 vehicle which has been licensed pursuant to this subsection shall be operated without being  
25 accompanied by such license.

26         4. The [division] **commission**, upon the issuance of such license or licenses provided for  
27 in this section, [shall notify the director of revenue, who] shall receive the license fee or fees and  
28 immediately deposit the same [with the state treasurer in the state highway] **to the credit of the**  
29 **state highways and transportation** department fund except when an agreement has been  
30 negotiated with another jurisdiction whereby prepayment is not required. In such cases, the term  
31 of the agreement shall prevail.

32         5. Any person operating as a motor carrier who violates or fails to comply with any of  
33 the provisions of this section shall be adjudged guilty of a misdemeanor and, upon conviction  
34 thereof, shall be punished by a fine of not more than one hundred dollars.

35         6. The [provisions of this section shall become effective for the 1989 registration year,  
36 and the] regulatory fee may be paid at any state weigh station.

       [390.340.] **308.283**. Notwithstanding any provisions of section [390.136,] **308.280** to the  
2 contrary, beginning [with the first calendar year after] August 28, [1996] **2003**, the annual  
3 licenses required pursuant to section [390.136,] **308.280** with reference to motor vehicles  
4 operated by motor carriers shall be effective from January first to December thirty-first of the  
5 year for which they are issued, and the annual license fees for each calendar year shall be due and  
6 payable on or before the thirty-first day of December in the year immediately preceding the year  
7 for which they are issued. The [division] **state highways and transportation commission** shall  
8 begin issuing the annual licenses on August first of each year for the succeeding calendar year,  
9 but this shall not preclude the [division] **commission** from continuing to issue the current year's  
10 licenses as needed for the remainder of the current calendar year.

       [390.138.] **308.290**. 1. In the event of the mutilation or destruction of an annual license  
2 issued by the [division] **state highways and transportation commission pursuant to section**  
3 **308.280**, the lawful holder thereof may file with the [motor carrier and railroad safety division]  
4 **commission** an affidavit showing such fact and shall, on the surrender of that portion of the  
5 mutilated, damaged or worn license on which is imprinted the serial number, and the payment

6 of a fee of one dollar, obtain a duplicate or replacement of such license under such rules and  
7 regulations as the [division] **commission** may prescribe.

8         2. Whenever a law enforcement officer observes an annual license issued by the [motor  
9 carrier and railroad safety division] **state highways and transportation commission** to be in  
10 such condition as to hinder or make difficult identification of same, [he] **the officer** shall notify  
11 the [division] **commission** and instruct the owner to apply for a duplicate or replacement. If the  
12 owner has not made application within fifteen days, the [division] **commission** may cancel such  
13 license and notify the owner and such cancellation shall remain in force until the application has  
14 been filed.

          [260.395.] **308.305.** 1. [After six months from the effective date of the standards, rules  
2 and regulations adopted by the commission pursuant to section 260.370,] It shall be unlawful for  
3 any person to transport any hazardous waste in this state without first obtaining a hazardous  
4 waste transporter license. Any person transporting hazardous waste in this state shall file an  
5 application for a license pursuant to this subsection which shall:

6         (1) Be submitted on a form provided [for this purpose by the department] **by the state**  
7 **highways and transportation commission** and shall furnish the [department] **commission** with  
8 such equipment identification and data as may be necessary to demonstrate to the satisfaction of  
9 the department that equipment engaged in such transportation of hazardous waste, and other  
10 equipment as designated in rules and regulations pursuant to **this chapter and** sections 260.350  
11 to [260.430] **260.434, RSMo**, is adequate to provide protection of the health of humans and the  
12 environment and to comply with the provisions of any federal hazardous waste management act  
13 and sections 260.350 to [260.430] **260.434, RSMo**, and the standards, rules and regulations  
14 adopted pursuant to **this chapter and** sections 260.350 to [260.430] **260.434, RSMo**. If  
15 approved by the [department] **commission**, this demonstration of protection may be satisfied by  
16 providing certification that the equipment so identified meets and will be operated in accordance  
17 with the rules and regulations of the [Missouri public service] **state highways and**  
18 **transportation** commission and the federal Department of Transportation for the transportation  
19 of the types of hazardous materials for which it will be used;

20         (2) Include, as specified by rules and regulations, demonstration of financial  
21 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
22 any combination thereof which shall be related to the number of units, types and sizes of  
23 equipment to be used in the transport of hazardous waste by the applicant;

24         (3) Include, as specified in rules and regulations, a fee payable to the state of Missouri  
25 which shall consist of an annual application fee, plus an annual use fee based upon tonnage,  
26 mileage or a combination of tonnage and mileage. The fees established pursuant to this  
27 subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars

28 annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee  
29 pursuant to subsection [19 of this section] **13 of section 260.398**. Fees collected pursuant to this  
30 subdivision shall be deposited in the hazardous waste fund created pursuant to section 260.391,  
31 **RSMo**.

32         2. If the [department] **commission** determines the application conforms to the provisions  
33 of any federal hazardous waste management act and sections 260.350 to [260.430] **260.434**,  
34 **RSMo**, and the standards, rules and regulations adopted pursuant to **this chapter and** sections  
35 260.350 to [260.430] **260.434, RSMo**, it shall issue the hazardous waste transporter license with  
36 such terms and conditions as it deems necessary to protect the health of humans and the  
37 environment. The [department] **commission** shall act within ninety days after receipt of the  
38 application. If the [department] **commission** denies the license, it shall issue a report to the  
39 applicant stating the reason for denial of the license.

40         3. A license may be suspended or revoked whenever the [department] **commission**  
41 determines that the equipment is or has been operated in violation of any provision of **this**  
42 **chapter or** sections 260.350 to [260.430] **260.434, RSMo**, or any standard, rule or regulation,  
43 order, or license term or condition adopted or issued pursuant to **this chapter or** sections  
44 260.350 to [260.430] **260.434, RSMo**, poses a threat to the health of humans or the environment,  
45 or is creating a public nuisance.

46         4. Whenever a license is issued, renewed, denied, suspended or revoked by the  
47 [department] **commission**, any aggrieved person, by petition filed with the [department]  
48 **commission** within thirty days of the decision, may appeal such decision and shall be entitled  
49 to a hearing as provided in section [260.400] **621.040, RSMo**.

50         5. A license shall be issued for a period of one year and shall be renewed upon proper  
51 application by the holder and a determination by the [department] **commission** that the applicant  
52 is in compliance with all provisions of **this chapter and** sections 260.350 to [260.430] **260.434**,  
53 **RSMo**, and all standards, rules and regulations, orders and license terms and conditions adopted  
54 or issued pursuant to **this chapter and** sections 260.350 to [260.430] **260.434, RSMo**.

55         6. A license is not required for the transport of any hazardous waste on the premises  
56 where it is generated or onto contiguous property owned by the generator thereof, or for those  
57 persons exempted in section 260.380, **RSMo**. Nothing in this subsection shall be interpreted to  
58 preclude the [department] **commission** from inspecting unlicensed hazardous waste transporting  
59 equipment and to require that it be adequate to provide protection for the health of humans and  
60 the environment.

61         [7. After six months from the effective date of the standards, rules and regulations  
62 adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to  
63 construct, substantially alter or operate, including postclosure activities and operations specified

64 in the rules and regulations, a hazardous waste facility without first obtaining a hazardous waste  
65 facility permit for such construction, alteration or operation from the department. Such person  
66 must submit to the department at least ninety days prior to submitting a permit application a  
67 letter of intent to construct, substantially alter or operate any hazardous waste disposal facility.  
68 The person must file an application within one hundred eighty days of the filing of a letter of  
69 intent unless granted an extension by the commission. The department shall publish such letter  
70 of intent as specified in section 493.050, RSMo, within ten days of receipt of such letter. The  
71 letter shall be published once each week for four weeks in the county where the hazardous waste  
72 disposal facility is proposed. Once such letter is submitted, all conditions for the permit  
73 application evaluation purposes in existence as of the date of submission shall be deemed frozen,  
74 in that no subsequent action by any person to change such conditions in an attempt to thwart a  
75 fair and impartial decision on the application for a permit shall be allowed as grounds for denial  
76 of the permit. Any person before constructing, substantially altering or operating a hazardous  
77 waste facility in this state shall file an application for a permit which shall:

78 (1) Be submitted on a form provided for this purpose by the department and shall furnish  
79 the department with plans, specifications and such other data as may be necessary to demonstrate  
80 to the satisfaction of the department that such facility does or will provide adequate protection  
81 of the health of humans and the environment and does or will comply with the provisions of any  
82 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
83 rules and regulations adopted pursuant to sections 260.350 to 260.430;

84 (2) Include plans, designs, engineering reports and relevant data for construction,  
85 alteration or operation of a hazardous waste facility, to be submitted to the department by a  
86 registered professional engineer licensed by this state;

87 (3) Include, as specified by rules and regulations, demonstration of financial  
88 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
89 any combination thereof, which shall be related to type and size of facility;

90 (4) Include such environmental and geologic information, assessments and studies as  
91 required by the rules and regulations of the commission;

92 (5) Submit with the application for a hazardous waste disposal or treatment facility a  
93 profile of the environmental and economic characteristics of the area as required by the  
94 commission, including the extent of air pollution and groundwater contamination; and a profile  
95 of the health characteristics of the area which identifies all serious illness, the rate of which  
96 exceeds the state average for such illness, which might be attributable to environmental  
97 contamination;

98 (6) Include a fee payable to the state of Missouri which shall not exceed one thousand  
99 dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If

100 the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be  
101 paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in  
102 effect beyond the first year;

103 (7) The department shall supervise any field work undertaken to collect geologic and  
104 engineering data for submission with the application. The state geologist and departmental  
105 engineers shall review the geologic and engineering plans, respectively, and attest to their  
106 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the  
107 commission, incurred by the department pursuant to this subsection.

108 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department  
109 shall issue public notice by press release or advertisement and shall notify all record owners of  
110 adjoining property by mail directed to the last known address, and the village, town or city, if  
111 any, and the county in which the hazardous waste facility is located; and, upon request, shall hold  
112 a public hearing after public notice as required in this subsection at a location convenient to the  
113 area affected by the issuance of the permit.

114 (2) Prior to issuing, reviewing every five years as required in subsection 12 of this  
115 section, or renewing a hazardous waste disposal facility permit the department shall issue public  
116 notice by press release and advertisement and shall notify all record owners of property, within  
117 one mile of the outer boundaries of the site, by mail directed to the last known address; and shall  
118 hold a public hearing after public notice as required in this subsection at a location convenient  
119 to the area affected by the issuance of the permit.

120 9. If the department determines that the application conforms to the provisions of any  
121 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
122 rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the  
123 hazardous waste facility permit, with such terms and conditions and require such testing and  
124 construction supervision as it deems necessary to protect the health of humans or the  
125 environment. The department shall act within one hundred and eighty days after receipt of the  
126 application. If the department denies the permit, it shall issue a report to the applicant stating  
127 the reason for denial of a permit.

128 10. A permit may be suspended or revoked whenever the department determines that the  
129 hazardous waste facility is, or has been, operated in violation of any provision of sections  
130 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted  
131 or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the  
132 environment or is creating a public nuisance.

133 11. Whenever a permit is issued, renewed, denied, suspended or revoked by the  
134 department, any aggrieved person, by petition filed with the department within thirty days of the  
135 decision, may appeal such decision and shall be entitled to a hearing as provided in section

136 260.400.

137 12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case  
138 of any land disposal facility, storage facility, incinerator, or other treatment facility. Each permit  
139 for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance  
140 and shall be modified as necessary to assure that the facility continues to comply with the  
141 currently applicable requirements of federal and state law. Nothing in this subsection shall  
142 preclude the department from reviewing and modifying a permit at any time during its term.  
143 Review of any application for a permit renewal shall consider improvements in the state of  
144 control and measurement technology as well as changes in applicable regulations. Each permit  
145 issued pursuant to this section shall contain such terms and conditions as the department  
146 determines necessary to protect human health and the environment, and upon proper application  
147 by the holder and a determination by the department that the applicant is in compliance with all  
148 provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and  
149 permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

150 13. A hazardous waste facility permit is not required for:

151 (1) On-site storage of hazardous wastes where such storage is exempted by the  
152 commission by rule or regulation; however, such storage must conform to the provisions of any  
153 federal hazardous waste management act and sections 260.350 to 260.430 and the applicable  
154 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other  
155 applicable hazardous materials storage and spill-prevention requirements provided by law;

156 (2) A publicly owned treatment works which has an operating permit pursuant to section  
157 644.051, RSMo, and is in compliance with that permit;

158 (3) A resource recovery facility which the department certifies uses hazardous waste as  
159 a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is  
160 manufacture of a product rather than treatment or disposal of hazardous wastes;

161 (4) That portion of a facility engaged in hazardous waste resource recovery, when the  
162 facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided  
163 the owner or operator can demonstrate to the department's satisfaction and the department finds  
164 that such portion is not intended and is not used for hazardous waste treatment or disposal.

165 14. Facilities exempted pursuant to subsection 13 of this section must comply with the  
166 provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be  
167 specified by rules and regulations, as are necessary to comply with any federal hazardous waste  
168 management act or regulations hereunder. Generators who use such an exempted facility shall  
169 keep records of hazardous wastes transported, except by legal flow through sewer lines, to the  
170 facility and submit such records to the department in accordance with the provisions of section  
171 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to

260.430. Any person, before constructing, altering or operating a resource recovery facility in this state shall file an application for a certification. Such application shall include:

(1) Plans, designs, engineering reports and other relevant information as specified by rule that demonstrate that the facility is designed and will operate in a manner protective of human health and the environment; and

(2) An application fee of not more than five hundred dollars for a facility that recovers waste generated at the same facility or an application fee of not more than one thousand dollars for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in the hazardous waste fund created in section 260.391.

The department shall review such application for conformance with applicable laws, rules and standard engineering principles and practices. The applicant shall pay to the department all reasonable costs, as determined by the commission, incurred by the department pursuant to this subsection. All such funds shall be deposited in the hazardous waste fund created in section 260.391.

15. The owner or operator of any hazardous waste facility in existence on September 28, 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has submitted to the department Part A of the federal facility permit application, may continue to receive and manage hazardous wastes in the manner as specified in the Part A application, and in accordance with federal interim status requirements, until completion of the administrative disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The department may at any time require submission of, or the owner or operator may at any time voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430 and commission regulations. The authority to operate pursuant to this subsection shall cease one hundred eighty days after the department has notified an owner or operator that an application for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time the owner or operator submits a completed application therefor. Upon submission of a complete application, the authority to operate pursuant to this subsection shall continue for such reasonable time as is required to complete the administrative disposition of the permit application. If a facility loses its federal interim status, or the Environmental Protection Agency requires the owner or operator to submit Part B of the federal application, the department shall notify the owner or operator that an application for a permit must be submitted pursuant to this subsection. In addition to compliance with the federal interim status requirements, the commission shall have the authority to adopt regulations requiring persons operating pursuant to this subsection to meet additional state interim status requirements.

16. A license or permit shall not be issued to any person who is determined by the

department to habitually engage in or to have habitually engaged in hazardous waste management practices which pose a threat to the health of humans or the environment or who is determined by the department to habitually violate or to have habitually violated the requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review. For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

17. No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

18. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

19. Any railroad corporation as defined in section 388.010, RSMo, that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.]

**308.310. 1. The state highways and transportation commission shall issue permits for the hauling of waste tires in accordance with section 260.270, RSMo, and this section.**

**2. No person shall transport waste tires for consideration within this state unless**

4 permitted as a waste hauler by the state highways and transportation commission pursuant  
5 to this section.

6 3. The state highways and transportation commission may promulgate rules  
7 pertaining to the transportation of waste tires. No rule or portion of a rule promulgated  
8 under the authority of this section shall become effective unless it has been promulgated  
9 pursuant to chapter 536, RSMo.

[260.278.] 308.320. 1. A person who has, within the preceding twenty-four months,  
2 been found guilty or pleaded guilty to a violation of section 260.270, RSMo, or sections 308.305  
3 to 308.350 which involves the transport of waste tires may not be granted a permit to transport  
4 waste tires unless the person seeking the permit has provided to the [department] state highways  
5 and transportation commission a performance bond or letter of credit as provided under this  
6 section.

7 2. The bond or letter shall be conditioned upon faithful compliance with the terms and  
8 conditions of the permit and section 260.270, RSMo, and sections 308.305 to 308.350, and shall  
9 be in the amount of ten thousand dollars.

10 3. Such performance bond, placed on file with the [department] commission, shall be  
11 in one of the following forms:

12 (1) A performance bond, payable to the [department] commission and issued by an  
13 institution authorized to issue such bonds in this state; or

14 (2) An irrevocable letter of credit issued in favor of and payable to the [department]  
15 commission from a commercial bank or [savings and loan] financial institution having an  
16 office in the state of Missouri.

17 4. Upon a determination by the [department] commission that a person has violated the  
18 terms and conditions of the permit or section 260.270, RSMo, or sections 308.305 to 308.350,  
19 the [department] commission shall notify the person that the bond or letter of credit shall be  
20 forfeited and the moneys placed in an appropriate subaccount of the solid waste management  
21 fund, created under section 260.330, RSMo, for remedial action.

22 5. The [department] commission shall expend whatever portion of the bond or letter of  
23 credit necessary to [conduct] finance resource recovery or nuisance abatement activities to  
24 alleviate any condition resulting from a violation of section 260.270, RSMo, or sections 308.305  
25 to 308.350 or the terms and conditions of a permit.

26 6. The requirement for a person to provide a performance bond or a letter of credit under  
27 this section shall cease for that person after two consecutive years in which the person has not  
28 been found guilty or pleaded guilty to a violation of section 260.270, RSMo, or sections 308.305  
29 to 308.350.

308.330. 1. No person shall transport any hazardous waste in this state unless such

2 person has obtained a hazardous waste transporter license from the state highways and  
3 transportation commission.

4 2. The commission shall issue hazardous waste transporter licenses in accordance  
5 with this chapter and chapter 260, RSMo.

6 3. The state highways and transportation commission may promulgate rules  
7 pertaining to the transportation of hazardous waste. No rule or portion of a rule  
8 promulgated pursuant to the authority of this section shall become effective unless it has  
9 been promulgated pursuant to chapter 536, RSMo.

[260.385. After six months from the effective date of the standards, rules and regulations  
2 adopted by the commission pursuant to section 260.370,] **308.350.** Hazardous waste transporters  
3 shall:

4 (1) Not transport any hazardous waste in this state without first obtaining a hazardous  
5 waste transporter license from the [department] **state highways and transportation**  
6 **commission** as specified in [section 260.395] **sections 308.305 and 308.330;**

7 (2) Use and operate equipment which has been approved by the [department]  
8 **commission** and follow procedures, when transporting hazardous wastes, which meet all  
9 applicable state and federal regulations and standards for the transportation of hazardous  
10 materials and all applicable standards, rules and regulations adopted under sections 260.350 to  
11 [260.430] **260.434, RSMo, and section 308.330,** and all terms and conditions of their license;

12 (3) Unless otherwise provided in sections [260.350 to 260.430] **308.305 to 308.350** or  
13 the rules and regulations adopted hereunder, accept only shipments of hazardous waste that are  
14 accompanied by a manifest, provided by the generator, that has been completed and signed by  
15 the generator in accordance with the rules and regulations adopted under sections 260.350 to  
16 [260.430] **260.434, RSMo, and this chapter;**

17 (4) Complete, sign and file the transporter portion of the manifest as specified in rules  
18 and regulations adopted under sections 260.350 to [260.430] **260.434, RSMo, and this chapter;**

19 (5) Deliver hazardous waste and the accompanying manifest only to the destination  
20 specified by the generator on the manifest, which destination must be a hazardous waste facility  
21 holding a permit under sections 260.350 to [260.430] **260.434, RSMo,** or the federal Resource  
22 Conservation and Recovery Act, or a state hazardous waste management program authorized  
23 under the federal Resource Conservation and Recovery Act, or a resource recovery or other  
24 facility exempted from the permit requirement, and in accordance with provisions which apply  
25 under [section 260.395] **sections 308.305 and 308.330,** and rules and regulations adopted  
26 hereunder;

27 (6) Collect and maintain such records and submit such reports as specified in sections  
28 [260.350 to 260.430] **308.305 to 308.350,** and in rules and regulations and terms and conditions

29 of their license adopted or issued hereunder;

30 (7) Make available to the [department] **commission** upon request made during  
31 transportation, samples of wastes transported and all records relating to hazardous waste  
32 transportation, for inspection and copying, and allow the [department] **commission** to make  
33 unhampered inspections at any reasonable time of all facilities and equipment.

[387.010.] **308.400.** The provisions of [this chapter] **sections 308.400 to 308.497** shall  
2 **only** apply to the transportation of passengers or household goods from one point to another  
3 within this state, and to any motor carrier, as defined in section [390.020, RSMo] **308.020**,  
4 performing such service. The provisions of [this chapter] **sections 308.400 to 308.497** shall not  
5 apply to railroad corporations or street railroad corporations, except to the extent they engage in  
6 business as motor carriers of passengers or household goods.

[390.051.] **308.405.** 1. Except as otherwise provided in section [390.030] **308.200 or**  
2 **308.400**, no person shall engage in the business of a common carrier in intrastate commerce on  
3 any public highway in this state unless there is in force with respect to such carrier a certificate  
4 issued by the [division] **state highways and transportation commission** authorizing such  
5 operations.

6 2. Application for a certificate shall be made in writing to the [division] **commission** and  
7 shall contain such information as the [division] **commission** shall, by rule, require and shall  
8 include:

9 (1) Full information concerning the ownership, financial condition of applicant,  
10 equipment to be used and a statement listing the physical equipment of applicant and the  
11 reasonable value thereof;

12 (2) The complete route or routes over which the applicant desires to operate, or territory  
13 to be served;

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

15 3. Except as provided for in subsection 4 of this section, if the [division] **commission**  
16 finds that an applicant seeking to transport general and specialized commodities in truckload lots,  
17 agricultural commodities in bulk in dump trucks or passengers in charter service is fit, willing  
18 and able to properly perform the service proposed and to conform to the provisions of this  
19 chapter and the requirements, rules and regulations of the [division] **commission** established  
20 thereunder, a certificate therefor shall be issued.

21 4. If the [division] **commission** finds that an applicant seeking to transport[:

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

23 (2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in  
24 dump trucks, as defined in section 390.020;

25 (3) Mobile homes;

- 26 (4) Household goods;  
27 (5) Passengers other than in charter service;  
28 (6) Gasoline, fuel oil or liquefied petroleum gas;  
29 (7) Boats;]

30

31 is fit, willing and able to properly perform the service proposed, and to conform to the provisions  
32 of this chapter and the [requirement] **requirements**, rules and regulations of the [division]  
33 **commission**, and that the service proposed will serve a useful present or future public purpose,  
34 a certificate therefor specifying the service authorized shall be issued, unless the [division]  
35 **commission** finds on the basis of evidence presented by persons objecting to the issuance of a  
36 certificate that the transportation to be authorized by the certificate will be inconsistent with the  
37 public convenience and necessity, **subject to review by the administrative hearing**  
38 **commission**.

39 5. In making findings under subsection 4 of this section, the [division] **state highways**  
40 **and transportation commission** shall consider the testimony of the applicant, the proposed  
41 users of the service contemplated by the applicant, and any other relevant testimony or evidence,  
42 and the [division] **commission** shall consider[,] and, to the extent applicable, make findings on  
43 at least the following:

- 44 (1) The transportation policy of section [390.011] **308.030**; and  
45 (2) The criteria set forth in this subsection.

46

47 In cases where persons object to the issuance of a certificate, the diversion of revenue or traffic  
48 from existing carriers shall be considered.

49 6. The [division] **state highways and transportation commission** shall streamline and  
50 simplify to the maximum extent practicable the process for issuance of certificates to which the  
51 provisions of this section apply.

52 7. The [division] **state highways and transportation commission** shall dismiss on its  
53 motion any application for substantially the same common or contract authority that has been  
54 previously denied within six months of filing the subsequent application.

[390.061.] **308.410**. 1. Except as otherwise provided in [section 390.030] **sections**  
2 **308.200 and 308.400**, no person shall engage in the business of a contract carrier in intrastate  
3 commerce on any public highway in this state unless there is in force with respect to such carrier  
4 a permit issued by the [division of motor carrier and railroad safety] **state highways and**  
5 **transportation commission** authorizing such operations.

6 2. Applications for such permits shall be made to the [division] **commission** in writing  
7 and shall contain such information as the [division] **commission** shall, by rule, require and shall

8 include:

9 (1) Full information concerning the ownership, financial condition of applicant,  
10 equipment to be used and a statement listing the physical equipment of applicant and the  
11 reasonable value thereof;

12 (2) The complete route or routes over which the applicant desires to operate, or territory  
13 to be served.

14 3. If the [division] **commission** shall find that the applicant is seeking to transport  
15 [general and specialized commodities in truckload lots, agricultural commodities in bulk, or]  
16 passengers in charter service, and is fit, willing and able to properly perform the service proposed  
17 and to conform to the provisions of this chapter and the requirements, rules and regulations of  
18 the [division] **commission** thereunder, a permit therefor shall be issued.

19 4. If the [division] **commission** finds that an applicant seeking to transport commodities  
20 or passengers as described in subsection 4 of section [390.051] **308.405** is fit, willing and able  
21 to properly perform the service proposed, and to conform to the provisions of this chapter and  
22 the requirements, rules and regulations of the [division] **commission**, and that the service  
23 proposed will serve a useful present or future purpose, a permit therefor specifying the service  
24 authorized shall be issued, unless the [division] **commission** finds on the basis of [evidence]  
25 **information** presented by persons objecting to the issuance of a permit that the transportation  
26 to be authorized by the permit will be inconsistent with the public convenience and necessity,  
27 **subject to review by the administrative hearing commission.**

28 5. Any permit issued under this section shall specify the service to be rendered, the  
29 contracting parties, and the points or area to be served.

30 6. The [division] **state highways and transportation commission** will not have  
31 jurisdiction over contract rates. A copy of the original contract must be filed with the [division]  
32 **commission** prior to issuance of a permit. In the event the applicant chooses not to disclose  
33 contract rates in the application, the contract shall contain in lieu of rates a specific provision  
34 which incorporates by reference a schedule of rates, in writing, to be effective between carrier  
35 and shipper. Current contracts and rate schedules must be maintained by the carrier and  
36 contracting shippers. A contract permit, authorizing the transportation of [commodities or]  
37 passengers other than as described in subsection 4 of section [390.051] **308.405**, may be  
38 amended to include additional contracting parties by the filing of said contracts with the  
39 [division] **commission** and acknowledgment by the [division] **commission**.

[390.062.] **308.415.** 1. The [division] **state highways and transportation commission**,  
2 upon the filing of an application for a certificate under subsection 4 of section [390.051]  
3 **308.405**, a permit under subsection 4 of section [390.061] **308.410**, or the institution of a  
4 proceeding involving rate relief, except as provided in section [390.081] **308.425**, shall cause

5 notice thereof to be published and served by the mailing of a notice register showing the name  
6 and address of the party filing the [pleading] **application**, the name and address of the attorney,  
7 the [division's docket] **commission's assigned** number and a concise statement of the issues  
8 contained therein. Any interested party may obtain a copy of the [pleading] **application** upon  
9 request to the [director of the division] **commission**.

10 2. Within fifteen days of the publication of an application, or other proceeding, any  
11 interested party may file a motion to intervene specifically setting forth its interest therein,  
12 including a statement of its authority, and that it is providing service thereunder.

13 3. If the proceeding is unopposed, the [division] **state highways and transportation**  
14 **commission** may, in its discretion, take evidence by verified statement, and without hearing or  
15 other proceedings issue its final order.

16 4. If the proceeding is opposed, the [division] **state highways and transportation**  
17 **commission** shall [assign] **transfer** the matter **to the administrative hearing commission** for  
18 hearing to be held no later than forty-five days after filing unless an applicant requests or  
19 consents to a continuance, or in the alternative, **the administrative hearing commission** may  
20 require the parties to adduce the evidence by verified statement and assign the matter for hearing  
21 to resolve factual conflicts.

22 5. The [division] **administrative hearing commission** shall issue its final order granting  
23 or denying the relief sought in whole or in part within ninety days after the submission of final  
24 arguments or else stand approved.

25 [6. In the event the division shall designate an application as one of a complex nature  
26 requiring a substantial record, the division may, upon making such written finding, extend the  
27 period of time for issuing a decision an additional thirty days.]

[390.063.] **308.420**. 1. As used in [this chapter] **sections 308.400 to 308.497**, the  
2 following terms mean:

3 (1) "Elderly", any person who is sixty years of age or older;

4 (2) "Handicapped", any person having a physical or mental condition, either permanent  
5 or temporary, which would substantially impair ability to operate or utilize available  
6 transportation; and

7 (3) "Urbanized area", an area so designated by the United States Bureau of Census as  
8 provided under [section 12(c)(11) of the Urban Mass Transportation Act of 1964] **49 U.S.C.**  
9 **Section 5302**, as amended, and which has a population of more than fifty thousand persons.

10 2. Notwithstanding any provisions of this chapter to the contrary, the [division] **state**  
11 **highways and transportation commission** shall issue a certificate or permit in accordance with  
12 the provisions of this section to a not-for-profit corporation seeking to transport by motor  
13 vehicle, as a common carrier or contract carrier in intrastate commerce, exclusively passengers

14 other than in charter service who are:

15 (1) Elderly;

16 (2) Handicapped;

17 (3) Preschool disadvantaged children transported for the purpose of participating in a  
18 federal Head Start program; or

19 (4) Transported in areas other than urbanized areas as defined in this section, for which  
20 the motor carrier is authorized to be subsidized or reimbursed under [section 18 of the Urban  
21 Mass Transportation Act of 1964, as amended, section 1614 of] Title 49, United States Code,  
22 **Sections 5301 to 5311 and Section 5338**, with federal funds administered by the [Missouri]  
23 transportation department, except that priority shall be given to serving passengers who are  
24 elderly, handicapped or preschool disadvantaged children under the certificate or permit issued  
25 under this section.

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

38 4. The [division] **state highways and transportation commission** shall not have  
39 jurisdiction over the rates charged by motor carriers for the transportation of passengers as  
40 described in subsection 2 of this section and provided under the authority of a certificate or  
41 permit issued under this section. Such motor carriers shall not be required to file with the  
42 [division] **commission** or publish tariff schedules setting forth their rates and charges for such  
43 transportation.

44 5. The provisions of section [390.136] **308.280** shall not apply to motor vehicles  
45 exclusively used to transport passengers as described in subsection 2 of this section under the  
46 authority of a certificate or permit issued under this section.

47 6. Notwithstanding any provisions of subsection 3 of section [390.030] **308.200** to the  
48 contrary, it is unlawful for any person to operate any motor vehicle having a capacity of more  
49 than five passengers, exclusive of the driver, in intrastate commerce or operate any motor vehicle

50 designed to transport more than fifteen passengers, including the driver, in interstate commerce,  
51 unless the vehicle is equipped and operated as required by parts [390 through 397] **40, and 379**  
52 **to 399**, Title 49, Code of Federal Regulations, as those regulations have been and may  
53 periodically be amended. Those regulations are hereby made applicable to all passenger-carrying  
54 motor vehicles having a capacity of more than five passengers, exclusive of the driver, when  
55 operated in intrastate commerce, and to all motor vehicles designed to transport more than fifteen  
56 passengers, including the driver, when operated in interstate commerce, and the [division]  
57 **commission** shall have power and authority to enforce those regulations wholly within terminals,  
58 as they apply to those motor vehicles and drivers.

[390.081.] **308.425.** 1. In order to provide motor carrier service for which there is an  
2 immediate and urgent need from, to or between a point or points or within a territory having no  
3 carrier service deemed capable of meeting such need, the [division of motor carrier and railroad  
4 safety] **state highways and transportation commission** shall, pending the filing of an  
5 application for a certificate [under section 390.051 or 390.061,] **or permit pursuant to section**  
6 **308.405 or 308.410** without a hearing or other proceeding, grant temporary authority for a period  
7 not exceeding ninety days for such service by a common carrier or contract carrier, as the case  
8 may be. The issuance of such temporary authority shall create no presumption that  
9 corresponding permanent authority will be granted therefor.

10 2. Such temporary authority shall be granted only upon the payment of such fees and  
11 compliance with such rules, regulations and requirements as the [division] **commission** shall,  
12 by general order establish for the administration of this section, and transportation service  
13 rendered under such authority shall be subject to all applicable provisions of this chapter and to  
14 the rules, regulations and requirements of the [division] **commission** established thereunder, that  
15 are not in conflict with this section.

[390.150.] **308.427.** 1. Every intrastate common or contract carrier of household goods  
2 or passengers shall submit once a year to the [division] **state highways and transportation**  
3 **commission** on or before April fifteenth a financial statement for the year ending December  
4 thirty-first preceding stating only the assets and liabilities of the carrier.

5 2. The [division] **commission** shall determine the form of the financial statement and  
6 a blank form will be furnished by the [agency] **commission** to each intrastate common or  
7 contract carrier of household goods or passengers.

8 3. The [division] **commission** may also require such corporations or persons to file  
9 additional statistical information covering a period and time as determined by the [agency]  
10 **commission**; may notify the corporation or person to amend a defective or believed to be  
11 erroneous financial statement; or may extend the filing of such statement for a period not  
12 exceeding sixty days.

13           4. Each motor carrier of passengers or property shall keep its books and records as  
14 prescribed by the [division] **commission**. These records, as well as records of affiliates, entities  
15 under common control or any other related parties, shall be subject to inspection at any time by  
16 the [division] **commission** or its authorized representatives.

17           5. If any intrastate common or contract carrier of household goods or passengers shall  
18 fail to make and file the financial statement within the time specified above or within the time  
19 extended by the [division] **state highways and transportation commission**, or shall fail to  
20 provide additional statistical information when required, or if any motor carrier of passengers or  
21 property shall fail to maintain adequate records, the [division] **commission** may suspend the  
22 certificate, permit or property carrier registration, upon notice to the motor carrier or seek  
23 penalties. The penalties recovered shall be deposited to the credit of the public school fund of  
24 the state.

[390.101.] **308.430**. No common carrier authorized under the provisions of [this chapter]  
2 **sections 308.400 to 308.497** to operate within the state of Missouri shall abandon, discontinue,  
3 or fail to provide any service established or authorized to be established under the provisions of  
4 [this chapter] **sections 308.400 to 308.497**, unless such action is authorized by the [division of  
5 motor carrier and railroad safety] **state highways and transportation commission**.

[390.111.] **308.435**. 1. In the event a motor carrier, to which a certificate or permit shall  
2 have been issued under the provisions of [this chapter] **sections 308.400 to 308.497**, shall sell,  
3 transfer, or assign the business, rights or assets of such motor carrier, or any part thereof, and  
4 such motor carrier and the purchaser thereof shall make proper application to the [division]  
5 **commission** in writing, containing such information as shall be prescribed by the [division]  
6 **commission** by general order with respect to the transfer of **such** certificates or permits, the  
7 [division] **commission** shall transfer such original certificate or permit issued to such motor  
8 carrier, or the part so sold to such purchaser, if the [division] **commission** shall determine that  
9 the purchaser is in all respects qualified under the provisions of [this chapter] **sections 308.400**  
10 **to 308.497** to conduct the business of a motor carrier within the meaning of the provisions of this  
11 chapter, and upon the transfer of such certificate or permit it shall be effective in like manner as  
12 though originally issued to such purchaser; provided, however, the [division] **commission** shall  
13 not be required to transfer from a certificate authorizing the transportation of general  
14 commodities or freight, any portion of such certificate authorizing the transportation of a part of  
15 such general commodities or freight over the same route or within the same territory, unless the  
16 [division] **commission** shall further determine, after hearing upon due notice, that such transfer  
17 is consistent with the public interest.

18           2. When there is a consolidation of one or more certificates as the result of a transfer of  
19 operating rights, and when the [division] **commission** shall find that any through service made

20 possible thereby will be beneficial to the public, such through service may be authorized.

[390.116.] **308.440.** 1. Common carriers of property may establish reasonable through routes and joint rates, charges and classifications with other such carriers or with common carriers by railroad or express; and common carriers of passengers may establish reasonable through routes and joint rates, fares or charges with other such carriers or with common carriers by railroad. In case of such joint rates, fares, charges or classifications, it shall be the duty of the carriers, parties thereto, to establish just and reasonable regulations and practices in connection therewith, and just, reasonable and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

9 2. The [division] **state highways and transportation commission** may, whenever  
10 deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or  
11 upon its own motion, order the establishment of just and reasonable through routes and joint  
12 rates, fares, charges, regulations or practices, applicable to the transportation of passengers or  
13 property by common carriers.

[390.121.] **308.445.** Whenever, after hearing, upon complaint or in an investigation on  
2 its own motion, the [division] **state highways and transportation commission** shall be of the  
3 opinion that any individual or joint rate, fare or charge, demanded, charged or collected by any  
4 common carrier by motor vehicle or by any common carrier by motor vehicle in conjunction with  
5 any common carrier by railroad or express, for transportation; or any classification, rule,  
6 regulation or practice whatsoever of such carrier or carriers affecting such rate, fare or charge or  
7 the value of the service thereunder, is or will be unjust or unreasonable, unjustly discriminatory,  
8 unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare  
9 or charge or maximum or minimum, or maximum and minimum rates, fares or charges thereafter  
10 to be observed, or the lawful classifications, rules, regulations or practices thereafter to be made  
11 effective, **subject to review by the administrative hearing commission.**

[387.030.] **308.450.** Every corporation, person or motor carrier performing a service  
2 designated in section [387.010] **308.400** shall furnish, with respect thereto, such service and  
3 facilities as shall be safe and adequate and in all respects just and reasonable. All charges made  
4 or demanded by any such corporation, person or motor carrier for the transportation of  
5 passengers [or household goods] or for any service rendered or to be rendered in connection  
6 therewith, as defined in section [386.020, RSMo] **308.020**, shall be just and reasonable and not  
7 more than allowed by law or by order or decision of the [division of motor carrier and railroad  
8 safety] **state highways and transportation commission** and made as authorized by this chapter.  
9 Every unjust or unreasonable charge made or demanded for any such service or transportation  
10 of passengers or household goods or in connection therewith or in excess of that allowed by law  
11 or by order or decision of the [division] **commission** is prohibited.

[387.040.] **308.452.** No motor carrier subject to the provisions of [this chapter] **sections 308.400 to 308.497** shall engage or participate in the transportation of passengers or household goods, between points within this state, until its schedules of rates, fares and charges shall have been filed and published in accordance with the provisions of [this chapter] **sections 308.400 to 308.497**. Any motor carrier, which shall undertake to perform any service or furnish any product or commodity unless or until the rates, tolls, fares, charges, classifications and rules and regulations relating thereto, applicable to such service, product or commodity, have been filed with the [division of motor carrier and railroad safety] **state highways and transportation commission** and published in accordance with the provisions of [this chapter] **sections 308.400 to 308.497**, shall be subject to forfeiture to the state pursuant to the provisions of sections [390.156 to 390.176, RSMo] **308.955 to 308.975**.

[387.050.] **308.453.** 1. Every motor carrier shall file with the [division of motor carrier and railroad safety] **state highways and transportation commission** and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and household goods within this state between each point upon its route and all other points thereon and between each point upon its route and all points upon every route leased, operated or controlled by it and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other motor carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation.

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

3. Such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for convenient inspection by the public in every station or office of such carrier where passengers or household goods are respectively received for transportation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets for transportation or tickets covering bills of lading or receipts for household goods are issued. All or any of such schedules kept as aforesaid shall

26 be immediately produced by such carrier for inspection upon the demand of any person.

27         4. A notice printed in bold type and stating that such schedules are on file with the agent  
28 and open to inspection by any person and that the agent will assist any such person to determine  
29 from such schedules any transportation rates or fares or rules or regulations which are in force  
30 shall be kept posted by the carrier in two public and conspicuous places in every such station or  
31 office.

32         5. The form of every such schedule shall be prescribed by the [division] **commission**.

33         6. The [division] **commission** shall have power, from time to time, in its discretion, to  
34 determine and prescribe by order such changes in the form of such schedules as may be found  
35 expedient, and to modify the requirements of this section in respect to publishing, posting and  
36 filing of schedules either in particular instances or by general order applicable to special or  
37 peculiar circumstances or conditions.

      [387.060.] **308.455**. 1. It shall be the duty of every motor carrier doing an intrastate  
2 business within this state, upon written request therefor, by any person who is a bona fide  
3 prospective shipper or receiver of household goods or who has a bona fide interest therein, made  
4 upon any general or local freight or station agent of such carrier, by any person, firm or  
5 corporation, to furnish and give a written statement of the rate or charge applicable to a described  
6 shipment between stated points or places in this state under the schedule or tariffs to which such  
7 carrier is a party, within a reasonable time; and if such carrier shall refuse or omit to give such  
8 statement within a reasonable time, or shall misstate in writing the applicable rate, and if the  
9 person, firm or corporation making such request suffers in consequence of such refusal or  
10 omission or in consequence of the misstatement of the rate, either through making the shipment  
11 over a route for which the proper rate is higher than the rate over another available route, or  
12 through entering into any sale, purchase or contract whereunder such person, firm or corporation  
13 obligates [himself, themselves or itself,] or becomes obligated to make or receive such shipment  
14 of household goods at [his, their or its] **the person's, firm's, or corporation's** cost, then the said  
15 carrier shall be liable pursuant to the provisions of sections [390.156 to 390.176, RSMo,]  
16 **308.955 to 308.975** and be recovered in a civil action by the [division of motor carrier and  
17 railroad safety] **state highways and transportation commission**, and shall also be liable to the  
18 person, firm or corporation injured as aforesaid for the amount of such injury, together with six  
19 percent interest thereon from the date of such injury, and with a reasonable attorney's fee;  
20 provided, that no such liability shall be discharged by such carrier unless the same be approved  
21 by the [division] **commission** as being free from any attempt or purpose to evade any other law  
22 of this state; and provided further, that, if during the course of any action upon such liability to  
23 the person injured, it shall appear to the satisfaction of the court or jury trying any such cause,  
24 that the parties have combined or agreed to obtain or allow any undue advantage or rebate or

25 preference to such injured person, upon a finding to that effect, such cause shall be dismissed and  
26 the dismissal and finding reported by said court to the [division] **commission**. Such dismissal  
27 shall be taken and deemed a final judgment, and appeal may be taken therefrom or from any  
28 other judgment in any such cause the same as in other civil cases.

29         2. No carrier making any settlement or payment upon the approval of the [division]  
30 **commission** or pursuant to a judgment or order of court under this section shall be liable for any  
31 penalty or forfeiture or subject to any prosecution under any other law of this state on account  
32 of the said payment or settlement.

33         3. The [division] **commission** may require from any person, firm or corporation any  
34 information deemed by the [division] **commission** necessary to the determination of the question  
35 whether it shall give its approval to any such claim, and if the same be refused by the injured  
36 person, may decline said claim, and it shall not be sued upon thereafter; if such information be  
37 refused or request therefor be evaded or the search for information by the [division] **commission**  
38 be made difficult by the carrier, the [division] **commission** shall endorse such fact on said claim  
39 and it shall thereafter support an action as if approved by the [division] **commission**.

       [387.070.] **308.457**. Unless the [division of motor carrier and railroad safety] **state**  
2 **highways and transportation commission** otherwise orders, no change shall be made in any  
3 rate, fare or charge, or joint rate, fare or charge, which shall have been filed and published by a  
4 motor carrier in compliance with the requirements of [this chapter] **sections 308.400 to 308.497**  
5 except after thirty days' notice to the [division] **commission** and publication for thirty days as  
6 required by [this chapter] **sections 308.400 to 308.497**, which shall plainly state the changes  
7 proposed to be made in the schedule then in force, and the time when the changed rate, fare or  
8 charge will go into effect [and]. All proposed changes shall be shown by printing, filing and  
9 publishing new schedules or shall be plainly indicated upon the schedules in force at the time and  
10 kept open to public inspection. The [division] **commission**, for good cause shown, may allow  
11 changes in rates without requiring the thirty days' notice and publication herein provided for[.]  
12 by duly filing and publishing in such manner as it may direct an order specifying the change so  
13 made and the time when it shall take effect; all such changes shall be immediately indicated upon  
14 its schedules by the motor carrier.

       [387.080.] **308.458**. 1. The names of the several carriers which are parties to any joint  
2 tariff shall be specified therein, and each of the parties thereto, other than the one filing the same,  
3 shall file with the [division of motor carrier and railroad safety] **state highways and**  
4 **transportation commission** such evidence of concurrence therein or acceptance thereof as may  
5 be required or approved by the [division] **commission**; and where such evidence of concurrence  
6 or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies  
7 of the tariffs in which they are named as parties.

8           2. Every motor carrier shall file with the [division] **commission** sworn copies of every  
9 contract, agreement or arrangement with any other motor carrier or motor carriers relating in any  
10 way to the transportation of passengers or property.

[387.100.] **308.460.** 1. No motor carrier shall charge, demand, collect or receive a  
2 greater or less or different compensation for transportation of passengers or household goods,  
3 or for any service in connection therewith, than the rates, fares and charges applicable to such  
4 transportation as specified in its schedules filed and in effect at the time.

5           2. No motor carrier shall, directly or indirectly, by any special rate, rebate, drawback or  
6 other device or method, charge, demand, collect or receive from any person or corporation a  
7 greater or less or different compensation for any service rendered or to be rendered in the  
8 transportation of passengers or household goods, except as authorized in this chapter, than it  
9 charges, demands, collects or receives from any other person or corporation for doing a like and  
10 contemporaneous service in the transportation of a like kind of traffic under the same or  
11 substantially similar circumstances and conditions.

[387.110.] **308.462.** 1. No motor carrier shall make or give any undue or unreasonable  
2 preference or advantage to any person or corporation or to any locality or to any particular  
3 description of traffic in any respect whatsoever, or subject any particular person or corporation  
4 or locality or any particular description of traffic, to any undue or unreasonable prejudice or  
5 disadvantage in any respect whatsoever.

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

[387.120.] **308.465.** No motor carrier of passengers or household goods shall directly or  
2 indirectly issue or give any free ticket, free pass or free transportation for any passenger or  
3 household goods between points in this state, except that, in accordance with the requirements  
4 of [this chapter] **sections 308.400 to 308.497**, and unless prohibited by order of the [division]  
5 **state highways and transportation commission**, a motor carrier may provide in its lawful tariff  
6 schedules for the transportation of passengers or household goods free of charge, or at discounted  
7 or reduced rates to, from or for the account of the following:

8           (1) Any charitable institution or organization which is duly organized and registered with  
9 the office of the Missouri secretary of state as a religious or charitable association pursuant to  
10 chapter 352, RSMo, or as a general not-for-profit corporation pursuant to chapter 355, RSMo,  
11 or any nonprofit, charitable institution or organization organized or registered pursuant to the  
12 laws of any state or the United States;

13           (2) Any employee, officer or director of the motor carrier, or any relative within the  
14 second degree of consanguinity or affinity of any employee, officer or director of the motor  
15 carrier;

16           (3) Any location or person while transporting passengers or household goods for the  
17 exclusive purpose of providing relief in case of any general emergency or disaster.

          [387.130.] **308.467.** No motor carrier or any officer or agent thereof or any person acting  
2 for or employed by it, shall assist, suffer or permit any person or corporation to obtain  
3 transportation for any passenger or household goods between points within this state at less than  
4 the rates then established and in force in accordance with the schedules filed and published in  
5 accordance with the provisions of [this chapter,] **sections 308.400 to 308.497** by means of false  
6 billing, false classification, false weight or weighing, or false report of weight, or by any other  
7 device or means. No person, corporation, or any officer, agent or employee of a corporation,  
8 who shall deliver household goods for transportation within this state to a motor carrier, shall  
9 seek to obtain or obtain such transportation for such household goods at less than the rates then  
10 established and in force therefor, as aforesaid, by false billing, false or incorrect classification,  
11 false weight or weighing, false representation of the contents of a package, or false report or  
12 statement of weight, or by any other device or means, whether with or without the consent or  
13 connivance of the motor carrier, or any of its officers, agents or employees.

          [387.150.] **308.469.** No motor carrier shall enter into or become a party to any  
2 combination, contract, agreement or understanding, written or oral, express or implied, to prevent  
3 by any arrangement, or by change of arrangement of time schedule, by carriage or by any other  
4 means or device whatsoever the carriage of household goods from being continuous from the  
5 place of shipment to the place of destination. No breakage of bulk, stoppage or interruption of  
6 carriage made by any motor carrier shall prevent the carriage of household goods from being  
7 treated as one continuous carriage from the place of shipment to the place of destination. Nor  
8 shall any such breakage of bulk, stoppage or interruption of carriage be made or permitted by any  
9 motor carrier except it be done in good faith for a necessary purpose without intention to avoid  
10 or unnecessarily interrupt or delay the continuous carriage of such household goods or to evade  
11 any of the provisions of law, of this chapter, or of any order or decision of the [division of motor  
12 carrier and railroad safety] **state highways and transportation commission.**

          [387.180.] **308.470.** 1. Every motor carrier shall, upon demand, issue either a receipt or  
2 bill of lading for all household goods delivered to it for transportation. No contract, stipulation  
3 or clause in any receipt or bill of lading shall exempt or be held to exempt any motor carrier from  
4 any liability for loss, damage or injury caused by it to household goods from the time of its  
5 delivery for transportation until the same shall have been received at its destination and a  
6 reasonable time shall have elapsed after notice to consignee of such arrival to permit of the

7 removal of such property.

8       2. Every motor carrier shall be liable for all loss, damage or injury to household goods  
9 caused by delay in transit due to negligence while the same is being carried by it, but in any  
10 action to recover for damages sustained by delay in transit the burden of proof shall be upon the  
11 defendant to show that such delay was not due to negligence.

12       3. Every motor carrier shall be liable for loss, damage and injury to household goods  
13 carried as baggage up to the full value and regardless of the character thereof, but the value in  
14 excess of one hundred [and] fifty dollars shall be stated upon delivery to the carrier, and a written  
15 receipt stating the value shall be issued by the carrier, who may make a reasonable charge for the  
16 assumption of such liability in excess of one hundred [and] fifty dollars and for the carriage of  
17 baggage exceeding one hundred [and] fifty pounds in weight upon a single ticket. Nothing in  
18 this section shall deprive any holder of such receipt or bill of lading of any remedy or right of  
19 action which the holder has under existing laws.

      [387.190.] **308.472.** 1. Whenever the [division of motor carrier and railroad safety] **state**  
2 **highways and transportation commission** shall be of the opinion, after a hearing had upon its  
3 own motion or upon complaint, that the rates, fares or charges demanded, exacted, charged or  
4 collected by any motor carrier for the transportation of persons or household goods within the  
5 state, or that the regulations or practices of such motor carrier affecting such rates are unjust,  
6 unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of any  
7 provisions of law, or that the maximum rates, fares or charges, chargeable by any such motor  
8 carrier are insufficient to yield reasonable compensation for the service rendered, and are unjust  
9 and unreasonable, the [division] **commission** shall, with due regard, among other things, to a  
10 reasonable average return upon the value of the household goods actually used in the public  
11 service and to the necessity of making reservation out of income for surplus and contingencies,  
12 determine the just and reasonable rates, fares and charges to be thereafter observed and in force  
13 as the maximum to be charged for the service to be performed, notwithstanding that a higher rate,  
14 fare or charge has been heretofore authorized by statute, and shall fix the same by order to be  
15 served upon all motor carriers by whom such rates, fares and charges are thereafter to be  
16 observed.

17       2. Whenever the [division] **commission** shall be of the opinion, after a hearing had upon  
18 its own motion or upon complaint, that the rates, fares or charges demanded, exacted, charged  
19 or collected by any motor carrier for excursion, school or family commutation, commutation  
20 passenger tickets, half-fare tickets for the transportation of children under twelve years of age,  
21 or any other form of reduced rate tickets for the transportation of persons within the state, or joint  
22 interchangeable mileage tickets, with special privileges as to the amount of free baggage that  
23 may be carried under mileage tickets of one thousand miles or more within the state, or that the

24 regulations or practices of such motor carrier affecting such rates are unjust, unreasonable,  
25 unjustly discriminatory or unduly preferential, or in any wise in violation of any provision of law,  
26 or that the maximum rates, fares or charges collected or charged for any of such forms of reduced  
27 fare passenger transportation tickets by any such motor carrier are insufficient to yield reasonable  
28 compensation for the service rendered, and are unjust and unreasonable the [division]  
29 **commission** shall, with due regard, among other things, to a reasonable average return upon the  
30 value of the household goods actually used in the public service and to the necessity of making  
31 reservation out of income for surplus and contingencies, determine the just and reasonable rates,  
32 fares and charges to be thereafter observed and enforced as the maximum to be charged for such  
33 mileage, excursion, school or family commutation, half-fare or any other form of reduced fare  
34 tickets for the transportation of persons, or joint interchangeable mileage tickets with special  
35 privileges as aforesaid, and shall order the sale and use thereof to be restored, of any of the kinds  
36 of tickets herein specified or any other form of reduced rate ticket for the transportation of  
37 persons within the state and shall determine and prescribe the reasonable and just rates, fares and  
38 charges to be thereafter observed and enforced as the maximum to be charged for any such form  
39 of ticket or tickets for the transportation of persons within this state, all of which laws fixing such  
40 rates, fares and charges or requiring the restoration of, sale and use of any of such forms of ticket  
41 or tickets, shall be by order to be served upon all motor carriers by whom such rates, fares and  
42 charges or restoration of, sale or use of, such ticket or tickets are thereafter to be observed.

43         3. Whenever the [division] **commission** shall be of the opinion, after a hearing had upon  
44 its own motion or upon complaint, that the regulations, practices, equipment, appliances or  
45 service of any such motor carrier in respect to transportation of persons or household goods  
46 within this state are unjust, unreasonable, unsafe, improper or inadequate, the [division]  
47 **commission** shall determine the just, reasonable, safe, adequate and proper regulations, practices,  
48 equipment, appliances and service thereafter to be in force, to be observed and to be used in such  
49 transportation of persons and household goods and so fix and prescribe the same by order to be  
50 served upon every motor carrier to be bound thereby; and thereafter it shall be the duty of every  
51 motor carrier to observe and obey each and every requirement of every such order so served upon  
52 it, and to do everything necessary or proper in order to secure absolute compliance with and  
53 observance of every such order by all of its officers, agents and employees.

54         4. The [division] **commission** shall have power to require, by order, any two or more  
55 motor carriers, whose lines, owned, operated, controlled or leased, form a continuous or  
56 connecting line of transportation by transfer of household goods or passengers at connecting  
57 points, to establish through rates and joint rates, fares and charges for the transportation of  
58 passengers and household goods within the state as the [division] **commission** may, by its order,  
59 designate[; and in case]. **If** such through rates, and joint rates [be] **are** not established by the

60 motor carriers named in any such order within the time therein specified, the [division]  
61 **commission** shall establish just and reasonable rates, fares and charges, to be charged for such  
62 through transportation, and declare the portions thereof to which each motor carrier affected  
63 thereby shall be entitled and the manner in which the same shall be paid and secured[; and]. The  
64 [division] **commission** shall also have power in the same proceeding, or in a separate proceeding  
65 involving any rates, fares or charges, to prescribe joint rates and fares and charges as the  
66 maximum to be exacted for the transportation by them of passengers and household goods within  
67 the state, and to require such motor carriers affected thereby to make within a specified time an  
68 agreement between them as to the portion of such joint rates, fares or charges to which each of  
69 them shall be entitled[; and in case such agreement be] **is not [so]** made within the time so  
70 specified the [division] **commission** may declare by supplemental order the portion thereof to  
71 which each motor carrier affected thereby shall be entitled and the manner in which the same  
72 shall be paid and secured[; such]. **The** supplemental order shall take effect as part of the original  
73 order from the time such supplemental order shall become effective.

[387.200.] **308.475.** Whenever there shall be filed with the [division of motor carrier and  
2 railroad safety] **state highways and transportation commission** by any motor carrier any  
3 schedule stating a new individual or joint rate, fare or charge, or any new individual or joint  
4 classification, or any new individual or joint regulation or practice affecting any rate, fare or  
5 charge, the [division] **commission** shall have, and it is hereby given, authority, either upon  
6 complaint or upon its own initiative without complaint [at once, and if it so orders without  
7 answer or other formal pleading by the interested carrier or carriers, but] upon reasonable notice[,  
8 to enter upon a hearing, concerning] **to determine** the propriety of such rate, fare, charge,  
9 classification, regulation or practice; and [pending such hearing and the decision thereon the  
10 division] **the commission**, upon filing with such schedule and delivering to the carrier or carriers  
11 affected thereby a statement in writing of its reasons for such suspension, may suspend the  
12 operation of such schedule and defer the use of such rate, fare, charge, classification, regulation  
13 or practice, but not for a longer period than one hundred [and] twenty days beyond the time when  
14 such rate, fare, charge, classification, regulation or practice, would otherwise go into effect[;].

15 **2. The motor carrier may appeal to the administrative hearing commission for a**  
16 **review of the state highways and transportation commission's order**, and after full hearing,  
17 whether completed before or after the rate, fare, charge, classification, regulation or practice goes  
18 into effect, the [division] **administrative hearing commission** may make such order in reference  
19 to such rate, fare, charge, classification, regulation or practice as would be proper in a proceeding  
20 initiated after the rate, fare, charge, classification, regulation or practice had become effective[;  
21 provided, that]. If any such hearing cannot be concluded within the period of suspension, as  
22 stated in this section, the [division] **administrative hearing commission** may, in its discretion,

23 extend the time of suspension for a further period not exceeding six months. At any hearing  
24 involving a rate increased or a rate sought to be increased [after August 28, 1996], the burden  
25 of proof to show that the increased rate or proposed increased rate is just and reasonable shall  
26 be upon the motor carrier, and the [division] **administrative hearing commission** shall give to  
27 the hearing and decision of such questions preference over all other questions pending before it  
28 and decide the same as speedily as possible.

[387.205.] **308.477.** The [division] **state highways and transportation commission**  
2 shall ascertain, determine and fix for each motor carrier of passengers or household goods  
3 suitable and convenient standard commercial units of service, product or commodity, which units  
4 shall be lawful units for the purposes of this chapter.

[387.207.] **308.479.** All rates, tolls, charges, schedules and joint rates fixed by the  
2 [division] **state highways and transportation commission** with reference to the transportation  
3 of passengers or household goods by motor carrier shall be in force and shall be prima facie  
4 lawful, and all regulations, practices and services prescribed by the [division] **commission** shall  
5 be in force and shall be prima facie lawful and reasonable until found otherwise in a suit brought  
6 for that purpose pursuant to the provisions of this chapter.

[387.210.] **308.480.** 1. If in the judgment of the [division of motor carrier and railroad  
2 safety,] **state highways and transportation commission** additional terminals or terminal  
3 facilities, stations or any other property, construction, apparatus, equipment, facilities or device  
4 for use by any motor carrier in connection with the transportation of passengers or household  
5 goods ought reasonably to be provided, or any repairs or improvements to or changes in any  
6 thereof in use ought reasonably to be made, or any additions or changes in construction should  
7 reasonably be made thereto in order to promote the security or convenience of the public or  
8 employees, or in order to secure adequate service or facilities for the transportation of passengers  
9 or property, the [division] **commission** shall[, after a hearing, either on its own motion or after  
10 complaint,] make and serve an order directing such repairs, improvements, changes or additions  
11 to be made within a reasonable time and in a manner to be specified therein, and every motor  
12 carrier is hereby required and directed to make all repairs, improvements, changes and additions  
13 required of it by any order of the [division] **commission** served upon it, **subject to review by**  
14 **the administrative hearing commission.**

15 2. If any repairs, improvements, changes or additions which the [division] **state**  
16 **highways and transportation commission** has determined to order require joint action by two  
17 or more of said corporations, the [division] **commission** shall, before entry and service of order,  
18 notify the said corporations that such repairs, improvements, changes or additions will be  
19 required and that the same shall be made at their joint cost[, and thereupon the said]. **The**  
20 corporations shall have thirty days or such longer time as the [division] **commission** may grant

21 within which to agree upon the part or division of cost of such repairs, improvements, changes  
22 or additions which each shall bear. If at the expiration of such time such corporations shall fail  
23 to file with the [division] **commission** a statement that an agreement has been made for a  
24 division or apportionment of such repairs, improvements, changes or additions, the [division]  
25 **commission** shall have authority, after further hearing, to fix in its order the proportion of such  
26 cost or expense to be borne by each corporation and the manner in which the same shall be paid  
27 and secured.

[387.240.] **308.483.** The power of motor carriers to issue stocks, and bonds, notes and  
2 other evidences of indebtedness and to create liens upon their property situated in this state is a  
3 special privilege, the right of supervision, regulation, restriction, and control of which is and  
4 shall continue to be vested in the state, and such power shall be exercised as provided by law and  
5 under such rules and regulations as the [division of motor carrier and railroad safety] **state**  
6 **highways and transportation commission** may prescribe.

[387.270.] **308.485.** 1. A motor carrier organized or existing, or hereafter incorporated,  
2 under or by virtue of the laws of the state of Missouri, may issue stocks, bonds, notes or other  
3 evidences of indebtedness payable at periods of more than twelve months after the date thereof,  
4 when necessary for the acquisition of property, the construction, completion, extension or  
5 improvement of its facilities, or for the improvement or maintenance of its service, or for the  
6 discharge or lawful refunding of its obligations, or for the reimbursement of moneys actually  
7 expended from income, or from any other moneys in the treasury of the corporation not secured  
8 by or obtained from the issue of stocks, bonds, notes or other evidence of indebtedness of such  
9 corporation, within five years next prior to the filing of an application with the [division of motor  
10 carrier and railroad safety] **state highways and transportation commission** for the required  
11 authorization, for any of the aforesaid purposes except maintenance of service and except  
12 replacements in cases where the applicant shall have kept its accounts and vouchers of such  
13 expenditure in such manner as to enable the [division] **commission** to ascertain the amount of  
14 moneys so expended and the purposes for which such expenditure was made; provided, and not  
15 otherwise, that there shall have been secured from the [division] **commission** an order  
16 authorizing such issue, and the amount thereof, and stating the purposes to which the issue or  
17 proceeds thereof are to be applied, and that, in the opinion of the [division] **commission**, the  
18 money, property or labor to be procured or paid for by the issue of such stocks, bonds, notes or  
19 other evidence of indebtedness is or has been reasonably required for the purposes specified in  
20 the order, and that except as otherwise permitted in the order in the case of bonds, notes and  
21 other evidence of indebtedness, such purposes are not, in whole or in part, reasonably chargeable  
22 to operating expenses or to income.

23 2. For the purpose of enabling it to determine whether it should issue such an order, the

24 [division] **state highways and transportation commission** shall make such inquiry or  
25 investigation, hold such hearings and examine such witnesses, books, papers, documents or  
26 contracts as it may deem of importance in enabling it to reach a determination. Such corporation  
27 shall not without the consent of the [division] **commission** apply said issue or any proceeds  
28 thereof to any purpose not specified in such order.

29       3. Such motor carrier may issue notes, for proper corporate purposes and not in violation  
30 of any provision of this chapter, or any other law, payable at periods of not more than twelve  
31 months without such consent, but no such notes shall, in whole or in part, directly or indirectly,  
32 be refunded, by any issue of stock or bonds or by any evidence of indebtedness running for more  
33 than twelve months without the consent of the [division] **commission**; provided, however, that  
34 the [division] **commission** shall have no power to authorize the capitalization of any franchise  
35 to be a corporation or to authorize the capitalization of any franchise or the right to own, operate  
36 or enjoy any franchise whatsoever in excess of the amount (exclusive of any tax or annual  
37 charge) actually paid to the state or to a political subdivision thereof as the consideration for the  
38 grant of such franchise or right; nor shall the capital stock of a corporation formed by the merger  
39 or consolidation of two or more other corporations, exceed the sum of the capital stock of the  
40 corporation so consolidated, at the par value thereof, or such sum and any additional sum actually  
41 paid in cash; nor shall any contract for consolidation or lease be capitalized in the stock of any  
42 corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien  
43 upon any contract for consolidation or merger.

[387.280.] **308.487.** 1. No motor carrier governed by the provisions of this chapter shall  
2 issue any stock, bonds, notes or other evidence of indebtedness, for money, property or services,  
3 either directly or indirectly, nor shall it receive any money, property or services in payment of  
4 the same, either directly or indirectly, until there shall have been recorded upon the books of such  
5 corporation or person the certificate of the [division of motor carrier and railroad safety] **state**  
6 **highways and transportation commission** herein provided for.

7       2. No motor carrier governed by the provisions of this chapter shall declare any stock,  
8 bond or scrip dividend or divide the proceeds of the same of any stock, bond or scrip among its  
9 stockholders unless authorized by the [division] **commission** so to do.

[387.290.] **308.489.** 1. The [division of motor carrier and railroad safety] **state**  
2 **highways and transportation commission** shall have the power to require motor carriers to  
3 account for the disposition of the proceeds of all sales of stocks, bonds, notes and other  
4 evidences of indebtedness in such form and detail as it may deem advisable and to establish such  
5 rules and regulations as it may deem reasonable and necessary to insure the disposition of such  
6 proceeds for the purpose or purposes specified in its order.

7       2. All stock, and every bond, note or evidence of indebtedness, of **such** a motor carrier

8 issued without an order of the [division] **commission** authorizing the same then in effect shall  
9 be void, and likewise all stock, and every bond, note or other evidence of indebtedness, of **such**  
10 a motor carrier issued with the authorization of the [division] **commission**, but not conforming  
11 in its provisions to the provisions, if any, which it is required by the order of authorization of the  
12 [division] **commission** to contain, shall be void; but no failure in any other respect to comply  
13 with the terms or conditions of the order of authorization of the [division] **commission** shall  
14 render void any stock, or any bond, note or other evidence of indebtedness, except as to a  
15 corporation or person taking the same otherwise than in good faith and for value and without  
16 actual notice.

17 3. Every motor carrier, which directly or indirectly issues or causes to be issued, any  
18 stock or stock certificates, or bond, note or other evidence of indebtedness, in nonconformity  
19 with the order of the [division] **commission** authorizing the same, or contrary to the provisions  
20 of this chapter, or of the constitution of the state, or which applies the proceeds from the sale  
21 thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the  
22 [division's] **commission's** order, as herein provided, or to any purpose specified in the  
23 [division's] **commission's** order in excess of the amount in said order authorized for such  
24 purpose, is subject to a penalty of not less than five hundred dollars nor more than twenty  
25 thousand dollars for each offense.

26 4. Every officer, agent or employee of a motor carrier, and every other person who  
27 knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any  
28 stock, or bond, note or other evidence of indebtedness, in nonconformity with the order of the  
29 [division] **commission** authorizing the same, or contrary to the provisions of this chapter, or of  
30 the constitution of this state, or who, in any proceeding before the [division] **commission**,  
31 knowingly makes any false statement or representation, or with knowledge of its falsity files or  
32 causes to be filed with the [division] **commission** any false statement or representation which  
33 said statement or representation so made, filed or caused to be filed may tend in any way to  
34 influence the [division] **commission** to make an order authorizing the issue of any stock, or any  
35 bond, note or other evidence of indebtedness, or which results in procuring from the [division]  
36 **commission** the making of any such order, or who, with knowledge that any false statement or  
37 representation was made to the [division] **commission** in any proceeding, tending in any way to  
38 influence the [division] **commission** to make such order, issues or executes or negotiates, or  
39 causes to be issued, executed or negotiated any such stock, or bond, note or other evidence of  
40 indebtedness, or who directly or indirectly, knowingly applies, or causes or assists to be applied  
41 the proceeds or any part thereof, from the sale of any stock, or bond, note or other evidence of  
42 indebtedness, to any purpose not specified in the [division's] **commission's** order, or to any  
43 purpose specified in the [division's] **commission's** order in excess of the amount authorized for

44 such purpose, or who, with knowledge that any stock, or bond, note or other evidence of  
45 indebtedness, has been issued or executed in violation of any of the provisions of this chapter,  
46 negotiates, or causes the same to be negotiated, shall be deemed guilty of a felony, and upon  
47 conviction, shall be punished by a fine of not less than one thousand dollars nor more than five  
48 thousand dollars, or by imprisonment for not less than two years nor more than five years, or by  
49 both such fine and imprisonment.

50         5. No provision of this chapter, and no deed or act done or performed under or in  
51 connection therewith, shall be held or construed to obligate the state of Missouri to pay or  
52 guarantee, in any manner whatsoever, any stock, or bond, note or other evidence of indebtedness,  
53 authorized, issued or executed under the provisions of this chapter.

54         [6. All stocks, and every bond, note or other evidence of indebtedness issued by any  
55 motor carrier after this chapter takes effect, upon the authority of any articles of incorporation  
56 or amendments thereto or vote of the stockholders or directors filed, taken or had, or other  
57 proceedings taken or had, previous to the taking effect of this chapter, shall be void, unless an  
58 order of the division authorizing the issue of such stock, or bonds, notes, or other evidences of  
59 indebtedness shall have been obtained from the division prior to such issue. The division may  
60 by its order impose such condition or conditions as it may deem reasonable and necessary.]

          [387.300.] **308.490.** 1. The [division of motor carrier and railroad safety] **state**  
2 **highways and transportation commission** shall have the power to ascertain the value of the  
3 property of every motor carrier in this state and every fact which in its judgment may or does  
4 have any bearing on such value. The [division] **commission** shall have power to make  
5 revaluations from time to time and to ascertain all new construction, extensions and additions  
6 to the property of every motor carrier.

7         2. For the purpose of ascertaining the matters and things specified in this section  
8 concerning the value of the property of motor carriers the [division] **commission** may [cause a  
9 hearing or hearings to be held at such time or times or place or places as the division may  
10 designate. Before any hearing is had, the division shall give the motor carrier affected thereby  
11 at least thirty days' written notice, specifying the time and place of such hearing, and such notice  
12 shall be sufficient to authorize the division to] inquire into the matters designated in this section,  
13 but this provision shall not prevent the [division] **commission** from making any preliminary  
14 examination or investigation into the matters herein referred to, or from inquiring into such  
15 matters in any other investigation [or hearing]. All motor carriers affected shall be entitled [to  
16 be heard and to introduce evidence at such hearing or hearings. The division] **to introduce**  
17 **records and information.** **The commission** is empowered to resort to any other source of  
18 information available which information shall be [offered in evidence on such hearing. The  
19 evidence introduced at such a hearing or at such hearings shall be] reduced to writing and

20 certified [under the seal of the division] by the state highways and transportation  
21 commission.

22 3. The [division] **commission** shall make and file its findings [of fact] in writing upon  
23 all matters [concerning which evidence shall have been introduced] before it which in its  
24 judgment have bearing on the value of the property of the motor carrier affected. Such findings  
25 shall be subject to review by [any circuit court of this state in the same manner and within the  
26 same time as other orders and decisions of the division] **the administrative hearing**  
27 **commission**. The findings of the [division] **state highways and transportation commission**  
28 so made and filed, when properly certified [under the seal of the division] by the state highways  
29 and transportation commission, shall be admissible in evidence in any action, proceeding or  
30 hearing before the [division] **state highways and transportation commission, the**  
31 **administrative hearing commission**, or any court in which the [division] **state highways and**  
32 **transportation commission**, the state or any officer, department or institution thereof, or any  
33 county, city, municipality or other body politic and the motor carrier affected may be interested,  
34 whether arising under the provisions of this chapter or otherwise, and such findings when so  
35 introduced shall be conclusive evidence of the acts therein stated as of the date therein stated  
36 under conditions then existing, and such facts can only be controverted by showing a subsequent  
37 change in conditions bearing upon the facts therein determined.

38 4. The [division] **state highways and transportation commission** may from time to  
39 time cause further [hearings and] investigations to be had for the purpose of making revaluations  
40 or ascertaining the value of any betterments, improvements, additions or extensions made by any  
41 motor carrier subsequent to any prior [hearing or] investigation, and may examine into all matters  
42 which may change, modify or affect any findings [of fact] previously made[, and may at such  
43 time make findings of fact supplementary to those theretofore made. Such hearings shall be had  
44 upon the same notice and be conducted in the same manner, and the findings so made shall have  
45 the same force and effect as is provided herein for such original notice, hearing and findings;  
46 provided, that such findings made at such supplemental hearings or investigations shall be  
47 considered in connection with and as a part of the original findings except insofar as such  
48 supplemental findings shall change or modify the findings made at the original hearing or  
49 investigation].

[387.310.] **308.492.** 1. The [division of motor carrier and railroad safety] **state**  
2 **highways and transportation commission** may, whenever it deems advisable, establish a  
3 system of accounts to be used by motor carriers which are subject to its supervision, or may  
4 classify the said corporations and other carriers and prescribe a system of accounts for each class,  
5 and may prescribe the manner in which such accounts shall be kept. It may also, in its discretion,  
6 prescribe the forms of accounts, records and memoranda to be kept by such corporations,

7 including the accounts, records and memoranda of the movement of traffic, as well as the  
8 receipts and expenditures of moneys. Notice of alterations by the [division] **commission** in the  
9 required method or form of keeping a system of accounts shall be given to such persons or  
10 corporations by the [division] **commission** at least six months before the same are to take effect.

11 2. The [division] **commission** shall at all times have access to all accounts, records and  
12 memoranda kept by motor carriers, and may designate any of its officers or employees, who shall  
13 thereupon have authority under the order of the [division] **commission** to inspect and examine  
14 any and all accounts, records and memoranda kept by such corporations.

15 3. The [division] **commission** may, after hearing, prescribe by order the accounts in  
16 which particular outlays and receipts shall be entered, charged or credited, **subject to review by**  
17 **the administrative hearing commission**. Whenever the [division] **state highways and**  
18 **transportation commission** has prescribed the form of accounts, records and memoranda to be  
19 kept by such corporations it shall be unlawful for them to keep any other accounts, records or  
20 memoranda than those so prescribed, or those prescribed by or under the authority of the United  
21 States.

22 4. Any employee or agent of the [division] **commission** who divulges any fact or  
23 information which may come to the employee's or agent's knowledge during the course of any  
24 such inspection or examination except insofar as the employee or agent may be directed by the  
25 [division] **commission** or by a court, or authorized by law, shall be guilty of a misdemeanor.

[387.320.] **308.495**. The [division of motor carrier and railroad safety] **state highways**  
2 **and transportation commission** shall have power, after hearing, to require any or all motor  
3 carriers to carry a proper and adequate depreciation account in accordance with such rules,  
4 regulations and forms of account as the [division] **commission** may prescribe. The [division]  
5 **commission** may, from time to time, ascertain and determine and by order fix the proper and  
6 adequate rates of depreciation of the several classes of property of such corporation, person or  
7 public utility. Each motor carrier shall conform its depreciation accounts to the rates so  
8 ascertained, determined and fixed, and shall set aside the moneys so provided for out of earnings  
9 and carry the same in a depreciation fund and expend such fund only for such purposes and under  
10 such rules and regulations, both as to original expenditure and subsequent replacement as the  
11 [division] **commission** may prescribe. The income from investments of moneys in such fund  
12 shall likewise be carried in such fund.

[387.340.] **308.497**. Reorganizations of motor carriers shall be subject to the supervision  
2 and control of the [division of motor carrier and railroad safety] **state highways and**  
3 **transportation commission** and no such reorganization shall be had without the authorization  
4 of the [division] **commission**. Upon all such reorganizations the amount of capitalization,  
5 including therein all stocks and bonds and other evidence of indebtedness, shall be such as is

6 authorized by the [division] **commission** which, in making its determination, shall not exceed  
7 the fair value of the property involved, taking into consideration its original cost of construction,  
8 duplication costs, present condition, earning power at reasonable rates and all other relevant  
9 matters and any additional sum or sums as shall be actually paid in cash; provided, however, that  
10 the [division] **commission** may make due allowance for discount of bonds. Any reorganization  
11 agreement before it becomes effective shall be amended so that the amount of capitalization shall  
12 conform to the amount authorized by the [division] **commission**. The [division] **commission**  
13 may by its order impose such condition or conditions as it may deem reasonable and necessary.

[324.703.] **308.500.** All persons who engage in [the business of housemoving on the  
2 roads and highways of] **moving a house upon or across any public street, road, or highway**  
3 **in this state shall [be licensed by the division of motor carrier and railroad safety] have a valid**  
4 **housemover license issued by the state highways and transportation commission.**

[324.706.] **308.505.** The [division] **state highways and transportation commission**  
2 shall issue licenses to applicants meeting the following conditions:

3 (1) The applicant must be at least eighteen years of age, possess a valid commercial  
4 driver's license and have at least twenty-four months' experience in moving houses;

5 (2) The applicant must furnish proof that all of the vehicles to be used in the movement  
6 of houses have met the requirements of sections 307.350 to [307.400] **307.402**, RSMo, or its  
7 equivalent pertaining to the inspection of motor vehicles;

8 (3) The applicant must exhibit his **or her** federal employer's identification number; and

9 (4) The applicant must pay an annual license fee of one hundred dollars. All moneys  
10 received for housemover licenses shall be paid to **the commission** and [collected by the division  
11 of motor carrier and railroad safety and transmitted to the director of revenue and] deposited in  
12 the state treasury to the credit of the state highways and transportation **department** fund as  
13 established in section 226.200, RSMo.

[324.709.] **308.510.** A **housemover** license issued pursuant to sections [324.700 to  
2 327.742] **308.500 to 308.575** shall be effective for a period of one year from the date of issuance  
3 and shall be renewable on an annual basis.

[324.712. 1. No license shall be issued or renewed unless the applicant files  
2 with the division a certificate or certificates of insurance from an insurance company  
3 or companies authorized to do business in this state. The applicant must demonstrate  
4 that he or she has:

5 (1) Motor vehicle insurance for bodily injury to or death of one or more  
6 persons in any one accident and for injury or destruction of property of others in any  
7 one accident with minimum coverage of five hundred thousand dollars;

8 (2) Comprehensive general liability insurance with a minimum coverage of  
9 two million dollars, including coverage of operations on state streets and highways  
10 that are not covered by motor vehicle insurance; and

11 (3) Workers' compensation insurance that complies with chapter 287, RSMo,  
12 for all employees.

13 2. The certificate or certificates shall provide for continuous coverage during  
14 the effective period of the license issued pursuant to this section. At the time the  
15 certificate is filed, the applicant shall also file with the division a current list of all  
16 motor vehicles covered by the certificate. The applicant shall file amendments to the  
17 list within fifteen days of any changes.

18 3. An insurance company issuing any insurance policy required by this  
19 section shall notify the division of any of the following events at least thirty days  
20 before its occurrence:

21 (1) Cancellation of the policy;

22 (2) Nonrenewal of the policy by the company; or

23 (3) Any change in the policy.

24 4. In addition to all coverages required by this section, the applicant shall file  
25 with the division a copy of either:

26 (1) A bond or other acceptable surety providing coverage in the amount of  
27 fifty thousand dollars for the benefit of a person contracting with the housemover to  
28 move that person's house for all claims for property damage arising from the  
29 movement of a house; or

30 (2) A policy of cargo insurance in the amount of one hundred thousand  
31 dollars.]

[324.712.] **308.515.** 1. No **housemover** license shall be issued or renewed unless the  
2 applicant files with the [division] **state highways and transportation commission** a certificate  
3 or certificates of insurance from an insurance company or companies authorized to do business  
4 in this state. The applicant must demonstrate that he or she has:

5 (1) Motor vehicle insurance for bodily injury to or death of one or more persons in any  
6 one accident and for injury or destruction of property of others in any one accident with  
7 minimum amount of coverage established by the [division] **commission** by rule;

8 (2) Comprehensive general liability insurance with a minimum level of coverage  
9 established by the [division] **commission** by rule, including coverage of operations on state  
10 streets and highways that are not covered by motor vehicle insurance; and

11 (3) Workers' compensation insurance that complies with chapter 287, RSMo, for all  
12 employees.

13 2. The certificate or certificates shall provide for continuous coverage during the  
14 effective period of the license issued pursuant to this section. At the time the certificate is filed,  
15 the applicant shall also file with the [division] **commission** a current list of all motor vehicles  
16 covered by the certificate. The applicant shall file amendments to the list within fifteen days of  
17 any changes.

18 3. An insurance company issuing any insurance policy required by this section shall  
19 notify the [division] **commission** of any of the following events at least thirty days before its

20 occurrence:

- 21 (1) Cancellation of the policy;
- 22 (2) Nonrenewal of the policy by the company; or
- 23 (3) Any change in the policy.

24 4. In addition to all coverages required by this section, the applicant shall file with the  
25 [division] **commission** a copy of either:

- 26 (1) A bond or other acceptable surety providing coverage in the amount of fifty thousand  
27 dollars for the benefit of a person contracting with the housemover to move that person's house  
28 for all claims for property damage arising from the movement of a house; or
- 29 (2) A policy of cargo insurance in the amount of one hundred thousand dollars.

[324.715.] **308.520.** 1. Persons licensed as housemovers shall also be required to secure  
2 a special permit[, as provided for pursuant to section 304.200, RSMo,] from the chief engineer  
3 of the department of transportation for every move undertaken on the state highway system. The  
4 permit shall be issued by the chief engineer if the chief engineer determines that the applicant:

- 5 (1) Is properly licensed pursuant to sections [324.700 to 324.745] **308.500 to 308.575**;
- 6 (2) Has furnished the surety bond or policy of cargo insurance required by [subsection  
7 4 of section 324.712] **section 308.515**; and
- 8 (3) Is complying with such other regulations as required [by the division of motor carrier  
9 and railroad safety].

10 2. A **housemover** license shall not be required for individuals moving their own houses  
11 from or to property owned individually by those persons; however, a special permit will be  
12 required for all moves.

13 3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other  
14 divided highways. Licensed housemovers shall provide two escorts on all multilane and  
15 two-lane highways, one in front and one rear.

[324.718.] **308.525.** 1. Application for a special permit to move a house must be made  
2 to the chief engineer of the department of transportation at least two days prior to the date of the  
3 move. For good cause shown, this time may be waived by the chief engineer.

4 2. A travel plan shall accompany the application for the special permit. The travel plan  
5 will show the proposed route, the time estimated for each segment of the move, and a plan to  
6 handle traffic so that no one delay to other highway users shall exceed twenty minutes. The chief  
7 engineer shall review the travel plan and if the route cannot accommodate the move due to  
8 roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic  
9 flow, the special permit shall not be issued.

10 3. The applicant may submit alternate plans if desired until an acceptable route is  
11 determined. If the width of the house to be relocated is more than thirty-six feet, or if no

12 acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the  
13 application and travel plan may be submitted to the chief engineer on appeal. After reviewing  
14 the route and travel plan, the chief engineer may in his or her discretion issue the permit after  
15 considering the practical physical limitations of the route, the nature and purpose of the move,  
16 the size and weight of the house, the distance the house is to be moved, and the safety and  
17 convenience of the traveling public. A surety bond in the amount to cover the cost of any  
18 damage to the pavement, structures, bridges, roadway or other damages that may occur may be  
19 required if deemed necessary by the chief engineer.

[324.721.] **308.530.** All obstructions, including traffic signals, signs, and utility lines will  
2 be removed immediately prior to and replaced immediately after the move at the expense of the  
3 housemover, provided that arrangements for and approval from the owner are obtained.

[324.724.] **308.535.** Irrespective of the route shown on the special permit, an alternate  
2 route will be followed:  
3 (1) If directed by a peace officer;  
4 (2) If directed by a uniformed officer assigned to a weighing station to follow a route to  
5 a weighing device; or  
6 (3) If the specified route is officially detoured. Should a detour be encountered, the  
7 driver shall check with the **chief engineer of the** department of transportation prior to  
8 proceeding.

[324.727.] **308.540.** The house to be transported will not be loaded, unloaded, nor  
2 parked, day or night, on a highway right-of-way without specific permission from the [director]  
3 **state highways and transportation commission.**

[324.730.] **308.545.** No move will be made when atmospheric conditions render  
2 visibility lower than safe for travel. Moves will not be made when highways are covered with  
3 snow or ice, or at any time travel conditions are considered unsafe by the [director] **state**  
4 **highways and transportation commission** or highway patrol or other law enforcement officers  
5 having jurisdiction.

[324.733.] **308.550.** The permit may be voided if any conditions of the permit are  
2 violated. Upon any violation, the permit must be surrendered and a new permit obtained before  
3 proceeding. Misrepresentation of information on an application to obtain a license, fraudulently  
4 obtaining a permit, alteration of a permit, or unauthorized use of a permit will render the permit  
5 void.

[324.736.] **308.560.** All moves on streets on the municipal system of streets shall comply  
2 with local ordinances. The officer in charge of the maintenance of streets of any municipality  
3 may issue permits for the use of the streets by housemovers within the limits of such  
4 municipalities.

[324.739.] **308.565.** The speed of moves will be that which is reasonable and prudent  
2 for the load, considering weight and bulk, under conditions existing at the time.

[324.742.] **308.570.** Any person violating sections [324.700 to 324.745 or the regulations  
2 of the division or department of transportation] **308.500 to 308.575** shall be guilty of a class A  
3 misdemeanor.

[324.745.] **308.575.** 1. If any provisions of sections [324.700 to 324.745,] **308.500 to**  
2 **308.575** or if the application of such provisions to any person or circumstance shall be held  
3 invalid, the remainder of this section and the application of such [provision] **provisions** of  
4 sections [324.700 to 324.745] **308.500 to 308.575** other than those as to which it is held valid,  
5 shall not be affected thereby.

6 2. Nothing in sections [324.700 to 324.745] **308.500 to 308.575** shall be construed to  
7 limit, modify or supercede the standards governing the intrastate or interstate movement of  
8 property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

9 3. The provisions of sections [324.700 to 324.745] **308.500 to 308.575** shall not apply  
10 to housemovers engaged in the interstate movement of houses. Those engaged in the interstate  
11 movement of houses, however, shall comply with all applicable provisions of federal and state  
12 law with respect to the movement of such property.

[622.095.] **308.600.** 1. In addition to its other powers, the [division of motor carrier and  
2 railroad safety] **state highways and transportation commission** may negotiate and enter into  
3 fair and equitable cooperative agreements or contracts with other states, the District of Columbia,  
4 territories and possessions of the United States, foreign countries, and any of their officials,  
5 agents or instrumentalities, to promote cooperative action and mutual assistance between the  
6 participating jurisdictions with regard to the uniform administration and registration, through a  
7 single base jurisdiction for each registrant, of [interstate commerce commission] **the Federal**  
8 **Motor Carrier Safety Administration** operating authority and exempt operations by motor  
9 vehicles operated in interstate commerce. Notwithstanding any other provision of law to the  
10 contrary, and in accordance with the provisions of such agreements or contracts between  
11 participating jurisdictions, the [division] **commission** may:

12 (1) Delegate to other participating jurisdictions the authority and responsibility to collect  
13 and pay over to the [division] **commission** statutory registration, administration or license fees;  
14 to receive, approve and maintain the required proof of public liability insurance coverage; to  
15 receive, process, maintain and transmit registration information and documentation; to issue  
16 evidence of proper registration in lieu of interstate permits [under section 390.071, RSMo]; to  
17 issue motor vehicle licenses or identifiers in lieu of annual licenses under section [390.136,  
18 RSMo] **308.280**; and to suspend or revoke any **credential**, approval, registration, license or  
19 identifier referred to in this section, as agents on behalf of the [division] **commission** with regard

20 to motor vehicle operations by persons having a base jurisdiction other than this state;

21 (2) Assume the authority and responsibility on behalf of other jurisdictions participating  
22 in such agreements or contracts to collect and direct the department of revenue to pay over to the  
23 appropriate jurisdictions statutory registration, administration or license fees, and to perform all  
24 other activities described in subdivision (1) of this subsection, on its own behalf or as an agent  
25 on behalf of other participating jurisdictions, with regard to motor vehicle operations in interstate  
26 commerce by persons having this state as their base jurisdiction;

27 (3) Establish or modify dates for the payment of fees and the issuance of annual motor  
28 vehicle licenses or identifiers in conformity with such agreements or contracts, notwithstanding  
29 any provisions of section [390.136, RSMo,] **308.280** to the contrary; and

30 (4) Modify, cancel or terminate any of the agreements or contracts.

31 2. Notwithstanding the provisions of section [390.136, RSMo] **308.280**, statutory  
32 registration, administration or license fees collected by the [division] **commission pursuant to**  
33 **this section, section 226.135, RSMo, section 308.660, or section 308.655** on behalf of other  
34 jurisdictions under such agreements or contracts are hereby designated as "nonstate funds" within  
35 the meaning of section 15, article IV, Constitution of Missouri, and shall be immediately  
36 transmitted to the department of revenue of the state for deposit to the credit of a special fund  
37 which is hereby created and designated as the "[Base State Registration Fund]" **Interstate**  
38 **Carrier Holding Account", which is the successor to the base state registration fund.** The  
39 [division] **commission** shall [not less frequently than once each month] direct the payment of,  
40 and the director of revenue shall pay, the fees so collected to the appropriate other jurisdictions.  
41 All income derived from the investment of the [base state registration fund] **interstate carrier**  
42 **holding account** by the director of revenue shall be credited to the [highway] **state highways**  
43 **and transportation** department fund.

44 3. "Base jurisdiction", as used in this section, means the jurisdiction participating in such  
45 agreements or contracts where the registrant has its principal place of business.

46 4. Every person who has properly registered his [interstate commerce commission] **or**  
47 **her Federal Motor Carrier Safety Administration** operating authority or exempt operations  
48 with his **or her** base jurisdiction and maintains such registration in force in accordance with such  
49 agreements or contracts is authorized to operate in interstate commerce within this state any  
50 motor vehicle which is accompanied by a valid annual license or identifier issued by his **or her**  
51 base jurisdiction in accordance with such agreements or contracts, notwithstanding any provision  
52 of [section 390.071, 390.126 or 390.136, RSMo,] **this chapter** or rules of the [division]  
53 **commission** to the contrary.

[622.150.] **308.605.** The [division] **state highways and transportation commission**  
2 may engage in any conferences with officials of any and all other states and the District of

3 Columbia, territories and possessions of the United States and foreign countries for the purpose  
4 of promoting, entering into, and establishing fair and equitable reciprocal agreements or  
5 arrangements that in the judgment of the [division] **commission** are proper, expedient, fair, and  
6 equitable and in the interest of the state of Missouri and the citizens thereof to the end that any  
7 motor carrier of passengers or property which operates motor vehicles and trailers into, out of,  
8 or through this state as a for-hire motor carrier and which has paid all regulatory fees required  
9 by the state, District of Columbia, territory or possession of the United States or foreign country  
10 where the motor vehicles and trailers are duly licensed or registered pursuant to an agreement  
11 or arrangement entered into by the [Missouri highway reciprocity] **state highways and**  
12 **transportation commission pursuant to section 308.655**, or if no such agreement or  
13 arrangement has been entered into, where the owner is a resident, shall not be required to pay  
14 fees prescribed in section [390.136, RSMo] **308.280**; but the provisions of this section shall be  
15 operative as to a motor vehicle and trailer duly licensed or registered in a state, District of  
16 Columbia, territory or possession of the United States or foreign country pursuant to an  
17 agreement or arrangement entered into by the [Missouri highway reciprocity] **state highways**  
18 **and transportation commission** and if no such agreement or arrangement has been entered into,  
19 where the owner is a resident, upon which all regulatory fees have been paid, when operated for  
20 hire in Missouri only to the extent that, under the laws of the state, District of Columbia, territory  
21 or possession of the United States or foreign country, wherein such motor vehicle and trailer are  
22 registered like exemptions are granted motor vehicles and trailers duly licensed or registered in  
23 Missouri which may be conducting similar motor carrier operations for hire in such other state,  
24 District of Columbia, territory or possession of the United States, or foreign country.

[390.071.] **308.610.** 1. No person shall engage in the business of a motor carrier in  
2 interstate commerce on any public highway in this state unless there is in force with respect to  
3 such carrier a permit issued by the [division of motor carrier and railroad safety] **state highways**  
4 **and transportation commission** authorizing such operations.

5 2. Upon application to the [division] **commission** in writing, containing such information  
6 as the [division] **commission** may by rule require, accompanied by a copy of **the** applicant's  
7 certificate of public convenience and necessity or permit issued by the [Interstate Commerce  
8 Commission] **Federal Motor Carrier Safety Administration**, the filing of such liability  
9 insurance policy or bond and other formal documents as the [division] **commission** shall by rule  
10 require, the [division] **commission**, if it finds **the** applicant qualified, shall, with or without  
11 hearing, issue a permit authorizing the proposed interstate operations.

[301.041.] **308.620.** 1. All commercial motor vehicles and trailers registered pursuant  
2 to this section or to be operated under **reciprocity** agreements [as provided for in sections  
3 301.271 to 301.279] shall be registered annually.

4           2. An application for renewal registration pursuant to this section shall be made with all  
5 required documents on or before October first of each year. Renewal applications received after  
6 October first shall be assessed a penalty of one hundred dollars. The [director or his or her] **state**  
7 **highways and transportation commission or its** designee may waive the penalty pursuant to  
8 this subsection for good cause.

9           3. Fees for commercial motor vehicles and trailers renewed pursuant to this section shall  
10 be paid no later than December first of each year except for payments made on an installment  
11 basis as provided in subsection 4 of this section. Renewal application fees not paid by December  
12 first shall be assessed a penalty of fifty dollars per vehicle, but in no case shall such penalty  
13 exceed one hundred fifty dollars per application. The [director or his or her] **commission or its**  
14 designee may, for good cause, waive or reduce any penalties assessed pursuant to this subsection.

15           4. Any owner of a commercial motor vehicle or trailer operated pursuant to this section  
16 or **reciprocity** agreements [provided in sections 301.271 to 301.279] may elect to pay the  
17 Missouri portion of the annual registration fee in two equal installments, except that no such  
18 installment shall be less than one hundred dollars. The first installment shall be payable on or  
19 before December first, and the second installment shall be payable on or before June first of that  
20 registration year. Every owner electing to pay on an installment basis shall file with the [director  
21 of the department of revenue] **state highways and transportation commission**, on or before  
22 December first, a surety bond, certificate of deposit or irrevocable letter of credit as defined in  
23 section 400.5-103, RSMo, to guarantee the payment of the second installment. The bond or  
24 certificate or letter of credit shall be in an amount equal to the payment guaranteed.

25           5. If a new application for registration of a commercial vehicle or trailer is made other  
26 than as specified in subsection 1 of this section, the registration fee shall be prorated as follows:

27           (1) For applications made between April first and June thirtieth, the applicant shall pay  
28 three-fourths of the annual registration fee;

29           (2) For applications made between July first and September thirtieth, the applicant shall  
30 pay one-half of the annual registration fee; and

31           (3) For applications made after October first of the current registration year, the applicant  
32 shall pay one-fourth of the annual registration fee.

33           6. Any applicant who fails to timely renew his or her registration with all required  
34 documents pursuant to this section or who fails to timely pay any fees and penalties owed  
35 pursuant to this section shall not be issued a temporary registration for a motor vehicle or a trailer  
36 issued pursuant to this section or under **reciprocity** agreements [as provided for in sections  
37 301.271 and 301.279]. Nothing in this section shall prohibit the issuance of temporary  
38 registration credentials for additions to the registrant's fleet subsequent to renewal.

39           7. The applicant for registration pursuant to this section shall affix the registration plate

40 issued by the [director] **state highways and transportation commission** to the front of the  
41 vehicle in accordance with the provisions of section 301.130, **RSMo**. Any vehicle required to  
42 be registered pursuant to this section shall display the plate issued to that vehicle no later than  
43 December thirty-first of each year. Failure to display the registration [plates] **plate** required by  
44 this section shall constitute a class A misdemeanor.

45 8. The [director of revenue] **commission** may prescribe rules and regulations for the  
46 effective administration of this section. **Appeals under this section to the administrative**  
47 **hearing commission and appeals thereafter shall be made in the same manner as provided**  
48 **in sections 621.050 and 621.189, RSMo.**

49 9. Any current registration or plate for which all fees have been paid for a commercial  
50 trailer previously issued pursuant to **reciprocity** agreements [provided for in sections 301.271  
51 and 301.277] shall remain valid even if such agreements no longer require apportionment of such  
52 trailers under such agreements, and such trailers may continue to be registered pursuant to this  
53 section.

54 10. Notwithstanding any other law to the contrary, the [highway reciprocity] **state**  
55 **highways and transportation** commission shall have the authority pursuant to this chapter to  
56 issue permanent and temporary registrations on commercial trailers whether or not the  
57 registration is issued pursuant to **reciprocity** agreements [as provided in sections 301.271 to  
58 301.279]. The provisions of subsection 1 of section 301.190, **RSMo**, shall not apply to  
59 registrations issued pursuant to this subsection, provided the carrier or person to whom the  
60 registration is issued has at least one tractor as defined in section 301.010, **RSMo**, registered  
61 with the state of Missouri pursuant to this section.

62 11. Commercial trailer plates issued pursuant to this section shall in all other respects  
63 conform to and have the same requirements as those issued pursuant to subsection 3 of section  
64 301.067, **RSMo**. Such plates may contain the legend "[HRC] **COMM TLR**" in preference to  
65 the words "SHOW-ME STATE".

[301.265.] **308.630.** 1. The owner of any motor vehicle or, in the event the motor vehicle  
2 is legally operated by someone other than the owner, [then] the operator thereof, which is duly  
3 and legally registered in some other jurisdiction but which cannot legally be operated on  
4 Missouri highways under the provisions of section [301.271] **308.645**, or under the provisions  
5 of any applicable agreement duly entered into by the [Missouri highway reciprocity] **state**  
6 **highways and transportation** commission, which is operated on the highways of this state only  
7 occasionally by such owner or operator, may in lieu of the payment of the registration fee for  
8 such vehicle[,] obtain a trip permit from the [department of revenue] **commission** authorizing  
9 the operation of such vehicle on the highways of this state for a period of not to exceed  
10 seventy-two hours. The trip permit is valid for use by any owner or operator who uses the

11 vehicle during the seventy-two hour period. The fee for such trip permit shall be ten dollars and  
12 shall be collected by the [department of revenue] **commission** and deposited with the state  
13 treasurer to the credit of the state [highway] **highways and transportation** department fund  
14 except when an agreement has been negotiated with another jurisdiction whereby prepayment  
15 is not required. In such cases, the terms of the agreement shall prevail. When such trip permit  
16 fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or  
17 semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle.  
18 The [director of revenue] **commission** shall prescribe rules and regulations to effectuate the  
19 purpose of this section. Application for such trip permits shall be made on a form prescribed by  
20 and shall contain such information as may be required by the [director of revenue] **commission**.

21         2. The requirements of Missouri law as to title of motor vehicles shall not be applicable  
22 to vehicles operated under such trip permits.

23         3. Any owner or operator who desires to use a trip permit for the operation of his **or her**  
24 vehicle shall secure such permit and the same must be in full force and effect before the vehicle  
25 enters or commences its trip in the state of Missouri.

26         4. Operators who fail to obtain such permit before the vehicle enters or commences its  
27 trip in this state are subject to arrest and must obtain such permit before proceeding. The permits  
28 shall be made available at official highway [weight] **weigh** stations.

29         5. The purchase of a ten dollar trip permit shall allow such operator to haul the maximum  
30 weight allowed by statute.

31         6. Such permits may be sold in advance of the date of their use in such quantities as the  
32 [director of revenue] **commission** shall determine.

[301.266.] **308.635.** 1. The owner of any motor vehicle which was duly and legally  
2 proportionally registered in Missouri with the [highway reciprocity] **state highways and**  
3 **transportation** commission, but which cannot legally be operated on Missouri highways  
4 because of lease cancellation, may, in lieu of the payment of other registration fee for such  
5 vehicle and upon proof of ownership, obtain a hunter's permit from the [department of revenue]  
6 **state highways and transportation commission**. Such permit shall authorize the operation of  
7 the vehicle on the highways of this state and the highways of all member jurisdictions of the  
8 international registration plan for a period not to exceed thirty days. Any vehicle operated under  
9 a hunter's permit issued in accordance with this section shall only be operated while empty and  
10 shall only be operated for the purpose of securing a new lease agreement under which proper  
11 registration may be obtained. No vehicle may be operated on the highways of this state when  
12 the registration of such vehicle has been canceled, unless the vehicle owner shall have been  
13 issued a hunter's permit for such vehicle. Operation of any vehicle without proper registration  
14 or a hunter's permit shall constitute a class A misdemeanor. No owner operating such a vehicle

15 without proper registration or a hunter's permit shall be allowed to operate the vehicle until he  
16 **or she** has purchased a hunter's permit or otherwise obtained proper registration.

17 2. Application for a hunter's permit shall be made upon forms prescribed by the [director]  
18 **state highways and transportation commission**. Application shall be made to the [highway  
19 reciprocity] commission. The applicant shall provide proof acceptable to the commission, that  
20 he **or she** has surrendered all plates, cab cards and other evidence of previous registration to the  
21 previous registrant before a permit under this section may be issued. The fee for a hunter's  
22 permit shall be twenty-five dollars and shall be collected by the [department of revenue]  
23 **commission** and deposited with the state treasurer to the credit of the state [highway] **highways**  
24 **and transportation** department fund. When such fee has been paid, no other registration fee  
25 shall be required for any trailer or semitrailer which is being towed by such vehicle.

26 3. Notwithstanding any provisions of law to the contrary, a vehicle operated on a hunter's  
27 permit shall not be subject to the laws of this state relating to motor vehicle titles during the time  
28 of operation on such permit.

29 4. Nothing contained in this section shall be construed to change the vehicle owner's duty  
30 to timely file any necessary fuel reports and to pay any fuel taxes owed to the state of Missouri.

31 5. The [director of revenue] **commission** may prescribe rules and regulations for the  
32 effective administration of this section.

[301.267.] **308.640**. 1. The owner of any motor vehicle, or in the event the motor vehicle  
2 is legally operated by someone other than the owner, then the operator thereof, may obtain the  
3 permits required by sections [142.422, 301.265 and 390.136, RSMo,] **308.280, 308.630, and**  
4 **308.665** from the [Missouri highway reciprocity] **state highways and transportation**  
5 commission. The commission shall issue a single permit authorizing the operation of such  
6 vehicle on the highways of this state for a period of not to exceed seventy-two hours. The fee  
7 for such trip permit shall be twenty-five dollars and shall be collected by the [department of  
8 revenue] **commission** and deposited with the state treasurer to the credit of the state [highway]  
9 **highways and transportation** department fund except when an agreement has been negotiated  
10 with another jurisdiction whereby prepayment is not required. In such cases, the terms of  
11 agreement shall prevail.

12 2. The requirements of sections [142.422, 301.265, and 390.136, RSMo,] **308.280,**  
13 **308.630, and 308.665** concerning trip permits shall apply to the operation of the vehicle under  
14 this section.

[301.271.] **308.645**. 1. Unless otherwise provided by duly executed **reciprocity**  
2 agreements [entered into pursuant to sections 301.271 to 301.279], a nonresident owner, owning  
3 any motor vehicle which has been duly registered for the current year in the state, District of  
4 Columbia, territory or possession of the United States, foreign country or other place of which

5 the owner is a resident, and which at all times when operated in this state has displayed upon it  
6 the number plate issued for the vehicle in the place of residence of such owner, may operate or  
7 permit the operation of such vehicle within this state without registering such vehicle or paying  
8 any such registration fee to this state[; but]. **However**, the provisions of this subsection shall be  
9 operative to allow such owner to operate or permit the operation of such vehicle owned by a  
10 nonresident of this state only to the extent that under the laws of the state, District of Columbia,  
11 territory or possession of the United States, foreign country or other place of residence of the  
12 nonresident owner, substantially equivalent exemptions are granted to residents of Missouri for  
13 the operation of vehicles duly registered in Missouri.

14 2. Unless otherwise provided by duly executed **reciprocity** agreements [entered into  
15 pursuant to sections 301.271 to 301.279], trailers registered in any jurisdiction may be operated  
16 in combination with any motor vehicle properly registered in accordance with [sections 301.271  
17 to 301.279] **reciprocity agreements**.

[301.275.] **308.650.** The **state highways and transportation** commission may require  
2 such reports from owners and operators of motor vehicles as may be useful to assist the  
3 commission in performing its duties [under sections 301.271 to 301.279]. Such reports shall  
4 furnish such information as may be required by the commission and shall cover such periods and  
5 be made at such time or times as the commission may direct and shall be in the form prescribed  
6 by the commission and shall be verified by the person making such report or by the president,  
7 vice president, secretary or other responsible officer or employee of a corporation or association  
8 or by a partner or a responsible employee of a partnership. The commission may make or direct  
9 the making of such investigations within or without the state, as may be necessary for the  
10 performance of its duties under [sections 301.271 to 301.279] **this chapter**. If any owner or  
11 operator of motor vehicles shall file any false report or give false information [called for or  
12 required under sections 301.271 to 301.279], the commission shall have power to suspend or  
13 revoke any or all reciprocity as to such owner or operator. The commission may make and  
14 promulgate such rules and regulations as may be necessary to effectively carry out its duties  
15 [under sections 301.271 to 301.279].

[301.277.] **308.655.** 1. The **state highways and transportation** commission may  
2 negotiate and enter into reciprocal agreements or arrangements with other states, the District of  
3 Columbia, territories and possessions of the United States, and foreign countries as follows:

4 (1) To exempt, either wholly or partially, under such terms, conditions and restrictions  
5 as it deems proper, motor vehicles and trailers licensed in [other] states, the District of Columbia,  
6 territories and possessions of the United States, and foreign countries or political subdivisions  
7 thereof wherein the owner is a resident, from any or all registration fees, as provided by law, but  
8 any exemption afforded hereunder shall be extended to owners whose vehicles are duly licensed

9 in the state of their residence only to the extent that substantially equivalent exemptions are  
10 extended by that state to vehicles which are duly licensed in this state.

11 (2) If any state permits or requires the licensing of fleets of motor vehicles and trailers  
12 or combinations thereof operated in interstate or combined interstate and intrastate commerce  
13 and payment of license taxes and other fixed fees thereon on an apportionment basis  
14 commensurate with and determined by the miles traveled on and the use made of said state's  
15 highways or any other equitable basis of apportionment, and exempts equipment registered in  
16 other states under such apportionment basis from its own registration and other fixed fees, [then  
17 said Missouri highway reciprocity] **the** commission may by agreement adopt such exemptions  
18 with respect to motor vehicles and trailers, which agreement may, under such terms, conditions  
19 and restrictions as the commission deems proper, provide that owners and operators of motor  
20 vehicles and trailers operated in interstate or combined interstate and intrastate commerce in  
21 Missouri shall be required to pay registration and other fees on an apportionment basis  
22 commensurate with and determined by the miles traveled on and the use made of Missouri  
23 highways, or any other equitable basis of apportionment, and shall provide a fair and equitable  
24 formula for apportionment whereby there shall be registered in Missouri and the Missouri  
25 registration fees paid and applied to a proper proportion of said motor vehicles and trailers  
26 operated in the fleet.

27 (3) Such agreements may authorize the granting of reciprocal privileges to an owner for  
28 vehicles which are not licensed in the state, District of Columbia, territory or possession of the  
29 United States, foreign country, or other place of such owner's residence when such owner  
30 maintains a bona fide place of business in a state, District of Columbia, territory or possession  
31 of the United States, foreign country or other place other than his **or her** residence and such  
32 vehicle is in fact based at such a place of business and is principally operated into and out of such  
33 a place of business as a terminal of its operation and such vehicle is duly licensed in the state,  
34 District of Columbia, territory or possession of the United States, foreign country, or other place  
35 where such place of business is located. Before reciprocal privileges are granted to an owner  
36 under such agreement authorized by this subsection, the commission may, under such conditions  
37 and terms as it deems advisable, require such owner to apply for a basing point permit which,  
38 among other things, shall name the state, District of Columbia, territory or possession of the  
39 United States, foreign country, or other place in which such vehicle is to be licensed.

40 2. Any agreement entered into by the **state highways and transportation** commission  
41 shall require that the operator of any vehicle for which reciprocal privileges are claimed must  
42 have in his **or her** possession a valid and legal registration certificate or other evidence of proper  
43 registration issued for such vehicle by the state or other jurisdiction in which it is registered.

44 3. Notwithstanding section 301.090, **RSMo**, fees collected by the **state highways and**

45 **transportation** commission which are subject to prorating under this section, **section 226.135,**  
46 **RSMo, or section 308.600 or 308.660** shall be immediately transmitted to the [treasurer of the  
47 state] **director of revenue** for deposit to the credit of the state [highway] **highways and**  
48 **transportation** department fund except that part of such fees to be paid to other states under a  
49 reciprocal agreement shall be placed in [a special fund designated a "reciprocity fund."] **the**  
50 **interstate carrier holding account established in section 308.600 and which is the successor**  
51 **to the reciprocity fund.** The commission shall [not less frequently than once each month direct  
52 the payment of, and the treasurer shall] pay[, ] the reciprocal fees to the appropriate state or states.  
53 All income derived from the investment of the ["reciprocity fund" by the treasurer ] **interstate**  
54 **carrier holding account** shall be credited to the [highway] **state highways and transportation**  
55 department fund.

56 4. Notwithstanding any other provision of law, no reciprocity shall be granted under any  
57 statute or agreement for the operation of any commercial motor vehicle within the state of  
58 Missouri solely in intrastate commerce, but all vehicles so engaged must be duly registered and  
59 licensed in the state of Missouri.

[142.617.] **308.660.** The [director of revenue] **state highways and transportation**  
2 **commission** may enter into reciprocity agreements on behalf of the state of Missouri with  
3 authorized representatives of other states for the collection and refund of interstate fuel taxes  
4 levied pursuant to this chapter **and chapter 142, RSMo. The state highways and**  
5 **transportation commission may carry out any of the provisions of chapter 142, RSMo,**  
6 **which are pertinent to the administration and enforcement of this section, if such**  
7 **provisions are not inconsistent with the provisions of this chapter.** The [director]  
8 **commission** may adopt rules pursuant to this chapter to implement the agreement for collection  
9 and refund of interstate fuel taxes and other fuel tax agreements. The reporting requirements,  
10 as provided in the agreement, shall take precedence over the reporting requirements provided in  
11 this chapter. Where the agreement and this chapter address the same matters, the provisions of  
12 the agreement shall take precedence. A current copy of the agreement shall be maintained by  
13 the [department of revenue] **commission. Appeals under this section to the administrative**  
14 **hearing commission and appeals thereafter shall be made in the same manner as provided**  
15 **in sections 621.050 and 621.189, RSMo.**

[142.830.] **308.665.** 1. It is unlawful for any person to act as an interstate motor fuel user  
2 without being licensed as such unless the motor fuel user is licensed under a reciprocity  
3 agreement. However, as to a motor vehicle operated in this state in the course of interstate traffic  
4 by an unlicensed interstate motor fuel user, a single trip motor fuel tax permit authorizing  
5 operation of such vehicle for a single trip through the state, or from a point on the border of this  
6 state to a point within and return to the border may be issued upon proper application and in a

7 manner prescribed by the [director] **state highways and transportation commission**. Any  
8 person found to have not purchased a trip permit when so required shall immediately purchase  
9 such permit. The fee for each permit shall be ten dollars, and the permit shall be valid for a  
10 period of seventy-two hours. Permits shall be made available at official highway weigh stations.

11 2. A single trip permit shall be issued for each vehicle for which application is made, and  
12 the application fee for such permit shall apply only to the vehicle for which the permit is issued.  
13 A trip permit shall not be issued to anyone whose license is currently in a revoked status.  
14 Evidence of the issuance of such trip permit or in the alternative the payment and civil penalty  
15 thereof shall be furnished to the [director, his] **commission or its** agents, appointees or any  
16 officer of the Missouri state highway patrol upon demand.

[304.200.] **308.700**. 1. The chief engineer of the state department of transportation, for  
2 good cause shown and when the public safety or public interest so justifies, shall issue special  
3 permits for vehicles or equipment exceeding the limitations on width, length, height and weight  
4 herein specified, or which are unable to maintain minimum speed limits. Such permits shall be  
5 issued only for a single trip or for a definite period, not beyond the date of expiration of the  
6 vehicle registration, and shall designate the highways and bridges which may be used pursuant  
7 to the authority of such permit.

8 2. The chief engineer of the state department of transportation shall upon proper  
9 application and at no charge issue a special permit to any person allowing the movement on state  
10 and federal highways of farm products between sunset and sunrise not in excess of fourteen feet  
11 in width. Special permits allowing movement of oversize loads of farm products shall allow for  
12 movement between sunset and sunrise, subject to appropriate requirements for safety lighting  
13 on the load, appropriate limits on load dimensions and appropriate consideration of high traffic  
14 density between sunset and sunrise on the route to be traveled. The chief engineer may also issue  
15 upon proper application a special permit to any person allowing the movement on the state and  
16 federal highways of concrete pump trucks or well-drillers equipment. For the purposes of this  
17 section, "farm products" shall have the same meaning as provided in section 400.9-109, RSMo.

18 3. Rules [and regulations] for the issuance of special permits shall be prescribed by the  
19 state highways and transportation commission and filed with the secretary of state. No rule or  
20 portion of a rule promulgated pursuant to the authority of [section 304.010 and] this section shall  
21 become effective unless it has been promulgated pursuant to the provisions of chapter 536,  
22 RSMo.

23 4. The officer in charge of the maintenance of the streets of any municipality may issue  
24 such permits for the use of the streets by such vehicles within the limits of such municipalities.

25 5. In order to transport manufactured homes, as defined in section 700.010, RSMo, on  
26 the roads, highways, bridges and other thoroughfares within this state, only the applicable

27 permits required by this section shall be obtained.

[622.170.] **308.800.** The [division] **state highways and transportation commission** may authorize any person employed by it to do or perform any act, matter or thing which the [division] **commission** is authorized by this chapter to do or perform[, except that no order, rule or regulation of any person employed by the division shall be binding on any carrier or any person unless expressly authorized or approved by the division].

[622.027.] **308.805.** The [division director with the approval of the department director] **state highways and transportation commission** shall make all rules necessary to perform the duties and responsibilities assigned [to the division. The administrative law judges, acting together, shall make all necessary rules required to establish procedures of practice before them] **pursuant to this chapter.** All rules by the [division director or the administrative law judges] **commission** shall be made in accordance with the provisions of this section and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536, RSMo.**

[622.520.] **308.810.** A substantial compliance with the requirements of this chapter shall be sufficient to give effect to all the rules, orders, acts and regulations of the [division] **state highways and transportation commission**, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto. The provisions of this chapter shall be liberally construed with a view to the public welfare, efficient transportation services and substantial justice between patrons and carriers.

**308.815. 1. The state highways and transportation commission may confer in person, by correspondence, by attending conventions, or in any other way with the members of any railroad, transportation, public utility, public service commission, or similar division of other states and the United States of America, or any official, agency, or instrumentality thereof on any matter relating to the performance of its duties.**

**2. The state highways and transportation commission may make joint investigations, hold joint hearings within or without the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad, transportation, public utility, public service commission, or similar division of other states of the United States of America, or any official, agency, or any instrumentality thereof; except that in the holding of such investigations or hearings, or in the making of such orders, the commission shall function under agreements or contracts between states or under the concurrent power of states to regulate interstate commerce, or as an agent of the United States of America, or any official, agency, or instrumentality thereof, or otherwise.**

[622.030.] **308.820. 1. The administrative [law judges] hearing commission shall**

2 assume all the duties concerning transportation activities [heretofore] **that were prior to July**  
3 **1, 1985**, imposed upon the commissioners of the public service commission **and prior to July**  
4 **11, 2002, upon the administrative law judges of the division of motor carrier and railroad**  
5 **safety of the department of economic development**, in their quasi-judicial capacity and  
6 function. All ministerial duties shall be performed by the [division] **state highways and**  
7 **transportation commission**, and the administrative [law judges] **hearing commission** shall not  
8 be responsible for those activities. The administrative [law judges] **hearing commission** shall  
9 hear and decide all matters concerning transportation activities which the public service  
10 commission or [public service commissioners] **division of motor carrier and railroad safety**  
11 would have been required to hear and decide in a quasi-judicial capacity.

12 2. [Each administrative law judge may exercise all powers granted to the division  
13 without the concurrence of any other administrative law judge, except with respect to the  
14 rulemaking powers, in which all administrative law judges must concur. The method of  
15 assignment of petitions, appeals or other cases may be determined by rule or other agreement  
16 between the administrative law judges. Except as provided in section 622.035,] All hearings  
17 before the administrative [law judges] **hearing commission** shall be governed by rules adopted  
18 by them **which shall not be inconsistent with any provision of this chapter**. In all  
19 investigations, inquiries or hearings before the [division] **state highways and transportation**  
20 **commission** or the administrative [law judges] **hearing commission**, neither the administrative  
21 [law judges] **hearing commission** nor the [division] **state highways and transportation**  
22 **commission** shall be bound by technical rules of evidence. No formality in any proceeding nor  
23 in the manner of taking testimony before the [division] **state highways and transportation**  
24 **commission** or [an administrative law judge] **administrative hearing commission** shall  
25 invalidate any order, decision, rule or regulation made, approved or confirmed by the [division]  
26 **state highways and transportation commission** or administrative [law judge] **hearing**  
27 **commission pursuant to this chapter**.

28 3. The [division] **administrative hearing commission** may charge a reasonable docket  
29 fee as may be set by rule to be paid upon the filing of any petition, application, complaint, or  
30 other request for relief or authority by any party other than the [division] **state highways and**  
31 **transportation commission** staff. All such docket fees shall be paid to the state director of  
32 revenue at the time of the filing of any such petition, application, complaint or other request for  
33 relief or authority, and the same shall be deposited by the [state director of revenue in the  
34 highway fund of the state of Missouri] **director in the state highways and transportation**  
35 **department fund**.

[390.141.] **308.825**. The orders and decisions of the [division] **state highways and**  
2 **transportation commission or the administrative hearing commission** on the matters covered

3 by the provisions of this chapter shall be reduced to writing and a copy thereof, duly certified,  
4 shall be served on the motor carrier affected thereby through the United States mail, and such  
5 order and decision shall become operative and effective within thirty days after such service,  
6 unless otherwise [ordered by the division] **provided**, and such motor carrier shall carry the  
7 provisions of said order into effect unless said order is enjoined or set aside in a court of proper  
8 jurisdiction.

[390.320.] **308.830.** Notwithstanding any provisions of section 516.103, RSMo, to the  
2 contrary, in all collateral actions or proceedings the orders and decisions of the [division] **state**  
3 **highways and transportation commission or the administrative hearing commission** which  
4 have become final shall be conclusive, and shall be admissible as evidence of the facts found and  
5 the determinations made by the [division] **state highways and transportation commission or**  
6 **the administrative hearing commission** in all subsequent actions or proceedings to enforce  
7 [division] **state highways and transportation commission or administrative hearing**  
8 **commission** orders or decisions, whether by penalty, forfeiture, mandamus, injunctive relief or  
9 otherwise.

[622.410.] **308.835.** 1. Every order of the [division] **state highways and transportation**  
2 **commission or the administrative hearing commission** shall be served upon every person or  
3 corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by  
4 mailing a certified copy thereof, in a sealed package with postage prepaid, to the person to be  
5 affected thereby, or, in the case of a corporation, to any officer or agent thereof upon whom a  
6 summons may be served in accordance with the provisions of the code of civil procedure.

7 2. It shall be the duty of every person and corporation to immediately notify the  
8 [division] **appropriate commission**, in writing, of the receipt of the certified copy of every order  
9 so served, and in the case of a corporation such notification must be signed and acknowledged  
10 by a person or officer duly authorized by the corporation to admit such service. Within a time  
11 specified in the order of the [division] **state highways and transportation commission or**  
12 **administrative hearing commission**, every person and corporation upon whom it is served must  
13 if so required in the order notify the [division] **appropriate commission** in like manner whether  
14 the terms of the order are accepted and will be obeyed.

15 3. Every order or decision of the [division] **commissions pursuant to this chapter** shall  
16 of its own force take effect and become operative thirty days after the service thereof, except as  
17 otherwise provided, and shall continue in force either for a period which may be designated  
18 therein or until changed or abrogated by [the division] **either commission**, unless such order be  
19 unauthorized by this law or any other law or be in violation of a provision of the constitution of  
20 the state or of the United States.

[622.350.] **308.840.** In all trials, actions, suits and proceedings arising under the

2 provisions of this chapter or growing out of the exercise of the authority and powers granted in  
3 this chapter to the [division] **state highways and transportation commission**, the burden of  
4 proof shall be upon the party adverse to the [division] **commission** or seeking to set aside any  
5 determination, requirement, direction or order of the [division] **commission or the**  
6 **administrative hearing commission**, to show by clear and satisfactory evidence that the  
7 determination, requirement, direction or order of [the division] **such commission** complained  
8 of is unreasonable or unlawful as the case may be.

[622.420.] **308.845.** 1. After an order or decision has been made by the [division]  
2 **administrative hearing commission**, any carrier, corporation or person interested therein may  
3 apply for a rehearing in respect to any matter determined therein, and the [division]  
4 **administrative hearing commission** shall grant and hold such rehearing, if in its judgment  
5 sufficient reason therefor be made to appear. If a rehearing shall be granted the same [shall] **may**  
6 be determined by the [division] **administrative hearing commission** within thirty days after the  
7 same shall be finally submitted.

8 2. No cause or action arising out of any order or decision of the [division]  
9 **administrative hearing commission** shall accrue in any court to any carrier, corporation or  
10 person unless that party shall have made, before the effective date of such order or decision,  
11 application to the [division] **administrative hearing commission** for a rehearing. Such  
12 application shall set forth specifically the ground or grounds on which the applicant considers  
13 said order or decision to be unlawful, unjust or unreasonable. The applicant shall not in any  
14 court urge or rely on any ground not so set forth in its application for rehearing.

15 3. An application for a rehearing shall not excuse any carrier, corporation or person from  
16 complying with or obeying any order or decision or any requirement of an order or decision of  
17 the [division] **state highways and transportation commission or the administrative hearing**  
18 **commission**, or operate in any manner to stay or postpone the enforcement thereof except as the  
19 [division] **appropriate commission** may by order direct.

20 4. If, after a rehearing and a consideration of the facts, including those arising since the  
21 making of the order or decision, the [division] **administrative hearing commission** shall be of  
22 the opinion that the original order or decision or any part thereof is in any respect unjust or  
23 unwarranted, or should be changed, the [division] **administrative hearing commission** may  
24 abrogate, change or modify the same. An order made after any such rehearing, abrogating,  
25 changing or modifying the original order or decision shall have the same force and effect as an  
26 original order or decision but shall not affect any right or the enforcement of any right arising  
27 from or by virtue of the original order or decision.

[622.430.] **308.847.** Except as otherwise provided for appeals from orders or  
2 **decisions governed by sections 308.620 to 308.665, or sections 621.050 and 621.189, RSMo,**

3 **pursuant to this chapter**, within thirty days after the application for a rehearing is denied, or,  
4 if the application is granted, then within thirty days after the rendition of the decision on  
5 rehearing, the applicant may apply to the circuit court of the county where the hearing was held  
6 or in which the [division] **state highways and transportation commission** has its principal  
7 office for a writ of certiorari or review for the purpose of having the reasonableness or lawfulness  
8 of the original order or decision or the order or decision on rehearing inquired into or determined.  
9 The writ shall be made returnable not later than thirty days after the date of the issuance thereof,  
10 and shall direct the applicant to certify the [division's] **state highways and transportation**  
11 **commission's or the administrative hearing commission's** record in the case to the court in  
12 conformity with any applicable court rules. On the return day the cause shall be heard by the  
13 circuit court, unless for a good cause shown the same be continued. No new or additional  
14 evidence may be introduced upon the hearing in the circuit court but the cause shall be heard by  
15 the court without the intervention of a jury on the evidence and exhibits introduced before the  
16 [division] **state highways and transportation commission** and certified to by it **or its designee**.  
17 The [division] **state highways and transportation commission or the administrative hearing**  
18 **commission** and each party to the action or proceeding before [the division] **either or both of**  
19 **the commissions** shall have the right to appear in the review proceedings. Upon the hearing the  
20 circuit court shall enter judgment either affirming or setting aside the order of the [division]  
21 **commission** under review. In case the order is reversed by reason of the [division] **commission**  
22 failing to receive testimony properly proffered, the court shall remand the cause to the [division]  
23 **appropriate commission**, with instructions to receive the testimony so proffered and rejected,  
24 and enter a new order based upon the evidence already taken, and such as it is directed to receive.  
25 The court may, in its discretion, remand any cause which is reversed by it to the [division]  
26 **appropriate commission** for further action. No court in this state, except the circuit courts to  
27 the extent herein specified and the supreme court or the court of appeals on appeal, shall have  
28 jurisdiction to review, reverse, correct or annul any order or decision of the [division]  
29 **commissions** or to suspend or delay the executing or operation thereof, or to enjoin, restrain or  
30 interfere with the [division] **commissions** in the performance of [its] **their** official duties. The  
31 circuit courts of this state shall always be deemed open for the trial of suits brought to review the  
32 orders and decisions of the [division] **commissions** as provided by law and the same shall be  
33 tried and determined as suits in equity.

[622.035.] **308.850**. Except by agreement of all parties, a full and complete record shall  
2 be made of all proceedings before [an] **the administrative [law judge] hearing commission**  
3 **pursuant to this chapter** on any formal hearing had, and all testimony shall be taken down by  
4 a reporter [appointed by the division,] and the parties shall be entitled to be heard in person or  
5 by attorney. Upon the granting of an application for a writ of review or certiorari to review any

6 order or decision of the [division] **state highways and transportation commission** or [an] the  
7 administrative [law judge] **hearing commission**, the reviewing court shall direct the applicant  
8 to certify a copy of the transcript of such testimony, together with all exhibits or copies thereof  
9 introduced and all information secured by the [division] **state highways and transportation**  
10 **commission** or [an] **the administrative [law judge] hearing commission** on its own initiative  
11 and considered by it in rendering its order or decision, and of the pleadings, record and  
12 proceedings in the cause, which shall constitute the record; provided, that on review of an order  
13 or decision, the parties to the action may stipulate that a certain question or questions alone and  
14 a specified portion only of the evidence shall be certified to the circuit court for its judgment,  
15 whereupon such stipulation and the question or questions and the evidence therein specified shall  
16 constitute the record on review.

[622.450.] **308.855.** 1. The [division] **state highways and transportation commission**  
2 and any party who has participated in the [division] **commission** proceeding **pursuant to this**  
3 **chapter** which produced the order or decision may, after the entry of judgment in the circuit  
4 court in any action in review, prosecute an appeal to a court having appellate jurisdiction in this  
5 state. Such appeal shall be prosecuted as appeals from judgment of the circuit court in civil cases  
6 except as otherwise provided in this chapter. The original transcript of the record and testimony  
7 and exhibits, certified [to by the division] and filed in the circuit court in any action to review  
8 an order or decision of the [division] **state highways and transportation commission**, together  
9 with a transcript of the proceedings in the circuit court, shall constitute the record on appeal to  
10 the supreme court or any court of appeals.

11 2. Where an appeal is taken to the supreme court or the court of appeals, the cause shall,  
12 on the return of the papers to the supreme court or court of appeals, be immediately placed on  
13 the docket of the then pending term by the clerk of the court and shall be assigned and brought  
14 to a hearing in the same manner as other causes on the then pending term docket, but shall have  
15 precedence over all civil causes of a different nature pending in the court.

16 3. The circuit court may in its discretion suspend its judgment pending the hearing in the  
17 supreme court or court of appeals on appeal, upon the filing of a bond by the carrier, corporation  
18 or person with good and sufficient security conditioned as provided for bonds upon actions for  
19 review and by further complying with all terms and conditions of this law for the suspension of  
20 any order or decision of the [division] **state highways and transportation commission** pending  
21 the hearing or review in the circuit court.

22 4. The general laws relating to appeals to the supreme court and the court of appeals in  
23 this state shall, so far as applicable and not in conflict with the provisions of this chapter, apply  
24 to appeals taken under the provisions of this chapter.

[622.460.] **308.860.** In all collateral actions or proceedings the orders and decisions of

2 the [division] **state highways and transportation commission or the administrative hearing**  
3 **commission pursuant to this chapter** which have become final shall be conclusive, and shall  
4 be admissible as evidence of the facts found and the determination made by the [division]  
5 **commissions** in all subsequent actions or proceedings to enforce the decision of the [division]  
6 **commissions**, whether by penalty, forfeiture, mandamus, injunctive relief or otherwise.

[622.210.] **308.865.** 1. Every order, authorization, **credential**, or certificate issued or  
2 approved by the [division] **state highways and transportation commission** under any provision  
3 of this chapter shall be in writing and entered on the records of the [division] **commission**. Any  
4 such order, authorization, **credential**, or certificate, or any part thereof, or a copy of the record  
5 of any such order, authorization, **credential**, or certificate, **officially** certified by [an  
6 administrative law judge or by the secretary of the division director under the seal of the  
7 division] **the commission or its designee** to be a true copy of the original order, authorization,  
8 **credential**, certificate or entry, may be recorded in the office of the recorder of any county or  
9 city, in which is located the principal office and place of business of any corporation, person or  
10 carrier affected thereby, or in which is situated any property of any such corporation, person or  
11 carrier, and such record shall impart notice of its provisions to all persons. [A] **An official**  
12 certificate [under the seal of the division] **of the state highways and transportation**  
13 **commission** that any such order, authorization, **credential**, or certificate has not been modified,  
14 stayed, suspended or revoked may also be recorded in the same offices in the same manner and  
15 with the same effect.

16 2. Every common carrier which engages in intrastate commerce within this state shall  
17 make available to the [division] **commission** within this state all accounts, records, memoranda,  
18 books and papers carried in pursuance of the requirements of law.

[622.220.] **308.870.** Copies of all official documents and orders filed or deposited  
2 according to law in the office of the [division,] **state highways and transportation commission**  
3 **pursuant to this chapter** certified by [an administrative law judge or by the division director]  
4 **the commission or its designee** to be true copies of the originals[, under the official seal of the  
5 division, shall be evidence in like manner as the originals] **shall be admissible as evidence**  
6 **before courts or the administrative hearing commission.**

[622.230.] **308.875.** 1. No fees shall be charged or collected for copies of papers, records  
2 or official documents furnished to public officers for use in their official capacity, or for the  
3 annual reports of the [division] **state highways and transportation commission pursuant to**  
4 **this chapter** in the ordinary course of distribution, but the [division] **commission** may fix  
5 reasonable charges for publications issued under its authority **pursuant to this chapter**. All fees  
6 charged and collected under this section shall be paid, at least once each month, accompanied  
7 by a detailed statement thereof, to the state director of revenue.

8           2. All fees collected pursuant to this section shall be deposited to the credit of the fund  
9 of the [division] **commission** from which the expenses of furnishing the copies listed in this  
10 section are paid and shall be used by the [division] **commission** to offset such expenses.

[622.370.] **308.885.** At the request of the [division's general] **state highways and**  
2 **transportation commission's chief** counsel and upon good cause shown by the counsel the  
3 [division] **commission** shall require or on its own initiative the [division] **commission** may  
4 require, by order served upon any corporation or person in the manner provided for the service  
5 of orders, the production within this state at such time and place as it may designate, of any  
6 books, accounts, papers or records kept by said corporation or person in any office or place  
7 within or without this state, or, at its option, verified copies in lieu thereof, so that an  
8 examination thereof may be made by the [general] **chief** counsel when the order is issued at the  
9 counsel's request or by the [division] **commission** or under its direction.

[622.190.] **308.895.** 1. The [division] **state highways and transportation commission**  
2 may, whenever it deems advisable, establish a system of accounts to be used by [railroad and  
3 street railroad corporations or other] common carriers which are subject to its supervision, or  
4 may classify the [said corporations and other] carriers and prescribe a system of accounts for  
5 each class, and may prescribe the manner in which such accounts shall be kept. It may also, in  
6 its discretion, prescribe the forms of accounts, records and memoranda to be kept by such  
7 [corporations] **carriers**, including the accounts, records and memoranda of the movement of  
8 traffic, as well as the receipts and expenditures of moneys. Notice of alterations by the [division]  
9 **commission** in the required method or form of keeping a system of accounts shall be given to  
10 such persons or [corporations] **carriers** by the [division] **commission** at least six months before  
11 the same are to take effect. [The system of accounts established by the division and the forms  
12 of accounts, records and memoranda prescribed by it as provided above shall conform in the case  
13 of railroad corporations as nearly as may be to those from time to time established and prescribed  
14 by the Interstate Commerce Commission under the provisions of the act of Congress entitled "An  
15 Act to Regulate Commerce", approved February 4, 1887, and the acts amendatory thereof or  
16 supplementary thereto.]

17           2. The [division] **state highways and transportation commission** shall at all times have  
18 access to all accounts, records and memoranda kept by [railroad and street railroad corporations  
19 or other] common carriers and may designate any of its officers or employees, who shall  
20 thereupon have authority under the order of the [division] **commission** to inspect and examine  
21 any and all accounts, records and memoranda kept by such [corporations] **carriers**.

[622.250.] **308.900.** 1. The [division] **state highways and transportation commission**  
2 shall have the general supervision of all common carriers and shall examine the same and keep  
3 informed as to the safety, adequacy, and security afforded by their service, and their compliance

4 with all provisions of law, orders and decisions of the [division] **state highways and**  
5 **transportation commission and the administrative hearing commission.**

6 2. The [division] **state highways and transportation commission** may, through its  
7 authorized inspectors or employees, enter in and upon and inspect the property, equipment,  
8 tracks and facilities of any common carrier, and may for such inspection purposes ride upon any  
9 locomotive or train while in service, and for good cause shown may have upon reasonable notice  
10 the use of an inspection locomotive, special locomotive, inspection car or high-rail vehicle for  
11 a physical inspection.

12 3. The [division] **state highways and transportation commission** and [each] **the**  
13 administrative [law judge] **hearing commission** may examine all books, contracts, records,  
14 documents and papers of any person or corporation subject to its supervision, which are pertinent  
15 to the exercise of the [division's] **state highways and transportation commission's** authority  
16 pursuant to this chapter or chapters [387,] 388, 389, [390] and 391, RSMo, upon notice given  
17 by [any] **the administrative [law judge] hearing commission** or employee of the [division, and  
18 the] **state highways and transportation commission.** The person so notified shall allow access  
19 to these records [by the administrative law judge and any authorized employee of the division.  
20 After the division has given notice, if the person shall fail or refuse to allow access in accordance  
21 with this section, the division]. **The state highways and transportation commission** may by  
22 subpoena duces tecum compel production thereof. In lieu of requiring production of originals  
23 by subpoena duces tecum, the [division] **state highways and transportation commission** or  
24 [any] **the administrative [law judge] hearing commission** may require sworn copies of any such  
25 books, records, documents, contracts and papers or parts thereof to be filed with it.

[390.330.] **308.905.** Notwithstanding any provisions of [section 386.480, RSMo,] **law**  
2 to the contrary, no information furnished to the [division] **state highways and transportation**  
3 **commission** by a motor carrier, corporation or person, including the [division] **commission** staff,  
4 except such matters as are specifically required to be open to public inspection by the provisions  
5 of this chapter [and chapter 386, 387 or 622, RSMo], shall be open to public inspection or made  
6 public except on order of the [division director or by an administrative law judge] **state**  
7 **highways and transportation commission, except those closed by sections 32.057 and**  
8 **32.091, RSMo, or when filed by the commission** in the course of a **court or administrative**  
9 hearing or proceeding. Any officer or employee of the [division] **commission** who, in violation  
10 of the provisions of this section, divulges any such information is guilty of a misdemeanor.

[622.340.] **308.910.** 1. At the time fixed for any hearing before the [division or an  
2 administrative law judge] **state highways and transportation commission or the**  
3 **administrative hearing commission pursuant to this chapter**, or the time to which the same  
4 may have been continued, the complainant and the carrier, corporation or person which is the

5 subject of the complaint, and such carriers, corporations and persons as [the division] **either**  
6 **commission** may allow to intervene, shall be entitled to be heard and to introduce evidence. The  
7 [division] **commissions** shall issue process to enforce the attendance of all necessary witnesses.

8         2. Whenever an investigation shall be made by the [division] **state highways and**  
9 **transportation commission pursuant to this chapter**, it shall be its duty[,] to make a report  
10 in writing in respect thereto, which shall state the conclusions of the [division] **commission**,  
11 together with its decision, order or requirement in the premises. The [division or any  
12 administrative law judge] **state highways and transportation commission** or any party may,  
13 in any investigation or hearing [before the division] **involving the commission**, cause the  
14 deposition of witnesses residing within or without the state to be taken in the manner prescribed  
15 by law for like depositions in civil actions in the circuit courts of this state and to that end may  
16 compel the attendance of witnesses and the production of books, waybills, documents, papers,  
17 memoranda and accounts. Witnesses whose depositions are taken as provided in this section and  
18 the officer taking the same shall severally be entitled to the same fees as are paid for like services  
19 in the circuit courts of this state.

20         3. If an order of **the state highways and transportation commission or the**  
21 **administrative hearing commission, respectively**, cannot, in the judgment of the [division]  
22 **appropriate commission**, be complied with within thirty days, the [division] **appropriate**  
23 **commission** may grant and prescribe such additional time as in its judgment is reasonably  
24 necessary to comply with the order, and may, on application and for good cause shown, extend  
25 the time for compliance fixed in its order.

26         4. A full and complete record shall be made of all proceedings before the [division or  
27 any administrative law judge] **state highways and transportation commission or the**  
28 **administrative hearing commission pursuant to this chapter** on any formal hearing had, and  
29 all testimony shall be taken down by a reporter **duly** appointed [by the division], and the parties  
30 shall be entitled to be heard in person or by attorney. Preparation of a printed transcript may be  
31 waived by unanimous consent of all the parties.

[622.360.] **308.915.** 1. All subpoenas **issued pursuant to this chapter** shall be signed  
2 and issued by [an] **the** administrative [law judge or by the director of the division] **hearing**  
3 **commission or the state highways and transportation commission or its designee**, and shall  
4 extend to all parts of the state, and may be served by any person authorized to serve process of  
5 courts of record or by any person of full age designated for that purpose by the [division or by  
6 an administrative law judge] **state highways and transportation commission or**  
7 **administrative hearing commission**. The person executing any such process shall receive the  
8 fees now prescribed by law for similar services in civil cases in the circuit courts in this state, and  
9 shall be paid in the same manner as provided herein for the payment of the fees of the witnesses.

10 Each witness who shall appear before the [division or an administrative law judge by order of  
11 the division or an administrative law judge] **administrative hearing commission or the state**  
12 **highways and transportation commission pursuant to this chapter by order of the**  
13 **appropriate commission** shall receive for attendance the fees and mileage now provided for  
14 witnesses in civil cases in the circuit courts of this state, which shall be audited and paid by the  
15 state in the same manner as other expenses of the [division] **commissions** are audited and paid,  
16 upon the presentation of proper vouchers sworn to by such witnesses and approved by the  
17 [division] **appropriate commission**.

18 2. Whenever a subpoena is issued at the instance of a complainant, respondent, or other  
19 party to any proceeding [before the division] **involving the state highways and transportation**  
20 **commission pursuant to this chapter**, the cost of service thereof and the fee of the witness shall  
21 be borne by the party at whose instance the witness is summoned. Any witness subpoenaed  
22 except one whose fees and mileage may be paid from the funds of the [division] **commission**  
23 may, at the time of service, demand the fee to which the witness is entitled for travel to and from  
24 the place at which the witness is required to appear, and one day's attendance. If such witness  
25 demands such fees at the time of service, and they are not at that time paid or tendered, the  
26 witness shall not be required to attend before the [division or an administrative law judge] **state**  
27 **highways and transportation commission or administrative hearing commission**, as directed  
28 in the subpoena. No witness furnished with free transportation shall receive mileage for the  
29 distance such witness may have traveled on such free transportation.

30 3. It shall be the duty of every public officer, without exacting or receiving charge or fee  
31 of any kind, to furnish to the [division] **state highways and transportation commission**  
32 **pursuant to this chapter**, upon application, a certified copy of any document or part thereof,  
33 on file in the office of such officer, and no public officer shall be entitled to receive from the  
34 [division or the public counsel] **commission** any fee for entering, filing, docketing or recording  
35 any document required or authorized by law to be filed with the office of such officer.

[622.380.] **308.920.** If a person subpoenaed to appear before the [division or an  
2 administrative law judge] **state highways and transportation commission or administrative**  
3 **hearing commission pursuant to this chapter** fails to obey the command of such subpoena,  
4 without reasonable cause, or if a person in attendance upon [the division or an administrative law  
5 judge] **either commission** shall, without a reasonable cause, refuse to be sworn or to be  
6 examined, or answer a question, or to produce a book or paper when ordered to do so by [the  
7 division or an administrative law judge] **either commission**, or to subscribe or swear to the  
8 person's deposition after it has been correctly produced in writing, such person shall be deemed  
9 guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more  
10 than one thousand dollars or by imprisonment in the county jail not to exceed one year, or by

11 both such fine and imprisonment, and may be prosecuted therefor in any court of competent  
12 jurisdiction; and in case of a continuing violation each day's continuance thereof shall be and be  
13 deemed to be a separate and distinct offense.

[622.390.] **308.925.** No person shall be excused from testifying or from producing any  
2 books or papers in any investigation or inquiry by or upon any hearing before the [division or any  
3 administrative law judge] **state highways and transportation commission or administrative**  
4 **hearing commission pursuant to this chapter**, when ordered to do so [by the division], upon  
5 the grounds that the testimony or evidence, books or documents required of the person may tend  
6 to incriminate such person or subject such person to penalty or forfeiture, but no person shall be  
7 prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act,  
8 transaction, matter or thing concerning which the person shall have been examined while under  
9 oath, and shall under oath have testified or produced documentary evidence, except that no  
10 person so testifying shall be exempt from prosecution or punishment for any perjury committed  
11 by the person in the person's testimony. Nothing contained in this section is intended to give,  
12 or shall be construed as in any manner giving unto any corporation immunity of any kind.

[622.470.] **308.935.** Any person who shall willfully make any false entry in the accounts,  
2 books of account, records or memoranda kept by any carrier, corporation or person governed by  
3 the provisions of this chapter, or who shall willfully destroy, mutilate, alter or by any other  
4 means or device falsify the record of any such account, book of accounts, record or memoranda,  
5 or who shall willfully neglect or fail to make full, true and correct entries of such account, book  
6 of accounts, record or memoranda of all facts and transactions appertaining to the business of  
7 such carriers, corporations or persons, or who shall falsely make any statement required to be  
8 made to the [division] **state highways and transportation commission pursuant to this**  
9 **chapter**, for which a penalty has not been provided, shall be deemed guilty of a felony, and upon  
10 conviction shall be punished by a fine of not less than one thousand dollars nor more than five  
11 thousand dollars, or by imprisonment for not less than two years nor more than five years, or by  
12 both such fine and imprisonment, except that the [division] **commission** may, in its discretion,  
13 issue orders specifying such operating, accounting or financial papers, records, books, blanks,  
14 tickets, stubs or documents, of carriers which may after a reasonable time be destroyed, and  
15 prescribing the length of time such books, papers or documents shall be preserved.

[622.260.] **308.945.** 1. The [division] **state highways and transportation commission**  
2 may, of its own motion, investigate or make inquiry, in a manner to be determined by it, as to  
3 any act or thing done or omitted to be done by any common carrier subject to its supervision[,  
4 and the division] **pursuant to this chapter. The commission** shall make such inquiry in regard  
5 to any act or thing done or omitted to be done by any such carrier, person or corporation in  
6 violation of any provision of law or in violation of any order or decision of the [division]

7 **commission.**

8       2. Complaints may be made to the [division] **commission** by any person or corporation  
9 aggrieved, by petition or complaint, in writing, setting forth anything or act done or omitted to  
10 be done by any common carrier in violation, or claimed to be in violation, of any provision of  
11 [law] **this chapter** or of the terms and conditions of its franchise or charter or of any order or  
12 decision of the [division] **commission pursuant to this chapter**. Upon the presentation of such  
13 a complaint the [division] **commission** shall cause a copy thereof to be forwarded to the carrier,  
14 person or corporation complained of, which may be accompanied by an order, directed to such  
15 carrier, person or corporation, requiring that the matters complained of be satisfied, or that the  
16 charges be answered in writing within a time to be specified by the [division] **commission**. If  
17 the carrier, person or corporation complained of shall make reparation for any injury alleged and  
18 shall cease to commit, or to permit, the violation of law, franchise, order or decision charged in  
19 the complaint, and shall notify the [division] **commission** of that fact before the time allowed  
20 for answer, the [division] **commission** need take no further action on the charges. If, however,  
21 the charges contained in such petition **or complaint** be not thus satisfied, and it shall appear to  
22 the [division] **commission** that there are reasonable grounds therefor, it shall investigate such  
23 charges in such manner and by such means as it shall deem proper, and take such action within  
24 its powers as the facts justify.

25       3. Whenever the [division] **commission** shall investigate any matter complained of by  
26 any person or corporation aggrieved by any act or omission of a common carrier under this  
27 section, it shall be its duty, within sixty days after final submission, to make and file an order  
28 either dismissing the petition or complaint or directing the carrier, person or corporation  
29 complained of to satisfy the cause of complaint in whole or to the extent which the [division]  
30 **commission** may specify and require.

      [390.310. Notwithstanding any provisions of section 390.106, to the contrary, the  
2 division] **308.950. The state highways and transportation commission** at any time, for good  
3 cause, may suspend a certificate, permit or property carrier registration, and after hearing upon  
4 at least ten days' notice to the person to whom the [division] **commission** has issued the  
5 certificate, permit or property carrier registration authorizing any intrastate transportation of  
6 passengers or property by motor vehicle[,], may revoke, alter or amend any such certificate,  
7 permit or property carrier registration upon a finding that the person has failed to comply with  
8 any applicable provisions of [sections 390.250 to 390.350, or chapter 386, 387, 389 or 622,  
9 RSMo,] **this chapter** or any safety rules, regulations or orders which may be enforced by the  
10 [division] **commission**. Revocation of a certificate, permit or property carrier registration **under**  
11 **this section** shall not become effective less than thirty days after issuance of an order of  
12 revocation by the [division] **commission**.

[390.171.] **308.955.** Every owner, officer, agent or employee of any motor carrier, and every other person, who violates or fails to comply with or who procures, aids or abets in the violation of any provision of this chapter, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement of the [division] **state highways and transportation commission or administrative hearing commission pursuant to this chapter**, or who procures, aids or abets any person in his **or her** failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation thereof is guilty of a misdemeanor.

[622.480.] **308.960.** 1. Any carrier, corporation or person which violates or fails to comply with any provision of the constitution of this state or of this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof[,] of the [division] **state highways and transportation commission or administrative hearing commission pursuant to this chapter** in a case in which a penalty has not been provided for such carrier, corporation or person[,] is subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense.

2. Every violation of the provisions of this or any other law or of any order, decision, decree, rule, direction, demand or requirement of the [division] **state highways and transportation commission or administrative hearing commission pursuant to this chapter**, or any part or portion thereof, by any carrier, corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

3. In construing and enforcing the provisions of this chapter relating to penalties, the act, omission or failure of any officer, agent or employee of any carrier, corporation or person, acting within the scope of official duties of employment, shall in every case be and be deemed to be the act, omission or failure of such carrier, corporation or person.

[622.490.] **308.965.** Every officer, agent or employee of any carrier, corporation or person who violates or fails to comply with, or who procures, aids or abets any violation by any carrier, corporation or person of any provision of the constitution of this state or of this or any other law, or who fails to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof, of the [division] **state highways and transportation commission or administrative hearing commission pursuant to this chapter**, or who procures, aids or abets any carrier, corporation or person in their or its failure to obey, observe and comply with any such order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof **pursuant to this chapter**, in a case in which a penalty has not been provided for such officer, agent or employee, is guilty of a

11 misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by  
12 imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

[622.500.] **308.970.** All penalties accruing under this chapter shall be cumulative of each  
2 other, and the suit for the recovery of one penalty shall not be a bar to or affect the recovery of  
3 any other penalty or forfeiture or be a bar to any original prosecution against any carrier,  
4 corporation or person, or any officer, director, agent or employee thereof.

[622.510.] **308.975.** An action to recover a penalty or a forfeiture under this chapter or  
2 to enforce the powers of the [division] **state highways and transportation commission** under  
3 this or any other law **pursuant to this chapter** may be brought in any circuit court in this state  
4 in the name of the state of Missouri and shall be commenced and prosecuted to final judgment  
5 by the [general counsel to the division] **chief counsel of the state highways and transportation**  
6 **commission**. No filing or docket fee shall be required of the [general] **chief** counsel. In any  
7 such action all penalties and forfeitures incurred up to the time of commencing the same may be  
8 sued for and recovered therein, and the commencement of an action to recover a penalty or  
9 forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or  
10 forfeiture; if the defendant in such action shall prove that during any portion of the time for  
11 which it is sought to recover penalties or forfeitures for a violation of an order or decision of the  
12 [division] **commission pursuant to this chapter** the defendant was actually and in good faith  
13 prosecuting a suit to review such order or decision in the manner as provided in this chapter, the  
14 court shall remit the penalties or forfeitures incurred during the pendency of such proceeding.  
15 All moneys recovered as a penalty or forfeiture shall be paid to the public school fund of the  
16 state. Any such action may be compromised or discontinued on application of the [division]  
17 **commission** upon such terms as the court shall approve and order.

[622.290.] **308.980.** 1. Whenever the [division] **state highways and transportation**  
2 **commission** shall be of the opinion that a carrier, person or corporation is failing or omitting or  
3 about to fail or omit to do anything required of it by law or by order or decision of the [division]  
4 **state highways and transportation commission or administrative hearing commission**  
5 **pursuant to this chapter**, or is doing anything or about to do anything or permitting anything  
6 or about to permit anything to be done, contrary to or in violation of law or of any order or  
7 decision of the [division, it] **state highways and transportation commission or administrative**  
8 **hearing commission pursuant to this chapter, the state highways and transportation**  
9 **commission** shall direct the [general counsel to the division] **chief counsel of the commission**  
10 to commence an action or proceeding in any circuit court of the state of Missouri in the name of  
11 the [division] **commission** for the purpose of having such violations or threatened violations  
12 stopped and prevented either by mandamus or injunctions. The [division's general]  
13 **commission's chief** counsel shall thereupon begin such action or proceeding by a petition to such

14 court alleging the violation complained of and praying for appropriate relief by way of  
15 mandamus or injunction. Such relief shall not be limited to permanent forms of mandamus and  
16 injunction, but shall include all available forms of injunction and mandamus, including  
17 temporary restraining orders, preliminary injunctions, permanent injunctions, preliminary orders  
18 of mandamus, and permanent orders of mandamus.

19         2. It shall thereupon be the duty of the court to specify the time, not exceeding thirty days  
20 after service of a copy of the petition, within which the carrier, person, or corporation  
21 complained of, must answer the petition in cases where an answer is contemplated by Missouri  
22 Rules of Court. In case of default in answer or after answer, the court shall immediately inquire  
23 into the facts and circumstances in such manner as the court shall direct without other or formal  
24 pleadings, and without respect to any technical requirement.

25         3. Such other persons or corporations as the court shall deem necessary or proper to join  
26 as parties in order to make its order, judgment or writs effective may be joined as parties upon  
27 application of the [division's general] **commission's chief** counsel.

28         4. The final judgment in any such action or proceeding shall either dismiss the action or  
29 proceeding or direct that a writ of mandamus or an injunction, or both, issue as prayed for in the  
30 petition or in such modified or other form as the court may determine will afford appropriate  
31 relief.

          [622.320.] **308.985.** 1. Complaint may be made by the [division] **state highways and**  
2 **transportation commission** of its own motion, or by any corporation or person, chamber of  
3 commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or  
4 manufacturing association or organization, or any body politic or municipal corporation[,] by  
5 **filing a** petition or complaint in writing **with the administrative hearing commission**, setting  
6 forth any act or thing done or omitted to be done by any carrier, corporation or person, including  
7 any rule, regulation or charge established or fixed by or for any carrier, corporation or person in  
8 violation, or claimed to be in violation, of any provision of law, or of any rule or order or  
9 decision of the [division] **state highways and transportation commission or administrative**  
10 **hearing commission pursuant to this chapter.**

11         2. All matters upon which complaint **or petition** may be founded may be joined in one  
12 hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action  
13 or grievances or misjoinder or nonjoinder of parties, and in any review by the courts of orders  
14 or decisions of the [division] **state highways and transportation commission or**  
15 **administrative hearing commission** the same rule shall apply with regard to the joinder of  
16 causes and parties as provided in this section.

17         3. The [division] **state highways and transportation commission or administrative**  
18 **hearing commission** shall not be required to dismiss any complaint because of the absence of

19 direct damage to the complainant. Upon the filing of a complaint **or petition**, the [division]  
20 **state highways and transportation commission or administrative hearing commission** shall  
21 cause a copy thereof to be served upon the carrier, corporation or person which is the subject of  
22 the complaint **or petition**.

23 4. Service in all hearings, investigations and proceedings [pending before the division]  
24 **involving the state highways and transportation commission pursuant to this chapter** may  
25 be made upon any person upon whom summons may be served in accordance with the provisions  
26 of the code of civil procedure of this state, and may be made personally or by mailing in a sealed  
27 envelope with postage prepaid, except that the [division] **commission** or any of its employees  
28 in their official capacity may serve process and other notices in all cases [before the division or  
29 in which the division staff is a party].

30 5. The [division] **administrative hearing commission** shall fix the time when and the  
31 place where a hearing will be had upon the complaint and shall serve notice thereof, not less than  
32 ten days before the time set for such hearing, unless the [division] **administrative hearing**  
33 **commission** shall find that the public necessity requires that such hearing be held at an earlier  
34 date.

[622.330.] **308.987.** Any carrier, corporation or person may complain on any of the  
2 grounds upon which complaints are allowed to be filed by other parties, and the same procedure  
3 shall be adopted and followed as in other cases, except that the complaint may be served upon  
4 any parties designated by the [division] **state highways and transportation commission or**  
5 **administrative hearing commission pursuant to this chapter**.

[622.530.] **308.990.** In case a common carrier shall do, cause to be done or permit to be  
2 done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to  
3 do any act, matter or thing required to be done by this chapter or by any order or decision of the  
4 [division] **state highways and transportation commission or administrative hearing**  
5 **commission pursuant to this chapter**, such common carrier shall be liable to the persons or  
6 corporations affected thereby for all loss, damage or injury caused thereby or resulting therefrom,  
7 and in case of recovery, if the court shall find that such act or omission was willful, it may in its  
8 discretion fix a reasonable counsel or attorney's fee, which fee shall be taxed and collected as  
9 part of the costs in the case. An action to recover for such loss, damage or injury may be brought  
10 in any court of competent jurisdiction by any such person or corporation.

[622.540.] **308.995.** [That] **For purposes of this chapter and chapter 389, RSMo**, no  
2 contract, receipt, rule, notice or regulation shall exempt any railway company, or corporation,  
3 express company or corporation or any other company, corporation or common carrier, engaged  
4 in the transportation of persons or property, from the liability of a common carrier, or carrier of  
5 passengers, which would exist had no contract, receipt, rule, notice or regulation been made or

6 entered into.

311.420. 1. No person, except carriers regulated by the [motor carrier and railroad safety  
2 division of the department of economic development under chapters 387, 389 and 390] **state**  
3 **highways and transportation commission pursuant to chapters 308 and 389**, RSMo, shall  
4 transport into, within, or through the state of Missouri any intoxicating liquors in quantities  
5 larger than five gallons unless such person holds a valid license or permit from the supervisor  
6 of liquor control of the state of Missouri to do so. For such license, there shall be paid to the  
7 director of revenue the sum of ten dollars per annum **to the credit of the state highways and**  
8 **transportation department fund**. Application for such license shall be made to the supervisor  
9 of liquor control of the state of Missouri and each applicant shall submit with his **or her**  
10 application a bond in the penal sum of one thousand dollars with sufficient surety to be approved  
11 by the supervisor of liquor control, conditioned that [he] **the applicant** will not violate any  
12 provisions of the liquor control laws of this state or any regulation promulgated under such liquor  
13 control laws, and any violation of such condition shall work a forfeiture of such bond to the state  
14 of Missouri. The license year shall end on June thirtieth, and the applicant shall pay as many  
15 twelfths as there are months, with each part of a month being counted as a month, remaining  
16 from the date of the license to the next succeeding July first. The supervisor of liquor control  
17 may issue single transaction licenses, for which there shall be paid to the director of revenue the  
18 sum of five dollars, and, if the value of the liquor to be transported exceeds one hundred dollars,  
19 the permit shall not be issued until the bond provided for above in this section is given to the  
20 state. No such transporter's license shall be required of any person licensed by the supervisor of  
21 liquor control whose licensed premises are located in the state of Missouri, nor shall it be  
22 necessary to procure a license to transport liquor purchased from a retail liquor dealer duly  
23 licensed by the supervisor of liquor control of the state of Missouri. No license or permit shall  
24 be required to transport industrial alcohol.

25 2. The qualifications prescribed for the issuance of other licenses by the provisions of  
26 the liquor control law shall not apply to licenses issued under this section, but no license shall  
27 be issued to any person who is not of good moral character or who has been convicted since the  
28 ratification of the twenty-first amendment to the Constitution of the United States of the violation  
29 of any law applicable to the manufacture or sale of intoxicating liquor, nor to any person who  
30 has had a license from the supervisor of liquor control revoked. If applicant is a corporation, the  
31 managing officer thereof must possess the qualifications prescribed in this section.

312.180. 1. Every railroad company, express company, airplane company, motor  
2 transportation company, steamboat company, or other transportation company who shall  
3 transport into, out of, or within this state any nonintoxicating beer, whether brewed or  
4 manufactured within this state or outside this state, shall, when requested by the supervisor of

5 liquor control furnish such supervisor a duplicate of the bill of lading covering or receipt for such  
6 nonintoxicating beer, showing the name of the brewer or manufacturer, and the name and address  
7 of the consignor and consignee, and the date and place received, and the destination and quantity  
8 of nonintoxicating beer received from such manufacturer, or brewer, or other consignor, for  
9 shipment from any point within or without this state, to any point within this state.

10         2. Any such railroad company, express company, airplane company, motor transportation  
11 company, steamboat company, or other transportation company failing to comply with the  
12 requirements of this chapter[, ] shall forfeit and pay to the state of Missouri[, ] the sum of fifty  
13 dollars for each and every such failure, to be recovered in any court of competent jurisdiction[,  
14 and]. The supervisor of liquor control and the [director of revenue] **state highways and**  
15 **transportation commission** are each hereby authorized and empowered to call upon the  
16 prosecuting attorneys of the respective counties or the circuit attorneys or the attorney general  
17 to bring any proceeding hereunder at the relation of the supervisor of liquor control or the  
18 [director of revenue] **state highways and transportation commission**, as the case may be, to  
19 the use of the state of Missouri, for such recovery.

386.020. As used in this chapter, the following words and phrases mean:

2         (1) "Alternative local exchange telecommunications company", a local exchange  
3 telecommunications company certified by the commission to provide basic or nonbasic local  
4 telecommunications service or switched exchange access service, or any combination of such  
5 services, in a specific geographic area subsequent to December 31, 1995;

6         (2) "Alternative operator services company", any certificated interexchange  
7 telecommunications company which receives more than forty percent of its annual Missouri  
8 intrastate telecommunications service revenues from the provision of operator services pursuant  
9 to operator services contracts with traffic aggregators;

10         (3) "Basic interexchange telecommunications service"[, ] includes, at a minimum,  
11 two-way switched voice service between points in different local calling scopes as determined  
12 by the commission and shall include other services as determined by the commission by rule  
13 upon periodic review and update;

14         (4) "Basic local telecommunications service", two-way switched voice service within  
15 a local calling scope as determined by the commission comprised of any of the following  
16 services and their recurring and nonrecurring charges:

17         (a) Multiparty, single line, including installation, touchtone dialing, and any applicable  
18 mileage or zone charges;

19         (b) Assistance programs for installation of, or access to, basic local telecommunications  
20 services for qualifying economically disadvantaged or disabled customers or both, including, but  
21 not limited to, lifeline services and link-up Missouri services for low-income customers or

- 22 dual-party relay service for the hearing impaired and speech impaired;
- 23 (c) Access to local emergency services including, but not limited to, 911 service
- 24 established by local authorities;
- 25 (d) Access to basic local operator services;
- 26 (e) Access to basic local directory assistance;
- 27 (f) Standard intercept service;
- 28 (g) Equal access to interexchange carriers consistent with rules and regulations of the
- 29 Federal Communications Commission;
- 30 (h) One standard white pages directory listing.
- 31
- 32 Basic local telecommunications service does not include optional toll free calling outside a local
- 33 calling scope but within a community of interest, available for an additional monthly fee or the
- 34 offering or provision of basic local telecommunications service at private shared-tenant service
- 35 locations;
- 36 (5) "Cable television service", the one-way transmission to subscribers of video
- 37 programming or other programming service and the subscriber interaction, if any, which is
- 38 required for the selection of such video programming or other programming service;
- 39 (6) "Carrier of last resort", any telecommunications company which is obligated to offer
- 40 basic local telecommunications service to all customers who request service in a geographic area
- 41 defined by the commission and cannot abandon this obligation without approval from the
- 42 commission;
- 43 (7) "Commission", the "Public Service Commission" hereby created;
- 44 (8) "Commissioner", one of the members of the commission;
- 45 (9) "Competitive telecommunications company", a telecommunications company which
- 46 has been classified as such by the commission pursuant to section 392.361, RSMo;
- 47 (10) "Competitive telecommunications service", a telecommunications service which
- 48 has been classified as such by the commission pursuant to section 392.361, RSMo, or which has
- 49 become a competitive telecommunications service pursuant to section 392.370, RSMo;
- 50 (11) "Corporation" includes a corporation, company, association and joint stock
- 51 association or company;
- 52 (12) "Customer-owned pay telephone", a privately owned telecommunications device
- 53 that is not owned, leased or otherwise controlled by a local exchange telecommunications
- 54 company and which provides telecommunications services for a use fee to the general public;
- 55 (13) "Effective competition" shall be determined by the commission based on:
- 56 (a) The extent to which services are available from alternative providers in the relevant
- 57 market;

58 (b) The extent to which the services of alternative providers are functionally equivalent  
59 or substitutable at comparable rates, terms and conditions;

60 (c) The extent to which the purposes and policies of chapter 392, RSMo, including the  
61 reasonableness of rates, as set out in section 392.185, RSMo, are being advanced;

62 (d) Existing economic or regulatory barriers to entry; and

63 (e) Any other factors deemed relevant by the commission and necessary to implement  
64 the purposes and policies of chapter 392, RSMo;

65 (14) "Electric plant" includes all real estate, fixtures and personal property operated,  
66 controlled, owned, used or to be used for or in connection with or to facilitate the generation,  
67 transmission, distribution, sale or furnishing of electricity for light, heat or power; and any  
68 conduits, ducts or other devices, materials, apparatus or property for containing, holding or  
69 carrying conductors used or to be used for the transmission of electricity for light, heat or power;

70 (15) "Electrical corporation" includes every corporation, company, association, joint  
71 stock company or association, partnership and person, their lessees, trustees or receivers  
72 appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation  
73 generating electricity solely for railroad, light rail or street railroad purposes or for the use of its  
74 tenants and not for sale to others, owning, operating, controlling or managing any electric plant  
75 except where electricity is generated or distributed by the producer solely on or through private  
76 property for railroad, light rail or street railroad purposes or for its own use or the use of its  
77 tenants and not for sale to others;

78 (16) "Exchange", a geographical area for the administration of telecommunications  
79 services, established and described by the tariff of a telecommunications company providing  
80 basic local telecommunications service;

81 (17) "Exchange access service", a service provided by a local exchange  
82 telecommunications company which enables a telecommunications company or other customer  
83 to enter and exit the local exchange telecommunications network in order to originate or  
84 terminate interexchange telecommunications service;

85 (18) "Gas corporation" includes every corporation, company, association, joint stock  
86 company or association, partnership and person, their lessees, trustees or receivers appointed by  
87 any court whatsoever, owning, operating, controlling or managing any gas plant operating for  
88 public use under privilege, license or franchise now or hereafter granted by the state or any  
89 political subdivision, county or municipality thereof;

90 (19) "Gas plant" includes all real estate, fixtures and personal property owned, operated,  
91 controlled, used or to be used for or in connection with or to facilitate the manufacture,  
92 distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;

93 (20) "Heating company" includes every corporation, company, association, joint stock

94 company or association, partnership and person, their lessees, trustees or receivers, appointed by  
95 any court whatsoever, owning, operating, managing or controlling any plant or property for  
96 manufacturing and distributing and selling, for distribution, or distributing hot or cold water,  
97 steam or currents of hot or cold air for motive power, heating, cooking, or for any public use or  
98 service, in any city, town or village in this state; provided, that no agency or authority created by  
99 or operated pursuant to an interstate compact established pursuant to section 70.370, RSMo, shall  
100 be a heating company or subject to regulation by the commission;

101 (21) "High-cost area", a geographic area, which shall follow exchange boundaries and  
102 be no smaller than an exchange nor larger than a local calling scope, where the cost of providing  
103 basic local telecommunications service as determined by the commission, giving due regard to  
104 recovery of an appropriate share of joint and common costs as well as those costs related to  
105 carrier of last resort obligations, exceeds the rate for basic local telecommunications service  
106 found reasonable by the commission;

107 (22) "Incumbent local exchange telecommunications company", a local exchange  
108 telecommunications company authorized to provide basic local telecommunications service in  
109 a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

110 (23) "Interexchange telecommunications company", any company engaged in the  
111 provision of interexchange telecommunications service;

112 (24) "Interexchange telecommunications service", telecommunications service between  
113 points in two or more exchanges;

114 (25) "InterLATA", interexchange telecommunications service between points in different  
115 local access and transportation areas;

116 (26) "IntraLATA", interexchange telecommunications service between points within the  
117 same local access and transportation area;

118 (27) ["Light rail" includes every rail transportation system in which one or more rail  
119 vehicles are propelled electrically by overhead catenary wire upon tracks located substantially  
120 within an urban area and are operated exclusively in the transportation of passengers and their  
121 baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in  
122 connection with the operation of light rail;

123 (28)] "Line" includes route;

124 [(29)] (28) "Local access and transportation area" or "LATA", contiguous geographic  
125 area approved by the U.S. District Court for the District of Columbia in United States v. Western  
126 Electric, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell  
127 Operating companies;

128 [(30)] (29) "Local exchange telecommunications company", any company engaged in  
129 the provision of local exchange telecommunications service. A local exchange

130 telecommunications company shall be considered a "large local exchange telecommunications  
131 company" if it has at least one hundred thousand access lines in Missouri and a "small local  
132 exchange telecommunications company" if it has less than one hundred thousand access lines  
133 in Missouri;

134 [(31)] **(30)** "Local exchange telecommunications service", telecommunications service  
135 between points within an exchange;

136 [(32)] **(31)** "Long-run incremental cost", the change in total costs of the company of  
137 producing an increment of output in the long run when the company uses least cost technology,  
138 and excluding any costs that, in the long run, are not brought into existence as a direct result of  
139 the increment of output. The relevant increment of output shall be the level of output necessary  
140 to satisfy total current demand levels for the service in question, or, for new services, demand  
141 levels that can be demonstrably anticipated;

142 [(33)] **(32)** "Municipality" includes a city, village or town;

143 [(34)] **(33)** "Nonbasic telecommunications services" shall be all regulated  
144 telecommunications services other than basic local and exchange access telecommunications  
145 services, and shall include the services identified in paragraphs (d) and (e) of subdivision (4) of  
146 this section. Any retail telecommunications service offered for the first time after August 28,  
147 1996, shall be classified as a nonbasic telecommunications service, including any new service  
148 which does not replace an existing service;

149 [(35)] **(34)** "Noncompetitive telecommunications company", a telecommunications  
150 company other than a competitive telecommunications company or a transitionally competitive  
151 telecommunications company;

152 [(36)] **(35)** "Noncompetitive telecommunications service", a telecommunications service  
153 other than a competitive or transitionally competitive telecommunications service;

154 [(37)] **(36)** "Operator services", operator-assisted interexchange telecommunications  
155 service by means of either human or automated call intervention and includes, but is not limited  
156 to, billing or completion of calling card, collect, person-to-person, station-to-station or third  
157 number billed calls;

158 [(38)] **(37)** "Operator services contract", any agreement between a traffic aggregator and  
159 a certificated interexchange telecommunications company to provide operator services at a traffic  
160 aggregator location;

161 [(39)] **(38)** "Person" includes an individual, and a firm or copartnership;

162 [(40)] **(39)** "Private shared tenant services" includes the provision of telecommunications  
163 and information management services and equipment within a user group located in discrete  
164 private premises as authorized by the commission by a commercial-shared services provider or  
165 by a user association, through privately owned customer premises equipment and associated data

166 processing and information management services and includes the provision of connections to  
167 the facilities of local exchange telecommunications companies and to interexchange  
168 telecommunications companies;

169 [(41)] **(40)** "Private telecommunications system", a telecommunications system  
170 controlled by a person or corporation for the sole and exclusive use of such person, corporation  
171 or legal or corporate affiliate thereof;

172 [(42)] **(41)** "Public utility" includes every pipeline corporation, gas corporation, electrical  
173 corporation, telecommunications company, water corporation, heat or refrigerating corporation,  
174 and sewer corporation, as these terms are defined in this section, and each thereof is hereby  
175 declared to be a public utility and to be subject to the jurisdiction, control and regulation of the  
176 commission and to the provisions of this chapter;

177 [(43)] **(42)** "Railroad" includes every railroad and railway, other than street railroad or light  
178 rail, by whatsoever power operated for public use in the conveyance of persons or property for  
179 compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real  
180 estate and terminal facilities of every kind used, operated, controlled or owned by or in  
181 connection with any such railroad;

182 **(44)** "Railroad corporation" includes every corporation, company, association, joint stock  
183 company or association, partnership and person, their lessees, trustees or receivers appointed by  
184 any court whatsoever, owning, holding, operating, controlling or managing any railroad or  
185 railway as defined in this section, or any cars or other equipment used thereon or in connection  
186 therewith;

187 **(45)] (42)** "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge,  
188 switching charge, rental or other compensation of any corporation, person or public utility, or any  
189 two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching  
190 charges, rentals or other compensations of any corporation, person or public utility or any  
191 schedule or tariff thereof;

192 [(46)] **(43)** "Resale of telecommunications service", the offering or providing of  
193 telecommunications service primarily through the use of services or facilities owned or provided  
194 by a separate telecommunications company, but does not include the offering or providing of  
195 private shared tenant services;

196 [(47)] **(44)** "Service" includes not only the use and accommodations afforded consumers  
197 or patrons, but also any product or commodity furnished by any corporation, person or public  
198 utility and the plant, equipment, apparatus, appliances, property and facilities employed by any  
199 corporation, person or public utility in performing any service or in furnishing any product or  
200 commodity and devoted to the public purposes of such corporation, person or public utility, and  
201 to the use and accommodation of consumers or patrons;

202           [(48)] **(45)** "Sewer corporation" includes every corporation, company, association, joint  
203 stock company or association, partnership or person, their lessees, trustees or receivers appointed  
204 by any court, owning, operating, controlling or managing any sewer system, plant or property,  
205 for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain,  
206 except that the term shall not include sewer systems with fewer than twenty-five outlets;

207           [(49)] **(46)** "Sewer system" includes all pipes, pumps, canals, lagoons, plants, structures  
208 and appliances, and all other real estate, fixtures and personal property, owned, operated,  
209 controlled or managed in connection with or to facilitate the collection, carriage, treatment and  
210 disposal of sewage for municipal, domestic or other beneficial or necessary purpose;

211           [(50)] "Street railroad" includes every railroad by whatsoever type of power operated, and  
212 all extensions and branches thereof and supplementary facilities thereto by whatsoever type of  
213 vehicle operated, for public use in the conveyance of persons or property for compensation,  
214 mainly providing local transportation service upon the streets, highways and public places in a  
215 municipality, or in and adjacent to a municipality, and including all cars, buses and other rolling  
216 stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels,  
217 stations, terminals and real estate of every kind used, operated or owned in connection therewith  
218 but this term shall not include light rail as defined in this section; and the term "street railroad"  
219 when used in this chapter, shall also include all motor bus and trolley bus lines and routes and  
220 similar local transportation facilities, and the rolling stock and other equipment thereof and the  
221 appurtenances thereto, when operated as a part of a street railroad or trolley bus local  
222 transportation system, or in conjunction therewith or supplementary thereto, but such term shall  
223 not include a railroad constituting or used as part of a trunk line railroad system and any street  
224 railroad as defined above which shall be converted wholly to motor bus operation shall  
225 nevertheless continue to be included within the term "street railroad" as used herein;

226           [(51)] **(47)** "Telecommunications company" includes telephone corporations as that term  
227 is used in the statutes of this state and every corporation, company, association, joint stock  
228 company or association, partnership and person, their lessees, trustees or receivers appointed by  
229 any court whatsoever, owning, operating, controlling or managing any facilities used to provide  
230 telecommunications service for hire, sale or resale within this state;

231           [(52)] **(48)** "Telecommunications facilities" includes lines, conduits, ducts, poles, wires,  
232 cables, crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real  
233 estate, easements, apparatus, property and routes used, operated, controlled or owned by any  
234 telecommunications company to facilitate the provision of telecommunications service;

235           [(53)] **(49)** "Telecommunications service", the transmission of information by wire,  
236 radio, optical cable, electronic impulses, or other similar means. As used in this definition,  
237 "information" means knowledge or intelligence represented by any form of writing, signs,

238 signals, pictures, sounds, or any other symbols. Telecommunications service does not include:  
239       (a) The rent, sale, lease, or exchange for other value received of customer premises  
240 equipment except for customer premises equipment owned by a telephone company certificated  
241 or otherwise authorized to provide telephone service prior to September 28, 1987, and provided  
242 under tariff or in inventory on January 1, 1983, which must be detariffed no later than December  
243 31, 1987, and thereafter the provision of which shall not be a telecommunications service, and  
244 except for customer premises equipment owned or provided by a telecommunications company  
245 and used for answering 911 or emergency calls;  
246       (b) Answering services and paging services;  
247       (c) The offering of radio communication services and facilities when such services and  
248 facilities are provided under a license granted by the Federal Communications Commission  
249 under the commercial mobile radio services rules and regulations;  
250       (d) Services provided by a hospital, hotel, motel, or other similar business whose  
251 principal service is the provision of temporary lodging through the owning or operating of  
252 message switching or billing equipment solely for the purpose of providing at a charge  
253 telecommunications services to its temporary patients or guests;  
254       (e) Services provided by a private telecommunications system;  
255       (f) Cable television service;  
256       (g) The installation and maintenance of inside wire within a customer's premises;  
257       (h) Electronic publishing services; or  
258       (i) Services provided pursuant to a broadcast radio or television license issued by the  
259 Federal Communications Commission;  
260       [(54)] **(50)** "Telephone cooperative", every corporation defined as a telecommunications  
261 company in this section, in which at least ninety percent of those persons and corporations  
262 subscribing to receive local telecommunications service from the corporation own at least ninety  
263 percent of the corporation's outstanding and issued capital stock and in which no subscriber owns  
264 more than two shares of the corporation's outstanding and issued capital stock;  
265       [(55)] **(51)** "Traffic aggregator", any person, firm, partnership or corporation which  
266 furnishes a telephone for use by the public and includes, but is not limited to, telephones located  
267 in rooms, offices and similar locations in hotels, motels, hospitals, colleges, universities, airports  
268 and public or customer-owned pay telephone locations, whether or not coin operated;  
269       [(56)] **(52)** "Transitionally competitive telecommunications company", an interexchange  
270 telecommunications company which provides any noncompetitive or transitionally competitive  
271 telecommunications service, except for an interexchange telecommunications company which  
272 provides only noncompetitive telecommunications service;  
273       [(57)] **(53)** "Transitionally competitive telecommunications service", a

274 telecommunications service offered by a noncompetitive or transitionally competitive  
275 telecommunications company and classified as transitionally competitive by the commission  
276 pursuant to section 392.361 or 392.370, RSMo;

277 [(58)] **(54)** "Water corporation" includes every corporation, company, association, joint  
278 stock company or association, partnership and person, their lessees, trustees, or receivers  
279 appointed by any court whatsoever, owning, operating, controlling or managing any plant or  
280 property, dam or water supply, canal, or power station, distributing or selling for distribution, or  
281 selling or supplying for gain any water;

282 [(59)] **(55)** "Water system" includes all reservoirs, tunnels, shafts, dams, dikes,  
283 headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and  
284 personal property, owned, operated, controlled or managed in connection with or to facilitate the  
285 diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for  
286 municipal, domestic or other beneficial use.

386.190. [1.] For [his] **the commissioner's** services each member of the publications  
2 commission shall annually receive from the state the sum of fifty-two thousand dollars, to be  
3 paid in equal [monthly] installments. [One-half of] The compensation shall be paid from the  
4 special fund created under the provisions of section 386.370, known and designated as the  
5 "Public Service Commission Fund"[, and one-half shall be paid out of the state highway  
6 department fund].

7 2. [Each member of the publications commission serving on August 13, 1984, shall  
8 prepare and submit to the governor a report on the effect of federal actions upon state regulation  
9 under the provisions of chapters 386 [to], **392, and** 393, RSMo. Such report shall be submitted  
10 annually by each member until the expiration of the term that he is serving on August 13, 1984.

11 3. For the performance of the duties imposed under the provisions of subsection 2 of this  
12 section, each member of the publications commission shall receive a sum that, when added to  
13 the other compensation paid to that commissioner prior to August 13, 1984, will equal the sum  
14 provided by adding together the compensation specified in section 386.150 and subsection 1 of  
15 this section.]

389.005. Except as otherwise provided in this section and sections 104.805, [226.008]  
2 **308.010**, 389.610, and 621.040, RSMo, all the powers, duties and functions of the division of  
3 motor carrier and railroad safety relating to rail transportation activities, including all rules and  
4 orders, as provided in this chapter and chapters **308, 388, and** 391 [and 622], RSMo, are hereby  
5 transferred to the department of transportation, which is in the charge of the **state** highways and  
6 transportation commission, by type I transfer as set forth in the Omnibus State Reorganization  
7 Act of 1974. Except as otherwise provided, all personnel of the division of motor carrier and  
8 railroad safety are transferred to the department of transportation [by section 226.008, RSMo,]

9 except that the administrative law judge is transferred [by section 226.008, RSMo,] to the  
10 administrative hearing commission.

[622.100.] **389.011.** As used in this chapter and as used in chapters [387] **308**, 388, [389,  
2 390 and] 391, **and 621**, RSMo, when not in conflict with a specific definition in any such  
3 chapter, the following words and phrases mean:

4 (1) **"Commission, the state highways and transportation commission created in**  
5 **article IV, section 29 of the Missouri Constitution;**

6 (2) "Common carrier" includes [every motor carrier, as defined in section 390.020,  
7 RSMo, and] all railroad corporations, **light rail**, street railroad corporations, **railway** express  
8 companies, freight companies, freightline companies, and every corporation, company,  
9 association, and partnership, of every kind, and every person, their lessees, trustees, or receivers  
10 appointed by any court whatsoever, owning, holding, operating, controlling or managing any  
11 such agency for public use in the conveyance of persons or property **by rail** within this state;

12 [(2)] (3) "Corporation" includes a corporation, company, association, limited liability  
13 company, limited liability partnership and joint stock association or company;

14 [(3)] (3) "Division", the division of motor carrier and railroad safety within the department  
15 of economic development;

16 (4) "Division staff", all personnel of the division, except those individuals assigned to  
17 the administrative law judge section;

18 [(5)] (4) **"Department", the department of highways and transportation created in**  
19 **article IV, section 29 of the Missouri Constitution, and which pursuant to section 226.005,**  
20 **RSMo, is to be known as the department of transportation;**

21 (5) "Express corporation" includes every person, their lessees, trustees or receivers  
22 appointed by any court whatsoever, engaged in or transacting the business of transporting any  
23 freight, merchandise or other property for compensation on the line of any common carrier **by**  
24 **rail** within this state;

25 (6) **"Light rail", includes every rail transportation system in which one or more rail**  
26 **vehicles are propelled electrically by overhead catenary wire upon tracks located**  
27 **substantially within an urban area and are operated exclusively in the transportation of**  
28 **passengers and their baggage, and including all bridges, tunnels, equipment, switches,**  
29 **spurs, tracks, and stations used in connection with the operation of light rail;**

30 (7) "Line" includes route;

31 [(7)] (8) "Municipality" includes a city, village or town;

32 [(8)] (9) "Person" includes an individual, corporation, governmental entity, and a firm  
33 or partnership;

34 [(9)] (10) "Railroad" includes every railroad and railway, other than street railroad, by

35 whatsoever power operated for public use in the conveyance of persons or property for  
36 compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real  
37 estate and terminal facilities of every kind used, operated, controlled or owned by or in  
38 connection with any such railroad;

39 [(10)] **(11)** "Railroad corporation" includes every person, their lessees, trustees or  
40 receivers owning, holding, operating, controlling or managing any railroad or railway or any cars  
41 or other equipment used thereon or in connection therewith;

42 [(11)] **(12)** "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge,  
43 rental or other compensation of any corporation, person or common carrier or any schedule or  
44 tariff thereof;

45 [(12)] **(13)** "Service" includes not only the use and accommodations afforded consumers  
46 or patrons, but also any product or commodity furnished by any corporation, person or carrier  
47 and the plant, equipment, apparatus, appliances, property and facilities employed by any  
48 corporation, person or carrier in performing any service or in furnishing any product or  
49 commodity and devoted to the public purposes of such corporation, person or carrier, and to the  
50 use and accommodation of consumers or patrons;

51 [(13)] **(14)** "Street railroad" includes every railroad by whatsoever type of power  
52 operated, and all extensions and branches thereof and supplementary facilities thereto for public  
53 use in the conveyance of persons or property for compensation, mainly providing local  
54 transportation service upon the streets, highways and public places in a municipality, or in and  
55 adjacent to a municipality, and including all cars, buses and other rolling stock, equipment,  
56 switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels, stations, terminals and  
57 real estate of every kind used, operated or owned in connection therewith; and the term "street  
58 railroad" when used in this chapter[,] shall also include all motor bus and trolley bus lines and  
59 routes and similar local transportation facilities, and the rolling stock and other equipment  
60 thereof and the appurtenances thereto, when operated as a part of a street railroad or trolley bus  
61 local transportation system, or in conjunction therewith or supplementary thereto, but such term  
62 shall not include a railroad constituting or used as part of a trunk line railroad system and any  
63 street railroad as defined in this section which shall be converted wholly to motor bus operation  
64 shall nevertheless continue to be included within the term "street railroad" as used herein;

65 [(14)] **(15)** "Street railroad corporation" includes every person, their lessees, trustees or  
66 receivers, owning, holding, operating, controlling or managing any street railroad as herein  
67 defined; and any such street railroad, and all of its cars, buses, other equipment, instrumentalities,  
68 property and operations, shall be governed by and subject to the provisions of this chapter  
69 applicable to street railroads and street railroad corporations and not by the provisions applicable  
70 to other types of railroads;

71           [(15)] **(16)** "Transportation of persons" includes every service in connection with or  
72 incidental to the safety, comfort or convenience of the person transported and the receipt,  
73 carriage and delivery of such person and the person's baggage;

74           [(16)] **(17)** "Transportation of property" includes any service in connection with the  
75 receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, storage, and handling  
76 of the property transported.

          [622.015.] **389.021.** [The division shall be organized so as to assume all regulatory and  
2 supervisory powers, duties and functions heretofore performed by the public service commission  
3 relating to transportation activities within the state. All the powers, duties and functions of the  
4 public service commission relating to such activities are hereby transferred to this division by  
5 type II transfer as set forth in the reorganization act of 1974.] Assessments made for the  
6 expenses of railroad regulation, as required by law, shall be paid into the "Railroad Expense  
7 Fund", a special fund which is hereby established in the state treasury. The fund shall be  
8 applicable to appropriation of the general assembly and shall be devoted solely to the payment  
9 of expenditures incurred by the [division] **state highways and transportation commission** and  
10 attributable to the regulation of railroads. Any amount remaining in the special fund at the end  
11 of any fiscal year shall not revert to the general revenue fund. [All powers, duties and functions  
12 of the public service commission relating to common carriers generally, chapter 387, RSMo,  
13 railroad corporations, chapters 388 and 389, RSMo, motor carriers and express companies,  
14 chapter 390, RSMo, street railroads, chapter 391, RSMo, and other statutes relevant to  
15 transportation activities are transferred to the motor carrier and railroad safety division of the  
16 department of economic development and that division is the successor to the public service  
17 commission for the purposes of those chapters. Except as otherwise provided herein, the  
18 provisions of chapter 386, RSMo, that relate to the powers and duties of the public service  
19 commission and the procedure before the public service commission and the courts are hereby  
20 made applicable to the motor carrier and railroad safety division. Definitions contained in those  
21 chapters shall continue and shall be applied by the motor carrier and railroad safety division as  
22 they have been applied prior to July 1, 1985, until changed by law. Wherever the word  
23 "commission" is used, the word "division" shall be substituted therefor. Wherever the word  
24 "commissioner" is used, the words "administrative law judge" shall be substituted therefor.]

          [622.110.] **389.035.** No provisions of this chapter or chapter [387,] 388[, 389, 390] or  
2 391, RSMo, except when specifically so stated, shall apply to or be construed to apply to  
3 commerce with foreign nations or commerce among the several states of this union, except  
4 insofar as the same may be permitted under the provisions of the Constitution of the United  
5 States and the acts of Congress.

          [622.115.] **389.041.** The [director of the division] **state highways and transportation**

2 **commission** may destroy by burning, or otherwise dispose of such records, financial statements  
3 and such public documents which shall at the time of destruction or disposal have been on file  
4 in the office of the [division] **commission** for a period of five years or longer and which are  
5 determined by the [director of the division] **commission** to be obsolete or of no further public  
6 use or value, except such records and documents as may at the time be known by the [director  
7 of the division] **chief counsel of the commission** to be the subject of litigation or dispute.

[622.140.] **389.055.** 1. The [division] **state highways and transportation commission**  
2 may confer in person, or by correspondence, by attending conventions, or in any other way, with  
3 the members of any railroad, transportation, public utility, public service commission, or similar  
4 division of other states and the United States of America, or any official, agency or  
5 instrumentality thereof, on any matter relating to the performance of its duties.

6 2. The [division] **commission** may enter into and establish fair and equitable cooperative  
7 agreements or contracts with or act as an agent or licensee for the United States of America, or  
8 any official, agency or instrumentality thereof, or any railroad, transportation, public utility,  
9 public service commission, or similar division of other states, that are proper, expedient, fair and  
10 equitable and in the interest of the state of Missouri and the citizens thereof, for the purpose of  
11 carrying out its duties under this chapter with reference to railroads or street railroads, as limited  
12 and supplemented by section [622.110] **389.035** and to that end the [division] **commission** may  
13 receive and disburse any contributions, grants or other financial assistance as a result of or  
14 pursuant to such agreements or contracts. Any contributions, grants or other financial assistance  
15 so received shall be deposited in the railroad expense fund established in section [622.015]  
16 **389.021** and appropriated for the purposes for which they are received.

17 3. The [division] **commission** may make joint investigations, hold joint hearings within  
18 or without the state, and issue joint or concurrent orders in conjunction or concurrence with any  
19 railroad, transportation, public utility, public service commission, or similar division, of other  
20 states or the United States of America, or any official, agency or any instrumentality thereof,  
21 except that in the holding of such investigations or hearings, or in the making of such orders, the  
22 [division] **commission** shall function under agreements or contracts between states or under the  
23 concurrent power of states to regulate interstate commerce, or as an agent of the United States  
24 of America, or any official, agency or instrumentality thereof, or otherwise.

[622.160.] **389.065.** Whenever any carrier has a controversy with another carrier or  
2 person and all the parties to such controversy agree in writing to submit such controversy to the  
3 [division as arbitrator, the division] **state highways and transportation commission as**  
4 **arbitrator, the commission shall designate an employee who** shall act as such arbitrator, and  
5 after due notice to all parties interested shall proceed to hear such controversy, and their award  
6 shall be final. Parties may appear in person or by attorney before such arbitrator.

389.071. 1. The state highways and transportation commission may, whenever it  
2 deems advisable, establish a system of accounts to be used by railroad and street railroad  
3 corporations or other common carriers which are subject to its supervision, or may classify  
4 the said corporations and other carriers and prescribe a system of accounts for each class,  
5 and may prescribe the manner in which such accounts shall be kept. It may also, in its  
6 discretion, prescribe the forms of accounts, records and memoranda to be kept by such  
7 corporations, including the accounts, records and memoranda of the movement of traffic,  
8 as well as the receipts and expenditures of moneys. Notice of alterations by the commission  
9 in the required method or form of keeping a system of accounts shall be given to such  
10 persons or corporations by the commission at least six months before the same are to take  
11 effect. The system of accounts established by the commission and the forms of accounts,  
12 records and memoranda prescribed by it as provided above shall conform in the case of  
13 railroad corporations as nearly as may be to those from time to time established and  
14 prescribed by the Federal Surface Transportation Board under the provisions of Part A  
15 of Subtitle IV of Title 49 of the United States Code, and the acts amendatory thereof or  
16 supplementary thereto.

17 2. The commission shall at all times have access to all accounts, records and  
18 memoranda kept by railroad and street railroad corporations or other common carriers  
19 and may designate any of its officers or employees, who shall thereupon have authority  
20 under the order of the commission to inspect and examine any and all accounts, records  
21 and memoranda kept by such corporations.

[622.200.] 389.075. 1. Every railroad and street railroad shall file an annual report with  
2 the [division of motor carrier and railroad safety] **state highways and transportation**  
3 **commission**, verified by the oath of the president, treasurer, general manager or receiver, if any,  
4 of such corporation, or by the person required to file the same. The verification shall be made  
5 by said official holding office at the time of the filing of the said report, and if not made upon  
6 the knowledge of the person verifying the same shall set forth the sources of the person's  
7 information and the grounds of such person's belief as to any matters not stated to be verified  
8 upon the person's knowledge.

9 2. The [division] **commission** shall prescribe the form of such reports and the character  
10 of the information to be contained therein, and may from time to time make such changes and  
11 such conditions in regard to form and contents thereof as it may deem proper, and on or before  
12 June thirtieth in each year shall furnish a blank form for such annual reports to every such  
13 corporation and person.

14 3. The [division] **commission** may require such report to contain information in relation  
15 to rates or regulations concerning fares or freights, agreements or contracts affecting the same,

16 so far as such rates or regulations pertain to transportation within this state.

17 4. When the report of any such corporation or person is defective, or believed to be  
18 erroneous, the [division] **commission** shall notify the corporation or person to amend the same  
19 within a time prescribed by the [division] **commission**.

20 5. The originals of the reports, subscribed and sworn to as prescribed by law, shall be  
21 preserved in the office of the [division] **commission**.

22 6. The [division] **commission** may also require such corporations and persons to file  
23 periodic reports in the form, covering the period and at the time prescribed by the [division]  
24 **commission**. The [division] **commission** may require of any such corporation or person specific  
25 answers to questions upon which the [division] **commission** may need information.

26 7. The annual report required to be filed by a common carrier corporation shall be so  
27 filed on or before the thirtieth day of September in each year. The [division] **commission** may  
28 extend the time for making and filing such report for a period not exceeding sixty days.

29 8. If such corporation or person shall fail to make and file the annual report within the  
30 time above specified or within the time extended by the [division] **commission**, or shall fail to  
31 amend such report within such reasonable time as may be prescribed by the [division]  
32 **commission**, or shall fail to make specific answer to any question, or shall fail to make the  
33 periodic reports when required by the [division] **commission** as herein provided, within the time  
34 and in the form prescribed by the [division] **commission** for the making and filing of any such  
35 report or answer, such corporation or person shall forfeit to the state the sum of one hundred  
36 dollars for each and every day it shall continue to be in default with respect to such annual report,  
37 amendment, answer or periodic report. Such forfeiture shall be recovered in an action brought  
38 by the [division] **commission** in the name of the state of Missouri. The amount recovered in any  
39 action shall be promptly transmitted to the state director of revenue and deposited by the director  
40 to the credit of the public school fund of the state.

**389.081. Every order, authorization, or certificate issued or approved by the state  
2 highways and transportation commission under any provision of this chapter shall be in  
3 writing and entered in the records of the state department of transportation. Any such  
4 order, authorization, or certificate, or any part thereof, or a copy of the record of any such  
5 order, authorization, or certificate certified by the state highways and transportation  
6 commission or its designee under the seal of the commission to be a true copy of the original  
7 order, authorization, certificate, or entry may be recorded in the office of the recorder of  
8 any county or city in which is located the principal office and place of business of any  
9 corporation, person, or carrier affected thereby, or in which is situated any property of  
10 such corporation, person, or carrier, and such record shall impart notice of its provisions  
11 to all persons. A certificate under the seal of the commission that any such order,**

12 authorization, or certificate has not been modified, stayed, suspended, or revoked may also  
13 be recorded in the same offices in the same manner and with the same effect.

389.085. Copies of all official documents and orders filed or deposited according  
2 to law in the office of the state highways and transportation commission certified by the  
3 commission or its designee to be true copies of the originals shall be admissible as evidence  
4 before courts or the administrative hearing commission.

389.095. The state highways and transportation commission may, by general or  
2 special orders, rules, or otherwise, require every person, corporation, and common carrier  
3 to maintain and operate its line, plant system, equipment, apparatus, tracks, and premises  
4 in such manner as to promote and safeguard the health and safety of its employees,  
5 passengers, customers, and the public. The commission may prescribe, among other  
6 things, the installation, use, maintenance, and operation of appropriate safety and other  
7 devices or appliances. The commission may avoid applicable requirements for notice and  
8 hearing and provide for expeditious issuance of an order in any case in which the  
9 commission determines that the failure to do so would result in the likelihood of imminent  
10 threat of serious harm to life or property; except that the commission shall include in such  
11 an order a notice of any aggrieved party's opportunity to apply for hearing to the  
12 administrative hearing commission.

389.101. 1. The state highways and transportation commission shall have the  
2 general supervision of all common carriers and shall examine the same and keep informed  
3 as to the safety, adequacy, and security afforded by their service, and their compliance  
4 with all provisions of law, orders, and decisions of the commission.

5 2. The commission may, through its authorized inspectors or employees, enter in  
6 and upon and inspect the property, equipment, tracks, and facilities of any common  
7 carrier, and may for such inspection purposes ride upon any locomotive or train while in  
8 service, and for good cause shown may have upon reasonable notice the use of an  
9 inspection locomotive, special locomotive, inspection car, or high-rail vehicle for a physical  
10 inspection.

11 3. Authorized employees of the state highways and transportation commission may  
12 examine all books, contracts, records, documents, and papers of any person or corporation  
13 subject to its supervision which are pertinent to the exercise of the commission's authority  
14 pursuant to this chapter or chapters 388 and 391, RSMo, upon notice given by any  
15 employee of the commission, and the person so notified shall allow access to these records  
16 by any authorized employee of the commission. After the commission has given notice, if  
17 the person shall fail or refuse to allow access in accordance with this section, the  
18 commission may by subpoena duces tecum compel production thereof. In lieu of requiring

19 production of originals by subpoena duces tecum, the commission may require sworn  
20 copies of any such books, records, documents, contracts, and papers or parts thereof to be  
21 filed with it.

389.105. 1. The state highways and transportation commission may, of its own  
2 motion, investigate or make inquiry in a manner to be determined by it as to any act or  
3 thing done or omitted to be done by any common carrier subject to its supervision under  
4 this chapter, and the commission shall make such inquiry in regard to any act or thing  
5 done or omitted to be done by any such carrier, person, or corporation in violation of any  
6 provision of law or in violation of any order or decision of the commission.

7 2. Complaints may be made to the commission by any person or corporation  
8 aggrieved, by petition or complaint, in writing, setting forth anything or act done or  
9 omitted to be done by any common carrier in violation, or claimed to be in violation, of any  
10 provision of law or of the terms and conditions of its franchise or charter or of any order  
11 or decision of the commission. Upon the presentation of such a complaint, the commission  
12 shall cause a copy thereof to be forwarded to the carrier, person, or corporation  
13 complained of, which may be accompanied by an order directed to such carrier, person,  
14 or corporation, requiring that the matters complained of be satisfied, or that the charges  
15 be answered in writing within a time to be specified by the commission. If the carrier,  
16 person, or corporation complained of shall make reparation for any injury alleged and  
17 shall cease to commit, or to permit, the violation of law, franchise, order, or decision  
18 charged in the complaint, and shall notify the commission of that fact before the time  
19 allowed for answer, the commission need take no further action on the charges. If,  
20 however, the charges contained in such petition are not satisfied, and it appears to the  
21 commission that there are reasonable grounds therefor, it shall investigate such charges  
22 in such manner and by such means as it shall deem proper, and take such action within its  
23 powers as the facts justify.

24 3. Whenever the commission shall investigate any matter complained of by any  
25 person or corporation aggrieved by any act or omission of a common carrier under this  
26 section, it shall be the commission's duty, within sixty days after final submission, to make  
27 and file an order either dismissing the petition or complaint or directing the carrier,  
28 person, or corporation complained of to satisfy the cause of complaint in whole or to the  
29 extent which the commission may specify and require.

389.111. 1. Whenever the state highways and transportation commission shall be  
2 of the opinion that a carrier, person, or corporation is failing or omitting or about to fail  
3 or omit to do anything required of it by law or by order or decision of the commission or  
4 the administrative hearing commission, or is doing anything or about to do anything or

5 permitting anything or about to permit anything to be done contrary to or in violation of  
6 law or of any order or decision of the state highways and transportation commission or  
7 administrative hearing commission pursuant to this chapter, it shall direct the chief counsel  
8 of the state highways and transportation commission to commence an action or proceeding  
9 in any circuit court of the state of Missouri in the name of the commission for the purpose  
10 of having such violations or threatened violations stopped and prevented either by  
11 mandamus or injunctions. The commission's chief counsel shall thereupon begin such  
12 action or proceeding by a petition to such court alleging the violation complained of and  
13 praying for appropriate relief by way of mandamus or injunction.

14       2. It shall thereupon be the duty of the court to specify the time, not exceeding  
15 thirty days after service of a copy of the petition, within which the carrier, person, or  
16 corporation complained of must answer the petition in cases where an answer is  
17 contemplated by Missouri Rules of Court. In case of default in answer or after answer, the  
18 court shall immediately inquire into the facts and circumstances in such manner as the  
19 court shall direct without other or formal pleadings and without respect to any technical  
20 requirement.

21       3. Such other persons or corporations as the court shall deem necessary or proper  
22 to join as parties in order to make its order, judgment, or writs effective may be joined as  
23 parties upon application of the commission's chief counsel.

24       4. The final judgment in any such action or proceeding shall either dismiss the  
25 action or proceeding or direct that a writ of mandamus or an injunction, or both, issue as  
26 prayed for in the petition or in such modified or other form as the court may determine  
27 will afford appropriate relief.

[622.300.] **389.115.** 1. The [division] **state highways and transportation commission**  
2 shall, prior to the beginning of each fiscal year [beginning with the fiscal year commencing on  
3 July 1, 1997], make an estimate of the expenses to be incurred by it during such fiscal year  
4 reasonably attributable to the regulation of railroads, railroad corporations, street railroads and  
5 street railroad corporations, as provided in chapters [386, 387,] 388[, 389,] and 391, RSMo, and  
6 this chapter, and shall also separately estimate the amount of these expenses which are:

- 7       (1) Directly attributable to the regulation of railroads and railroad corporations;  
8       (2) Directly attributable to the regulation of street railroads and street railroad  
9 corporations; and  
10       (3) Not directly attributable to either of these groups.

11       2. The [division] **commission** shall allocate to each of these groups of entities the  
12 estimated expenses directly attributable to the regulation of that group and an amount equal to  
13 such proportion of the estimated expenses not directly attributable to either group as the gross

14 intrastate operating revenues of all entities within that group during the preceding calendar year  
15 bears to the total gross intrastate operating revenues of all railroads, railroad corporations, street  
16 railroads and street railroad corporations during that year. The [division] **commission** shall then  
17 assess the amounts allocated, subject to adjustment as herein provided, to the entities within each  
18 group, in proportion to their respective gross intrastate operating revenues during the preceding  
19 calendar year, except that:

20 (1) The total amount assessed to all such entities shall not exceed three percent of the  
21 total gross intrastate operating revenues of all railroads, railroad corporations, street railroads and  
22 street railroad corporations within this state; and

23 (2) These assessments shall be adjusted in a manner as to provide that:

24 (a) The assessment for each railroad corporation or street railroad corporation which has  
25 less than fifty route miles of track within this state shall be not less than one hundred dollars nor  
26 more than five hundred dollars per year;

27 (b) The assessment for each railroad corporation or street railroad corporation which has  
28 not less than fifty route miles nor more than one hundred route miles of track within the state  
29 shall be not less than one thousand dollars per year;

30 (c) The assessment for each railroad corporation or street railroad corporation which has  
31 more than one hundred route miles of track within the state shall be not less than five thousand  
32 dollars per year.

33 3. The [division] **commission** shall send a written statement of this assessment to each  
34 railroad corporation and street railroad corporation on or before July first, by first class mail with  
35 postage prepaid, and the amount assessed to each entity shall be paid by it to the director of  
36 revenue in full on or before July fifteenth next following the date of mailing of the statement;  
37 except that any railroad corporation or street railroad corporation may pay its assessment in four  
38 equal installments not later than the following dates next following the date of mailing of the  
39 statement: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director  
40 of revenue shall remit such payments to the state treasurer.

41 4. The state treasurer shall credit such payments to the railroad expense fund established  
42 pursuant to section [622.015] **389.021**, which fund shall be devoted solely to the payment of  
43 expenditures actually incurred by the [division] **commission** and attributable to its regulation of  
44 railroads, railroad corporations, street railroads and street railroad corporations. Any amount  
45 remaining in such special fund at the end of any fiscal year shall not revert to the general revenue  
46 fund, but shall be applicable by appropriation of the general assembly to the payment of these  
47 expenditures of the [division] **commission** in the succeeding fiscal year and shall be applied by  
48 the [division] **commission** to the reduction of the amount to be assessed to such entities in such  
49 succeeding fiscal year. A reduction shall be allocated to each of these groups of entities in

50 proportion to the respective gross intrastate operating revenues of the respective groups during  
51 the preceding calendar year.

52         5. In order to enable the [division] **commission** to make the allocations and assessments  
53 provided for in this section, each railroad, railroad corporation, street railroad and street railroad  
54 corporation which owns or operates any track within this state shall file with the [division, within  
55 ten days after August 28, 1996, and thereafter] **commission**, on or before March thirty- first of  
56 each year, a statement under oath showing its gross intrastate operating revenues for the  
57 preceding calendar year, and if any of these entities shall fail to file such statement within the  
58 time prescribed in this section, the [division] **commission** shall estimate such revenues, which  
59 estimate shall be binding on such entity for the purposes of this section.

60         6. Nothing in this section shall be construed to apply to motor carriers under chapter  
61 [390] **308**, RSMo, and the expenses of the [division] **commission** attributable to the regulation  
62 and oversight of motor carriers shall not be included in the expenses of the [division]  
63 **commission** for the purposes of this section.

          [622.310.] **389.121.** 1. All formal proceedings of the [division] **administrative hearing**  
2 **commission** and all documents and records filed in the official records of those **administrative**  
3 **hearing commission** proceedings shall be public records.

4         2. The [division] **state highways and transportation commission** shall conduct a  
5 hearing and take testimony relative to any pending legislation with respect to any person,  
6 corporation or matter within the jurisdiction of the [division] **commission pursuant to this**  
7 **chapter**, if requested to do so by the general assembly or by either house thereof or by the  
8 governor, and shall report its conclusions to the general assembly, or to the governor if the  
9 request was made by the governor. The [division] **state highways and transportation**  
10 **commission** may also recommend the enactment of such legislation with respect to any matter  
11 within its jurisdiction as it deems wise or necessary in the public interest.

**389.141. In all trials, actions, suits, and proceedings arising under the provisions**  
2 **of this chapter or growing out of the exercise of the authority and powers granted in this**  
3 **chapter to the state highways and transportation commission, the burden of proof shall be**  
4 **upon the party adverse to the commission or seeking to set aside any determination,**  
5 **requirement, direction, or order of the commission or administrative hearing commission,**  
6 **to show by clear and satisfactory evidence that the determination, requirement, direction**  
7 **or order of either commission complained of is unreasonable or unlawful as the case may**  
8 **be.**

**389.145. 1. All subpoenas shall be signed and issued by the administrative hearing**  
2 **commission or by the state highways and transportation commission, and shall extend to**  
3 **all parts of the state, and may be served by any person authorized to serve process of**

4 courts of record or by any person of full age designated for that purpose by the state  
5 highways and transportation commission or by the administrative hearing commission.  
6 The person executing any such process shall receive the fees now prescribed by law for  
7 similar services in civil cases in the circuit courts in this state, and shall be paid in the same  
8 manner as provided herein for the payment of the fees of the witnesses. Each witness who  
9 shall appear before the state highways and transportation commission or the  
10 administrative hearing commission by order of the appropriate commission shall receive  
11 for attendance the fees and mileage now provided for witnesses in civil cases in the circuit  
12 courts of this state, which shall be audited and paid by the state in the same manner as  
13 other expenses of the appropriate commission are audited and paid, upon the presentation  
14 of proper vouchers sworn to by such witnesses and approved by either commission.

15       2. Whenever a subpoena is issued at the instance of a complainant, respondent, or  
16 other party to any proceeding before the state highways and transportation commission  
17 or administrative hearing commission, the cost of service thereof and the fee of the witness  
18 shall be borne by the party at whose instance the witness is summoned. Any witness  
19 subpoenaed except one whose fees and mileage may be paid from the funds of the state  
20 highways and transportation commission may, at the time of service, demand the fee to  
21 which the witness is entitled for travel to and from the place at which the witness is  
22 required to appear, and one day's attendance. If such witness demands such fees at the  
23 time of service, and they are not at that time paid or tendered, the witness shall not be  
24 required to attend before either commission, as directed in the subpoena. No witness  
25 furnished with free transportation shall receive mileage for the distance such witness may  
26 have traveled on such free transportation.

27       3. It shall be the duty of every public officer, without exacting or receiving charge  
28 or fee of any kind, to furnish to the state highways and transportation commission, upon  
29 application, a certified copy of any document or part thereof, on file in the office of such  
30 officer, and no public officer shall be entitled to receive from the commission any fee for  
31 entering, filing, docketing, or recording any document required or authorized by law to be  
32 filed with the office of such officer.

389.151. At the request of the state highways and transportation's chief counsel and  
2 upon good cause shown by the counsel, the commission shall require or on its own initiative  
3 the commission may require, by order served upon any corporation or person in the  
4 manner provided for the service of orders, the production within this state at such time and  
5 place as it may designate of any books, accounts, papers, or records kept by such  
6 corporation or person in any office or place within or without this state, or, at its option,  
7 verified copies in lieu thereof, so that an examination thereof may be made by the chief

8 counsel when the order is issued at the counsel's request or by the commission or under its  
9 direction.

389.155. If a person subpoenaed to appear before the state highways and  
2 transportation commission or administrative hearing commission fails to obey the  
3 command of such subpoena, without reasonable cause, or if a person in attendance upon  
4 either commission shall, without a reasonable cause, refuse to be sworn or to be examined,  
5 or answer a question, or to produce a book or paper when ordered to do so by either  
6 commission, or to subscribe or swear to the person's deposition after it has been correctly  
7 produced in writing, such person shall be deemed guilty of a misdemeanor, and be  
8 punished by a fine of not less than one hundred dollars nor more than one thousand dollars  
9 or by imprisonment in the county jail not to exceed one year, or by both such fine and  
10 imprisonment, and may be prosecuted therefor in any court of competent jurisdiction; and  
11 in case of a continuing violation each day's continuance thereof shall be and be deemed to  
12 be a separate and distinct offense.

389.161. No person shall be excused from testifying or from producing any books  
2 or papers in any investigation or inquiry by or upon any hearing before the state highways  
3 and transportation commission or administrative hearing commission, when ordered to do  
4 so by either commission, upon the grounds that the testimony or evidence, books, or  
5 documents required of the person may tend to incriminate such person or subject such  
6 person to penalty or forfeiture, but no person shall be prosecuted, punished, or subjected  
7 to any penalty or forfeiture for or on account of any act, transaction, matter, or thing  
8 concerning which the person shall have been examined while under oath, and shall under  
9 oath have testified or produced documentary evidence, except that no person so testifying  
10 shall be exempt from prosecution or punishment for any perjury committed by the person  
11 in the person's testimony. Nothing contained in this section is intended to give, or shall be  
12 construed as in any manner giving unto any corporation immunity of any kind.

[622.400.] 389.165. No information furnished to the [division or the division staff] state  
2 highways and transportation commission pursuant to this chapter by a carrier, corporation  
3 or person, except such matters as are specifically required to be open to public inspection by the  
4 provisions of this chapter, shall be open to public inspection or made public except on order of  
5 the [division or by an administrative law judge] state highways and transportation  
6 commission or administrative hearing commission in the course of a hearing or proceeding.  
7 Any officer or employee of the [division] state highways and transportation commission who,  
8 in violation of the provisions of this section, divulges any such information shall be guilty of a  
9 misdemeanor.

389.167. Within thirty days after the application for a rehearing is denied, or, if the

2 application is granted, then within thirty days after the rendition of the decision on  
3 rehearing, the applicant may apply to the circuit court of the county where the hearing was  
4 held or in which the state highways and transportation commission has its principal office  
5 for a writ of certiorari or review for the purpose of having the reasonableness or lawfulness  
6 of the original order or decision or the order or decision on rehearing inquired into or  
7 determined. The writ shall be made returnable not later than thirty days after the date of  
8 the issuance thereof, and shall direct the applicant to certify the commission's record in the  
9 case and the record of any proceedings before the administrative hearing commission to  
10 the court in conformity with any applicable court rules. On the return day the cause shall  
11 be heard by the circuit court, unless for a good cause shown the same be continued. No  
12 new or additional evidence may be introduced upon the hearing in the circuit court but the  
13 cause shall be heard by the court without the intervention of a jury on the evidence and  
14 exhibits introduced before the state highways and transportation commission and certified  
15 to by it. The state highways and transportation commission and each party to the action  
16 or proceeding before the state highways and transportation commission or administrative  
17 hearing commission shall have the right to appear in the review proceedings. Upon the  
18 hearing the circuit court shall enter judgment either affirming or setting aside the order  
19 of either commission under review. In case the order is reversed by reason of either  
20 commission failing to receive testimony properly proffered, the court shall remand the  
21 cause to the appropriate commission, with instructions to receive the testimony so  
22 proffered and rejected, and enter a new order based upon the evidence already taken, and  
23 such as it is directed to receive. The court may, in its discretion, remand any cause which  
24 is reversed by it to the appropriate commission for further action. No court in this state,  
25 except the circuit courts to the extent herein specified and the supreme court or the court  
26 of appeals on appeal, shall have jurisdiction to review, reverse, correct, or annul any order  
27 or decision of either commission pursuant to this chapter or to suspend or delay the  
28 execution or operation thereof, or to enjoin, restrain, or interfere with either commission  
29 in the performance of its official duties. The circuit courts of this state shall always be  
30 deemed open for the trial of suits brought to review the orders and decisions of either  
31 commission pursuant to this chapter as provided by law and the same shall be tried and  
32 determined as suits in equity.

389.171. Except by agreement of all parties, a full and complete record shall be  
2 made of all proceedings before the administrative hearing commission on any formal  
3 hearing had, and all testimony shall be taken down by a reporter appointed by the  
4 administrative hearing commission, and the parties shall be entitled to be heard in person  
5 or by attorney. Upon the granting of an application for a writ of review or certiorari to

6 review any order or decision of the state highways and transportation commission or  
7 administrative hearing commission, the reviewing court shall direct the applicant to certify  
8 a copy of the transcript of such testimony, together with all exhibits or copies thereof  
9 introduced and all information secured by the appropriate commission on its own initiative  
10 and considered by it in rendering its order or decision, and of the pleadings, record and  
11 proceedings in the cause, which shall constitute the record; provided, that on review of an  
12 order or decision, the parties to the action may stipulate that a certain question or  
13 questions alone and a specified portion only of the evidence shall be certified to the circuit  
14 court for its judgment, whereupon such stipulation and the question or questions and the  
15 evidence therein specified shall constitute the record on review.

389.181. 1. The state highways and transportation commission and any party who  
2 has participated in the state highways and transportation commission or administrative  
3 hearing commission proceeding which produced the order or decision may, after the entry  
4 of judgment in the circuit court in any action in review, prosecute an appeal to a court  
5 having appellate jurisdiction in this state. Such appeal shall be prosecuted as appeals from  
6 judgment of the circuit court in civil cases except as otherwise provided in this chapter.  
7 The original transcript of the record and testimony and exhibits, certified to by the  
8 appropriate commission and filed in the circuit court in any action to review an order or  
9 decision of either commission, together with a transcript of the proceedings in the circuit  
10 court, shall constitute the record on appeal to the supreme court or any court of appeals.

11 2. Where an appeal is taken to the supreme court or the court of appeals, the cause  
12 shall, on the return of the papers to the supreme court or court of appeals, be immediately  
13 placed on the docket of the then-pending term by the clerk of the court and shall be  
14 assigned and brought to a hearing in the same manner as other causes on the then-pending  
15 term docket, but shall have precedence over all civil causes of a different nature pending  
16 in the court.

17 3. The circuit court may in its discretion suspend its judgment pending the hearing  
18 in the supreme court or court of appeals on appeal, upon the filing of a bond by the carrier,  
19 corporation, or person with good and sufficient security conditioned as provided for bonds  
20 upon actions for review and by further complying with all terms and conditions of this law  
21 for the suspension of any order or decision of either commission pending the hearing or  
22 review in the circuit court.

23 4. The general laws relating to appeals to the supreme court and the court of  
24 appeals in this state shall, so far as applicable and not in conflict with the provisions of this  
25 chapter, apply to appeals taken under the provisions of this chapter.

389.201. Any person who shall willfully make any false entry in the accounts, books

2 of account, records, or memoranda kept by any carrier, corporation, or person governed  
3 by the provisions of this chapter, or who shall willfully destroy, mutilate, alter, or by any  
4 other means or device falsify the record of any such account, book of accounts, record, or  
5 memoranda, or who shall willfully neglect or fail to make full, true, and correct entries of  
6 such account, book of accounts, record, or memoranda of all facts and transactions  
7 appertaining to the business of such carriers, corporations, or persons, or who shall falsely  
8 make any statement required to be made to the state highways and transportation  
9 commission or administrative hearing commission, for which a penalty has not been  
10 provided, shall be deemed guilty of a felony, and upon conviction shall be punished by a  
11 fine of not less than one thousand dollars nor more than five thousand dollars, or by  
12 imprisonment for not less than two years nor more than five years, or by both such fine  
13 and imprisonment; except that the state highways and transportation commission may, in  
14 its discretion, issue orders specifying such operating, accounting, or financial papers,  
15 records, books, blanks, tickets, stubs, or documents of carriers which may after a  
16 reasonable time be destroyed, and prescribing the length of time such books, papers, or  
17 documents shall be preserved.

389.211. A substantial compliance with the requirements of this chapter shall be  
2 sufficient to give effect to all the rules, orders, and acts of the state highways and  
3 transportation commission pursuant to this chapter, and they shall not be declared  
4 inoperative, illegal, or void for any omission of a technical nature in respect thereto. The  
5 provisions of this chapter shall be liberally construed with a view to the public welfare,  
6 efficient transportation services, and substantial justice between patrons and carriers.

389.221. In case a common carrier shall do, cause to be done or permit to be done  
2 any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to  
3 do any act, matter, or thing required to be done by this chapter or by any order or decision  
4 of the state highways and transportation commission or administrative hearing commission  
5 pursuant to this chapter, such common carrier shall be liable to the persons or  
6 corporations affected thereby for all loss, damage, or injury caused thereby or resulting  
7 therefrom, and in case of recovery, if the court shall find that such act or omission was  
8 willful, it may in its discretion fix a reasonable counsel or attorney's fee, which fee shall be  
9 taxed and collected as part of the costs in the case. An action to recover for such loss,  
10 damage, or injury may be brought in any court of competent jurisdiction by any such  
11 person or corporation.

[622.615.] 389.241. Notwithstanding any provisions of section 516.103, RSMo, to the  
2 contrary, in all collateral actions or proceedings the orders and decisions of the [division] state  
3 highways and transportation commission or administrative hearing commission pursuant

4 **to this chapter** which have become final shall be conclusive, and shall be admissible as evidence  
5 of the facts found and the determinations made by [the division] **either commission** in all  
6 subsequent actions or proceedings to enforce [division] **commission** orders or decisions  
7 **pursuant to this chapter**, whether by penalty, forfeiture, mandamus, injunctive relief or  
8 otherwise.

[622.617.] **389.251.** Notwithstanding any provisions of [section 386.480, RSMo,] **law**  
2 to the contrary, no information furnished to the [division by a motor] **state highways and**  
3 **transportation commission by a common** carrier, corporation or person, including the  
4 [division] **commission** staff, except such matters as are specifically required to be open to public  
5 inspection by the provisions of [chapter 386, 387 or 390] **chapters 388 and 391**, RSMo, or this  
6 chapter, shall be open to public inspection or made public except on order of the [division  
7 director or by an administrative law judge] **state highways and transportation commission or**  
8 **administrative hearing commission** in the course of a hearing or proceeding. Any officer or  
9 employee of the [division] **state highways and transportation commission** who, in violation  
10 of the provisions of this section, divulges any such information is guilty of a misdemeanor.

389.300. 1. Every railroad corporation organized or doing business under the laws of  
2 this state, or by the authority thereof, shall receive and deliver all grain or other freight consigned  
3 to its care for transportation at the crossings and junctions of all other railroads, canals and  
4 navigable rivers; and shall, at all cities and at all towns along the line of their railroad having a  
5 population of two hundred inhabitants or more, construct and maintain switches and freight  
6 houses for the receipt and delivery of grain and other freight that may be tendered to such  
7 railroad for transportation; and shall stop at least one train daily thereat to receive and unload  
8 freight. And whenever in the opinion of the [motor carrier and railroad safety division of the  
9 department of economic development of this state] **state highways and transportation**  
10 **commission** the amount of business is such as to require the same, such railroad, after due notice  
11 from [such motor carrier and railroad safety division of the department of economic  
12 development] **the commission** to do so, shall maintain a freight agent at such station for the  
13 purpose of receiving and delivering freight.

14 2. Any railroad corporation failing or refusing to comply with the provisions of this  
15 section, after thirty days' notice given, shall be adjudged guilty of a misdemeanor and shall be  
16 fined in the sum of ten dollars, to be recovered by indictment or information in any court having  
17 jurisdiction thereof, and each day that said railroad corporation shall so fail or refuse to comply  
18 with the provisions of this section after the expiration of thirty days after such notice, shall  
19 constitute a separate offense.

389.310. 1. Whenever any railroad corporation shall fail, neglect or refuse to furnish,  
2 within a reasonable time after demand of a station agent, sufficient cars to supply any party

3 desiring to ship property, then such party shall have the right to furnish cars, which shall be  
4 switched and hauled to their destination without unreasonable delay or discrimination in any  
5 manner between such cars and cars belonging to the corporation or any other person.

6 2. Any party furnishing cars as aforesaid shall pay to the railroad corporation a  
7 reasonable compensation for the service rendered, and in case an agreement cannot be reached  
8 as to such compensation, the [motor carrier and railroad safety division of the department of  
9 economic development] **state highways and transportation commission** shall fix the same, and  
10 when such compensation has been so fixed, it shall be prima facie evidence that the same is  
11 reasonable.

12 3. Any railroad company failing or refusing to transport and return the cars furnished by  
13 said party or corporation mentioned in this section[,] shall pay to the party or corporation  
14 aggrieved the sum of five hundred dollars for each and every such offense, together with a  
15 reasonable attorney's fee, to be recovered by civil action in any court of competent jurisdiction,  
16 and every day of such refusal on the part of any railroad company to transport and return such  
17 cars as aforesaid after demand is made[,] shall be deemed a separate offense.

389.580. 1. No railway or railroad corporation, county, municipality, township, or other  
2 corporation, firm or person shall hereafter erect or cause to be erected any passenger or freight  
3 station platforms, or any permanent structure over or contiguous to any railroad track or tracks,  
4 switch or siding, such as shop buildings, coalbins, manufacturing and industrial buildings or any  
5 other structure whatsoever, without first having secured permission so to do from the [division]  
6 **administrative hearing commission**, and it shall be the duty of the [division] **state highways  
7 and transportation commission** to promulgate uniform rules governing clearances in the  
8 construction of such structures [as soon after the passage of this law as the same may be  
9 reasonably done], except that after the promulgation of uniform rules as aforesaid by the  
10 [division] **state highways and transportation commission**, it shall not be necessary to procure  
11 permission from the [division] **administrative hearing commission** to erect any structure  
12 aforesaid that is erected in conformity to such rule.

13 2. Upon application therefor, the [division] **administrative hearing commission** may  
14 authorize the construction of structures at less than the minimum vertical or horizontal clearances  
15 required by statute or rule if the [division] **administrative hearing commission** finds that  
16 construction at the prescribed clearance would be unreasonable. This subsection shall apply to  
17 all structures built over or contiguous to the track of a railroad, including signal lines or wires.

18 3. Except in cases in which the [division] **administrative hearing commission** finds that  
19 such construction is unreasonable, bridges, viaducts, tunnels, overhead roadways, footbridges,  
20 wire or other structure hereafter built over the track or tracks of a railroad or railroads by a  
21 county, municipality, township, railroad company, or other corporation, firm or person, shall be

22 not less than twenty-two feet in the clear from the top of the rails of such track or tracks, to such  
23 wire or other structure or to the bottom of the lowest sill, girder or cross beam, and the lowest  
24 downward projection on the bridges, viaduct, tunnel, overhead roadway or footbridge.

25 4. Except in cases in which the [division] **administrative hearing commission** finds that  
26 such construction is unreasonable, no track shall be constructed adjacent to any building or  
27 structure, nor shall any signal post, switch stand, building or any other structure be constructed  
28 adjacent to any track, which has a horizontal clearance of less than eight feet six inches from the  
29 center of the track, measured at right angles thereto, except that the [division] **state highways**  
30 **and transportation commission** may after hearing promulgate rules allowing exceptions to such  
31 minimum horizontal clearance with reference to docks, bridges, engine terminal and shop  
32 structures, engine houses, engine and car repair shops, cinder conveyors, turntables, working  
33 platforms and working structures inside of engine houses and repair shops, platforms for loading  
34 and unloading of freight, including livestock and express matter, passenger loading platforms,  
35 retainers, guards, structures or materials placed by owners or operators of a railroad while  
36 engaged in the construction, maintenance or repair of a railroad track or other structure, adjacent  
37 track centers, low switch stands, dwarf signals, automatic train stop wayside inductors, mail  
38 cranes, canopies at passenger stations and terminals, third rail conductors, tracks where curvature  
39 is six degrees or more, and wire, cable conductors, trolley wires, guards, guys and other  
40 apparatus or fixtures used in connection therewith, as the [division] **state highways and**  
41 **transportation commission** deems to be reasonable, prudent and consistent with employee and  
42 public safety.

43 5. Any person, corporation or other entity who erects any structure or causes any  
44 structure to be erected, or who constructs any track or structure or causes any track or structure  
45 to be constructed in violation of any of the provisions of this section or any rule made under this  
46 section is subject to a civil penalty or forfeiture of not less than one hundred dollars nor more  
47 than two thousand dollars for each offense. The [division] **state highways and transportation**  
48 **commission** may recover such a penalty or forfeiture from any such person, corporation or entity  
49 under the same terms and conditions as provided in section 389.998.

50 6. Whenever any structure or track is erected or constructed in violation of any of the  
51 provisions of this section or any rule made under this section, the [division] **state highways and**  
52 **transportation commission** in addition to any other remedies provided by law may order that  
53 any such track shall be removed from service until and unless the structure or track so erected  
54 or constructed is removed or reconstructed to conform to the requirements of this section and the  
55 rules made under this section.

389.610. 1. No public road, highway or street shall be constructed across the track of  
2 any railroad corporation, nor shall the track of any railroad corporation be constructed across a

3 public road, highway or street, nor shall the track of any railroad corporation be constructed  
4 across the track of any other railroad or street railroad corporation at grade nor shall the track of  
5 a street railroad corporation be constructed across the tracks of a railroad corporation at grade,  
6 without having first secured the permission of the **state** highways and transportation commission,  
7 except that this subsection shall not apply to the replacement of lawfully existing tracks. The  
8 commission shall have the right to refuse its permission or to grant it upon such terms and  
9 conditions as it may prescribe.

10         2. Every railroad corporation shall construct and maintain good and sufficient crossings  
11 and crosswalks where its railroad crosses public roads, highways, streets or sidewalks now or  
12 hereafter to be opened.

13         3. The **state** highways and transportation commission shall make and enforce reasonable  
14 rules and regulations pertaining to the construction and maintenance of all public grade  
15 crossings. These rules and regulations shall establish minimum standards for:

16             (1) The materials to be used in the crossing surface;

17             (2) The length and width of the crossing;

18             (3) The approach grades;

19             (4) The party or parties responsible for maintenance of the approaches and the crossing  
20 surfaces.

21         4. The **state** highways and transportation commission shall have the exclusive power to  
22 determine and prescribe the manner, including the particular point of crossing, and the terms of  
23 installation, operation, maintenance, apportionment of expenses, use and warning devices of each  
24 crossing of a public road, street or highway by a railroad or street railroad, and of one railroad  
25 or street railroad by another railroad or street railroad. In order to facilitate such determinations,  
26 the **state** highways and transportation commission may adopt pertinent provisions of The Manual  
27 on Uniform Traffic Control Devices for Streets and Highways or other national standards.

28         5. The **state** highways and transportation commission shall have the exclusive power to  
29 alter or abolish any crossing, at grade or otherwise, of a railroad or street railroad by a public  
30 road, highway or street whenever the **state** highways and transportation commission finds that  
31 public necessity will not be adversely affected and public safety will be promoted by so altering  
32 or abolishing such crossing, and to require, where, in its judgment it would be practicable, a  
33 separation of grades at any crossing heretofore or hereafter established, and to prescribe the terms  
34 upon which such separation shall be made.

35         6. The **state** highways and transportation commission shall have the exclusive power to  
36 prescribe the proportion in which the expense of the construction, installation, alteration or  
37 abolition of such crossings, the separation of grades, and the continued maintenance thereof,  
38 shall be divided between the railroad, street railroad, and the state, county, municipality or other

39 public authority in interest.

40         7. Any agreement entered into after October 13, 1963, between a railroad or street  
41 railroad and the state, county, municipality or other public authority in interest, as to the  
42 apportionment of any cost mentioned in this section shall be final and binding upon the filing  
43 with the **state** highways and transportation commission of an executed copy of such agreement.  
44 If such parties are unable to agree upon the apportionment of the cost, the **state** highways and  
45 transportation commission shall apportion the cost among the parties according to the benefits  
46 accruing to each. In determining such benefits, the **state** highways and transportation  
47 commission shall consider all relevant factors including volume, speed and type of vehicular  
48 traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad  
49 or street railroad resulting from the elimination of delays and the reduction of hazard at the  
50 crossing.

51         8. Upon application of any person, firm or corporation, the **state** highways and  
52 transportation commission shall determine if an existing private crossing has become or a  
53 proposed private crossing will become utilized by the public to the extent that it is necessary to  
54 protect or promote the public safety. The **state** highways and transportation commission shall  
55 consider all relevant factors including but not limited to volume, speed, and type of vehicular  
56 traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to  
57 protect and promote the public safety, the **state** highways and transportation commission shall  
58 prescribe the nature and type of crossing protection or warning device for such crossing, the cost  
59 of which shall be apportioned by the **state** highways and transportation commission among the  
60 parties according to the benefits accruing to each. In the event such crossing protection or  
61 warning device as prescribed by the **state** highways and transportation commission is not  
62 installed, maintained or operated, the crossing shall be closed to the public.

63         9. The exclusive power of the **state** highways and transportation commission pursuant  
64 to this section shall be subject to review, determination, and prescription by the administrative  
65 hearing commission, upon application to [that] **the administrative hearing** commission by any  
66 interested party **in accordance with section 621.040, RSMo.** Upon filing of an application  
67 pursuant to this subsection, the administrative hearing commission is vested with the exclusive  
68 power of the **state** highways and transportation commission otherwise provided in this section,  
69 with reference to matters reviewed, determined or prescribed by the administrative hearing  
70 commission.

389.612. 1. The owner of a motor vehicle shall pay a railroad crossing safety fee of  
2 twenty-five cents when such person registers or renews the registration of a motor vehicle. All  
3 revenue collected by the director of revenue **and by the state highways and transportation**  
4 **commission of the fees imposed** pursuant to this section shall be deposited in the state treasury

5 to the credit of the state highways and transportation department fund in an account to be known  
6 as the "Grade Crossing Safety Account", which is hereby created.

7       2. Funds from the grade crossing safety account shall be used for installation,  
8 construction or reconstruction of automatic signals or other safety devices or other safety  
9 improvements at crossings of railroads and public roads, streets or highways. That portion of  
10 the costs proportioned to the state, county, municipality or other public authority in interest, for  
11 installation, construction or reconstruction of automatic signals or other safety devices or other  
12 safety improvements at crossings of railroads and public roads, streets or highways which the  
13 [division of motor carrier and railroad safety] **state highways and transportation commission**  
14 orders pursuant to section 389.610 shall be paid out of the grade crossing safety account, except  
15 that when any part of such costs can be paid from funds available under any federal program or  
16 the Federal-Aid Highway Act such part shall not be paid from the grade crossing safety account.  
17 No more than ninety percent of the cost of improving any grade crossing shall be paid out of the  
18 grade crossing safety account. The [division] **commission** shall, in cooperation with other  
19 governmental agencies of the state, determine if any portion of the cost can be paid from funds  
20 available pursuant to any federal program or the Federal-Aid Highway Act. The [division]  
21 **commission** may order the payment of the amount determined pursuant to section 389.610 to  
22 the person, firm, or corporation entitled thereto from the grade crossing safety account.  
23 Notwithstanding any other provision of this section to the contrary, the [division of motor carrier  
24 and railroad safety within the department of economic development] **commission** may expend  
25 annually out of the grade crossing safety account an amount not greater than one hundred  
26 thousand dollars of the total annual receipts deposited in the state treasury to the credit of such  
27 account to pay for administrative expenses of the [division] **commission** incurred in carrying out  
28 the [division's] **commission's** railroad grade crossing closure program. The provisions of this  
29 section shall not limit or enlarge the [division's] **commission's** expenditures out of the grade  
30 crossing safety account for any other purposes or the [division's] **commission's** expenditures out  
31 of any other account or fund.

32       3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in  
33 the grade crossing safety account shall not be transferred and placed to the credit of the state road  
34 fund until the amount in the account at the end of the biennium exceeds two times the amount  
35 encumbered from the account to carry out the purposes of this section in the preceding fiscal  
36 year. The amount, if any, in the account which shall be transferred to the credit of the state road  
37 fund shall be that amount in the account which exceeds two times the amount encumbered from  
38 the account to carry out the purposes of this section in the preceding fiscal year.

389.614. Railroad warning devices which are installed or maintained by order or by rule  
2 of the [division of motor carrier and railroad safety] **state highways and transportation**

3 **commission** are presumed to be adequate and appropriate warning devices for the crossing. All  
4 railroads shall continue to exercise reasonable care at railroad crossings for the safety of the  
5 members of the public using the crossing.

389.615. [The division of motor carrier and railroad safety shall conduct a study to  
2 establish priorities for grade crossing closures and a plan for implementing grade crossing  
3 closures. The study is to be completed by January 1, 1994, and is not to be paid for from the  
4 grade crossing safety account.] To promote the safety of railroad tracks at crossings, the  
5 [division] **state highways and transportation commission** may employ additional track safety  
6 specialists, subject to appropriations, or available federal or private funding.

389.645. The [division] **state highways and transportation commission**, upon  
2 application or complaint by a city, town or village, or upon its own motion, may regulate the  
3 crossing within a municipality of a highway, street or roadway with railroad tracks, require  
4 precautions, regulate the running, handling and operation of railway engines and cars, govern the  
5 speed of railway engines, cars and trains, and make and enforce orders, **rules**, and restrictions  
6 to promote public safety and convenience at such crossings and on such railroad tracks.

389.710. All common carriers, their officers, agents and employees operating any  
2 railroad in this state are hereby required to maintain lights between sunset and sunrise on all lead  
3 switches in yards, where cars are switched in making up or breaking up of trains and maintain  
4 lights on switches on main lines where trains are operated at night, except that this section shall  
5 not apply to main lines equipped with centralized traffic control signals, interlocking and remote  
6 control type of electric signaling, main lines equipped with automatic block signals where a  
7 block signal is located one thousand feet or less in advance of a switch or to trailing point  
8 switches on double track. The [division] **state highways and transportation commission** may[,  
9 after hearing,] authorize or require the substitution for the above enumerated switch lights such  
10 other safety devices as it may find proper or necessary, **subject to review by the administrative**  
11 **hearing commission**.

389.780. 1. A railroad corporation, upon the application of any shipper tendering traffic  
2 for transportation, shall construct, maintain and operate upon reasonable terms a switch  
3 connection or connections with a lateral line of railroad or private sidetrack owned, operated or  
4 controlled by such shipper, and shall, upon the application of any shipper, provide upon its own  
5 property a sidetrack and switch connection with its line of railroad, whenever such sidetrack and  
6 switch connection is reasonably practicable, can be put in with safety and the business therefor  
7 is sufficient to justify the same.

8 2. If any railroad corporation shall fail to install or operate any such switch connection  
9 with a lateral line of railroad or any such sidetrack and switch connection as aforesaid, after  
10 written application therefor has been made to it, any corporation or person interested may present

11 the facts to the [division of motor carrier and railroad safety] **state highways and**  
12 **transportation commission** by written petition, and the [division] **commission** shall investigate  
13 the matter stated in such petition **or complaint**, and give such hearing thereon as it may deem  
14 necessary or proper. If the [division] **commission** be of opinion that it is safe and practicable to  
15 have a connection, substantially as prayed for, established or maintained, and that the business  
16 to be done thereon justifies the construction and maintenance thereof, it shall make an order,  
17 **subject to review by the administrative hearing commission**, directing the construction and  
18 establishment thereof, specifying the reasonable compensation to be paid for the construction,  
19 establishment and maintenance thereof, and may in like manner upon the application of the  
20 railroad corporation order the discontinuance of such switch connection.

389.795. In cases in which the [motor carrier and railroad safety division of the  
2 department of economic development] **state highways and transportation commission** finds  
3 the same to be practical and necessary for safety of railroad employees, bridges and trestles, over  
4 and upon which railroad trains are operated, shall include as a part thereof, safe and suitable  
5 walkway and handrail on one side only of such bridge or trestle, and such handrail shall be  
6 located at the outer edge of said walkway and shall provide a clearance of not less than eight feet,  
7 six inches, from the center line of the nearest track, measured at right angles thereto.

389.797. Any person, firm or corporation doing business in this state shall keep and  
2 maintain those margins alongside their tracks[,] where railroad employees are required to walk  
3 in the course of their duties, reasonably free from debris, vegetation and any hazards known or  
4 which should have been known to exist[,] which affect the safety of such employees. The  
5 [division] **state highways and transportation commission** may enforce this section and  
6 prosecute any violation thereof. The [division] **commission** shall prescribe rules for the  
7 construction and maintenance of walkways and the materials used in such walkways. Any track  
8 found to be in violation of this section may be removed from service by order of the [division]  
9 **commission**.

389.895. 1. It shall be unlawful for any person, firm, company, corporation, operating  
2 a railroad as a common carrier in this state, to hereafter build and put into operation, any car used  
3 as a caboose which does not conform to the requirements of this section.

4 2. Wherever glass or glazing materials are used in partitions, doors, windows, or wind  
5 deflectors, it shall be of the safety glass type. For the purpose of this subsection, safety glass is  
6 any type of glass or glazing material so manufactured, fabricated, treated or combined with other  
7 materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of  
8 injury to persons by objects, other external sources, or by glass or glazing material when the  
9 same is cracked or broken.

10 3. This section shall not apply to a caboose operated wholly within yard limits.

11           4. The [motor carrier and railroad safety division of the department of economic  
12 development of Missouri] **state highways and transportation commission** shall be empowered  
13 to enforce the foregoing subsections and prosecute any violation thereof.

          389.920. Every corporation, lessee, owner, operator or receiver or other person owning  
2 or operating a railroad in the state of Missouri shall provide and maintain in a plainly marked  
3 accessible location on all passenger train cars, cabooses, each locomotive unit capable of  
4 independent operation and all motorized on-track work equipment used in railroad operations,  
5 which weigh in excess of four hundred pounds, a first aid kit conforming to such requirements  
6 as the [division] **state highways and transportation commission** may[,] by rule[,] prescribe.

          389.945. 1. The [motor carrier and railroad safety division of the department of  
2 economic development of Missouri] **state highways and transportation commission** shall  
3 make and enforce reasonable safety rules and regulations relating to motor vehicles designed for  
4 highway use and used by common carriers by rail to transport employees, tools and supplies, to  
5 and from their places of employment or during the course of their employment. These rules and  
6 regulations shall establish minimum standards:

7           (1) For the construction and mechanical equipment of a motor vehicle;

8           (2) For the loading and carrying of tools, supplies, and employees; the transportation of  
9 gasoline, or other inflammable materials and explosives;

10          (3) For the safety of employees in a motor vehicle, where gang size will not permit all  
11 employees to ride in driver's cab, adequate seating facilities, heating facilities and  
12 communication between cab and rear compartment and means of retaining tools and supplies  
13 within the motor vehicle;

14          (4) The rules and regulations shall apply only to vehicles acquired after the effective date  
15 of the rules and regulations. In case of an emergency, vehicles not complying with the rules and  
16 regulations may be used.

17          2. Before formulating such rules and regulations **pursuant to this section**, the [division  
18 of motor carrier and railroad safety] **state highways and transportation commission** shall  
19 conduct hearings and invite participation of interested groups. These groups may make  
20 suggestions relating to the minimum standards to be embodied in the rules and regulations. The  
21 [division] **commission** shall consider the suggestions prior to the issuance of any rules and  
22 regulations.

23          3. The [division] **commission** may amend the rules and regulations at any time upon its  
24 own motion or upon complaint by an individual or group, in the same manner as it adopts other  
25 rules and regulations.

26          4. The [division] **commission** may, in enforcing the rules and regulations, inspect any  
27 motor vehicle to which these rules apply. Upon request, the superintendent of the Missouri state

28 highway patrol shall assist the division in these inspections.

29         5. Violation by the owner of a motor vehicle of any rule or regulation or any amendment  
30 thereto promulgated pursuant to this section or any order issued by the [division] **commission**  
31 under this section, or willful failure to comply with such an order, is a misdemeanor, and upon  
32 conviction thereof, the owner shall be sentenced to undergo imprisonment for not more than one  
33 year, or to pay a fine not exceeding five hundred dollars or both.

          389.991. The following words used in sections 389.991 to [389.995] **389.996** shall  
2 mean:

3         (1) "Bridges", structures supporting the track or tracks over a waterway, highway, ravine  
4 or railroad;

5         (2) "Carrier", any common carrier by rail;

6         (3) ["Division", the motor carrier and railroad safety division of the department of  
7 economic development;

8         (4)] "Roadbed", culverts, tunnels, cuts and fills on which or through which the tracks are  
9 located;

10         [(5)] (4) "Tracks", rails and fastenings, ties, crossings-at-grade, both railroad and  
11 highway, switches and their appurtenances but not including signal equipment.

          389.992. The [division of motor carrier and railroad safety] **state highways and**  
2 **transportation commission** shall make and enforce reasonable rules and regulations  
3 establishing minimum standards of track, bridge and roadbed inspection:

4         (1) For track, bridge and roadbed used by passenger trains or freight trains;

5         (2) For the qualifications of the inspector;

6         (3) For the frequency of inspection and territory to be covered;

7         (4) For method of inspection, including items requiring special attention;

8         (5) Action to be taken when defects are found.

          389.993. 1. Before formulating such rules and regulations, the [division of motor carrier  
2 and railroad safety] **state highways and transportation commission** shall conduct hearings and  
3 invite participation of interested groups. These groups may make suggestions relating to the  
4 minimum standards to be embodied in the rules and regulations. Any rules and regulations  
5 formulated shall not be in conflict with federal standards on the same subject matter, except as  
6 permitted under [the Federal Railroad Safety Act of 1970] **Part A of Subtitle V of Title 49 of**  
7 **the United States Code**, or any amendments thereto.

8         2. The [division] **state highways and transportation commission** may amend the rules  
9 and regulations at any time upon its own motion or upon complaint by an individual or group,  
10 in the same manner as it adopts other rules and regulations.

          389.994. 1. The [division] **state highways and transportation commission** shall make

2 reasonable rules and regulations governing the construction, reconstruction and maintenance of  
3 walkways adjacent to industrial railroad trackage.

4       2. "Industrial railroad trackage" shall mean any and all tracks owned, leased or used by  
5 any person, firm or corporation, other than a railroad as defined by section [622.100, RSMo,]  
6 **389.011** which connect with the tracks of a railroad and on which a railroad switches or operates  
7 cars or locomotives.

8       3. Before formulating such rules and regulations, the [division] **state highways and**  
9 **transportation commission or its designee** shall conduct hearings and invite participation of  
10 interested groups. These groups shall make suggestions relating to the minimum standards to  
11 be embodied in the rules and regulations. The [division] **commission** shall consider the  
12 suggestions prior to the issuance of any rules and regulations.

13       4. The [division] **commission** may amend the rules and regulations at any time upon its  
14 own motion or upon complaint by an individual or group[,] in the same manner as it adopts other  
15 rules and regulations.

16       5. The [division] **commission** may[,] by order[,] require any railroad to cease and desist  
17 from operating or switching cars or locomotives over any industrial railroad trackage which is  
18 found by the [division] **commission** not to be in conformity with such rules and regulations or  
19 which otherwise constitutes an unusual hazard.

      389.996. The [division] **state highways and transportation commission** may  
2 investigate the cause of all accidents on any railroad or street railroad within this state which  
3 result in loss of life or injury to persons or property. Every railroad corporation and street  
4 railroad corporation is hereby required to give immediate notice to the [division] **commission**  
5 of every accident happening upon any line of railroad or street railroad owned, operated,  
6 controlled or leased by it, within this state in such manner as the [division] **commission** may  
7 direct. Such notice shall not be admitted as evidence or used for any purpose against such  
8 railroad corporation or street railroad corporation giving such notice in any suit or action for  
9 damages growing out of any matter mentioned in such notice.

      389.997. 1. It shall be unlawful for any person, firm, company or corporation operating  
2 a railroad as a common carrier in this state, while transporting freight for compensation or hire,  
3 to place immediately ahead of an occupied caboose or immediately behind an occupied  
4 locomotive[,] a flat car on which are placed loads that might shift or move or bulkhead type flat  
5 car that is loaded above the top edge of the car or beyond the sides, or a gondola type car loaded  
6 above the edge, with pipe, lumber or poles, or with freight or machinery which might shift or  
7 move and which the [motor carrier and railroad safety division of the department of economic  
8 development] **state highways and transportation commission** finds, after hearing, to be an  
9 unreasonable risk to the safety and well-being of the employees.

10           2. This section shall not apply to yard switching movements.

11           3. The [motor carrier and railroad safety division of the department of economic  
12 development of the state of Missouri] **state highways and transportation commission** shall  
13 enforce this section and prosecute any violation thereof, as provided for in section [386.570,  
14 RSMo] **389.998**.

          389.998. 1. Any corporation or person who violates or fails to comply with any  
2 provisions of this chapter is subject to a civil penalty or forfeiture of not less than one hundred  
3 dollars nor more than two thousand dollars for each offense. An action to recover a penalty or  
4 forfeiture under this chapter or to enforce the powers of the [division] **state highways and**  
5 **transportation commission** under this chapter may be brought in any circuit court in this state  
6 in the name of the state of Missouri and shall be commenced and prosecuted to final judgment  
7 by the [general counsel to the division] **chief counsel of the state highways and transportation**  
8 **commission**. In any such action all penalties or forfeitures incurred up to the time of  
9 commencing the same may be sued for and recovered therein, and the commencement of an  
10 action to recover a penalty or forfeiture shall not be, or be held to be, a waiver of the right to  
11 recover any other penalty or forfeiture. If the defendant in such action shall prove that during  
12 any portion of the time for which it is sought to recover penalties or forfeitures for a violation  
13 of an order or decision of the [division,] **state highways and transportation commission or**  
14 **administrative hearing commission** the defendant was actually and in good faith prosecuting  
15 a suit to review such order or decision in the manner as provided in **this** chapter [622, RSMo],  
16 the court shall remit the penalties or forfeitures incurred during the pendency of such proceeding.  
17 All moneys recovered as a penalty or forfeiture shall be paid to the public school fund of the  
18 state. Any such action may be compromised or discontinued on application of the [division]  
19 **state highways and transportation commission** upon such terms as the court shall approve and  
20 order.

21           2. Every violation of the provisions of this or any other law or of any order, decision,  
22 decree, rule, direction, demand or requirement of the [division] **state highways and**  
23 **transportation commission**, or any part or portion thereof, by any corporation or person is a  
24 separate and distinct offense, and in case of a continuing violation of each day's continuance  
25 thereof shall be and be deemed to be a separate and distinct offense.

26           3. In construing and enforcing the provisions of this chapter relating to penalties or  
27 forfeitures, the act, omission or failure of any officer, agent or employee of any corporation or  
28 person acting within the scope of his **or her** official duties of employment, shall in every case  
29 be and be deemed to be the act, omission or failure of such corporation or person.

30           4. All penalties or forfeitures accruing under the provisions of this chapter shall be  
31 cumulative of each other, and any action for the recovery of one such penalty or forfeiture shall

32 not be a bar to or affect the recovery of any other penalty or forfeiture.

389.1005. 1. Except as otherwise provided in this subsection or in subsection 2 of this  
2 section, the [division of motor carrier and railroad safety] **state highways and transportation**  
3 **commission** shall, after hearing, adopt[, in accordance with **this** section [622.027, RSMo,] and  
4 enforce rules relating to the safe operation, maintenance and use of light rail, and the  
5 construction of light rail-highway crossings. The [division of transportation] **commission** shall  
6 examine the manner in which light rail property and services are safely conducted and operated.  
7 The [division] **commission** shall examine compliance with all the provisions of law, orders and  
8 **administrative and court** decisions [of the division] regarding the safe operation of light rail,  
9 except that if the United States has enacted a law, or any officer or agency of the United States  
10 has adopted any rule, regulation, order, decision or standard covering the subject matter of the  
11 [division's] **state highways and transportation commission's** rules relating to the safe  
12 operation, maintenance and use of light rail and the construction of light rail highway crossings,  
13 then compliance with that statute, regulation, order, decision or standard satisfies the duty of  
14 compliance with the law, rule, regulation, order or decision of the [division] **commission**  
15 covering that subject matter. [The provisions of chapter 386, RSMo, relating to the powers and  
16 duties of the public service commission and the procedure before the public service commission  
17 and the courts, as well as the provisions of section 622.030, RSMo, are hereby made applicable  
18 to the division of motor carrier and railroad safety with regard to the safe operation of light rail  
19 as provided in this subsection.]

20 2. The [division of motor carrier and railroad safety] **state highways and**  
21 **transportation commission** shall not examine any individual or joint rate, fare, toll, charge, or  
22 other compensation of any person or any two or more persons or any schedule or tariff setting  
23 fares or rates for light rail or the hours of service, frequency, use and accommodations afforded  
24 customers or patrons of light rail or products or commodities furnished in connection with the  
25 operation of light rail.

26 3. The [division] **commission** may contract with the bi-state development agency created  
27 by section 70.370, RSMo, for safety consultation pursuant to the [division's] **commission's**  
28 duties created by this section. Any moneys paid pursuant to this subsection shall be deposited  
29 in the light rail safety fund created in section 389.1010.

30 4. The [division] **commission** shall render a statement of such assessment to each light  
31 rail operator on or before July first and the amount so assessed to each light rail operator shall  
32 be paid by it to the director of revenue in full on or before July fifteenth immediately following  
33 the rendition of such statement, except that any such light rail operator may pay such assessment  
34 in four equal installments not later than the following dates immediately following the rendition  
35 of such statement, by making payments on July fifteenth, October fifteenth, January fifteenth and

36 April fifteenth. The director of revenue shall remit such payments to the state treasurer.

37         5. The state treasurer shall credit such payments to the railroad expense fund established  
38 under section [622.015, RSMo] **389.015**. Notwithstanding any provisions of section [622.015,  
39 RSMo,] **389.021** to the contrary, that portion of the railroad expense fund received from light rail  
40 assessments pursuant to this section shall be devoted solely to the payment of expenditures  
41 incurred by the [division of motor carrier and railroad safety within the department of economic  
42 development and] **state highways and transportation commission** attributable to the regulation  
43 of light rail.

44         6. In order to enable the [division] **commission** to make the assessments provided for  
45 in this section, each light rail operator shall file with the [division, within ten days after August  
46 28, 1996, and thereafter] **commission**, on or before March thirty-first of each year, a statement  
47 under oath showing its total operated train miles for the preceding calendar year, and if any light  
48 rail operator shall fail to file such a statement within such time, the [division] **commission** shall  
49 estimate such miles which estimate shall be binding on such light rail operator for the purpose  
50 of this section.

       389.1010. Any moneys received by the [division of motor carrier and railroad safety of  
2 the department of economic development] **state highways and transportation commission**  
3 pursuant to subsection 3 of section 389.1005 shall be deposited in the state treasury to the credit  
4 of the "Light Rail Safety Fund" which is hereby created. The account shall be administered by  
5 the [director of the division of motor carrier and railroad safety] **state highways and**  
6 **transportation commission**. When appropriated the moneys in the fund shall be used solely  
7 for the purpose of paying the costs of its duties pursuant to section 389.1005. Notwithstanding  
8 the provisions of section 33.080, RSMo, to the contrary, moneys in the light rail safety fund at  
9 the end of any biennium shall not be transferred to the credit of the general revenue fund.

       [391.070.] **389.1020**. 1. Whenever the [division of motor carrier and railroad safety]  
2 **state highways and transportation commission** shall be of the opinion, after a hearing had  
3 upon its own motion or upon complaint, that the practices and service and the rules and  
4 regulations affecting the same of any street railroad corporation are, as to transportation upon the  
5 street surface railroads of said corporation by use of transfers given to each passenger paying one  
6 single fare, unjust and unreasonable either as to persons transported upon such street surface  
7 railroads or as to any such street railroad corporation, the [division] **commission** shall determine  
8 and prescribe by order the just and reasonable service and rules and regulations affecting the  
9 same thereafter to be maintained and observed by said street railroad corporation

10         (1) As to the distance over which a passenger shall by such transfer be transported by it  
11 upon said street surface railroads for a single fare;

12         (2) The number of successive transfers to be given by it to a passenger paying one single

13 fare for transportation over said street surface railroads; and

14 (3) As to the prompt use by each passenger of such transfer given him **or her** for one  
15 single fare paid by him **or her** in making his **or her** continuous trip over said street surface  
16 railroads.

17 2. And it shall thereupon be the duty of every such street railroad corporation to obey  
18 each requirement of every such order served upon it and do everything necessary and proper in  
19 order to secure compliance with and observance of every such order by all of its officers, agents  
20 and employees.

21 3. Until and except as the [motor carrier and railroad safety division of the department  
22 of economic development] **state highways and transportation commission** shall otherwise  
23 prescribe as to any street railroad corporation or corporations pursuant to the provisions of this  
24 chapter, every street surface railroad corporation entering into a contract with another such  
25 corporation shall carry or permit any other party thereto to carry between any two points on the  
26 railroads or portion thereof embraced in such contract any passenger desiring to make one  
27 continuous trip between such points for one single fare, not higher than the fare lawfully  
28 chargeable by either of such corporations for an adult passenger. Every such corporation shall,  
29 upon demand, and without extra charge, give to each passenger paying one single fare a transfer  
30 entitling such passenger to one continuous trip to any point or portion of any railroad embraced  
31 in such contract, to the end that public convenience may be promoted by the operation of the  
32 railroads embraced in such contract substantially as a single railroad with a single rate of fare.

33 4. For every refusal to comply with the requirements of subsection 3 **of this section**, the  
34 corporation so refusing shall forfeit one hundred dollars, fifty dollars of which shall be paid to  
35 the aggrieved party and fifty dollars paid to the public school fund of the state. The provisions  
36 of subsection 3 **of this section** shall only apply to railroads wholly within the limits of any one  
37 incorporated city or village.

393.290. All provisions of **this chapter and** chapters 386, [387, 390] **389, and** 392 [and  
2 393], RSMo, in reference to railroad corporations, street railroad corporations, common carriers,  
3 gas corporations, electrical corporations, water corporations, telephone and telegraph  
4 corporations, and sewer corporations, in reference to hearings, summoning witnesses, taking of  
5 testimony, reports, approval of incorporation and certificates of franchises, the approval of issues  
6 of stocks, bonds, notes and other evidence of indebtedness, consolidation, lease, transfer of  
7 franchises, valuation of property, grants and franchises, keeping of accounts, complaints as to  
8 quality, price, facilities furnished, the fixing of just and reasonable rates and adequacy of service,  
9 forfeitures of all descriptions, forfeitures for noncompliance with the orders, summary  
10 proceedings under **this chapter and** chapters 386, [387, 390] **389, and** 392 [and 393], RSMo,  
11 excessive charges for product, service or facilities, proceedings before the commission, and

12 proceedings in any court mentioned in **this chapter and** chapters 386, [387, 390] **389, and** 392  
13 [and 393], RSMo, and in all other sections, paragraphs, provisions and parts of **this chapter**  
14 **and** chapters 386, [387, 390] **389, and** 392 [and 393], RSMo, in reference to any other  
15 corporations subject to any of the provisions of **this chapter and** chapters 386, [387, 390] **389,**  
16 **and** 392 [and 393], RSMo, so far as the same shall be practically, legally or necessarily  
17 applicable to heating companies in this state, are hereby made applicable to such heating  
18 companies as designated in said chapters, and shall have full application thereto.

447.080. If no person [call] **calls** for said goods, merchandise or other property[,] within  
2 sixty days from the receipt thereof, and pay freight and charges thereon, it shall be lawful for  
3 such carrier, commission merchant or warehouseman to sell such goods, merchandise or other  
4 property, or so much thereof at auction, to the highest bidder, as will pay said freight and  
5 charges, first having given twenty days' notice of the time and place of sale to the owner,  
6 consignee or consignor, when known, and by advertisement in a daily paper, or if in a weekly  
7 paper, four weeks, published where such sale is to take place; and if any surplus be left after  
8 paying freight, storage, cost of advertising and all other just and reasonable charges, the same  
9 shall be paid over to the rightful owner of said property at any time thereafter, upon demand  
10 being made therefor, within sixty days; provided, however, that any common carrier may sell  
11 such goods, merchandise, or other property in accordance with the provisions of the bill of lading  
12 applicable thereto, where the form of bill of lading used has been duly filed with the [public  
13 service commission of Missouri] **state highways and transportation commission pursuant**  
14 **to chapter 308, RSMo.**

476.385. 1. The judges of the supreme court may appoint a committee consisting of at  
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a  
3 schedule of fines to be paid for violations of section 210.104, RSMo, and chapters 252, 301, 302,  
4 304, 306, 307 and [390] **308**, RSMo, with such fines increasing in proportion to the severity of  
5 the violation. The associate circuit judges of each county may meet en banc and adopt the  
6 schedule of fines and participation in the centralized bureau pursuant to this section. Notice of  
7 such adoption and participation shall be given in the manner provided by supreme court rule.  
8 Upon order of the supreme court, the associate circuit judges of each county may meet en banc  
9 and establish and maintain a schedule of fines to be paid for violations of municipal ordinances  
10 for cities, towns and villages electing to have violations of its municipal ordinances heard by  
11 associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions  
12 established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of  
13 municipal ordinances may be modified from time to time as the associate circuit judges of each  
14 county en banc deem advisable. No fine established pursuant to this subsection may exceed the  
15 maximum amount specified by statute or ordinance for such violation.

16           2. In no event shall any schedule of fines adopted pursuant to this section include  
17 offenses involving the following:

18           (1) Any violation resulting in personal injury or property damage to another person;

19           (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or  
20 drugs;

21           (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

22           (4) Fleeing or attempting to elude an officer.

23           3. There shall be a centralized bureau to be established by supreme court rule in order  
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the  
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of  
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of  
27 guilty and payment of a fine, all court costs which would have been collected by the court of the  
28 jurisdiction from which the violation originated.

29           4. If a person elects not to contest the alleged violation, the person shall send payment  
30 in the amount of the fine and any court costs established for the violation to the centralized  
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail  
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,  
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of  
34 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding  
35 any provision of law to the contrary, the prosecutor shall not be required to sign any information,  
36 ticket or indictment if disposition is made pursuant to this subsection. In the event that any  
37 payment is made pursuant to this section by credit card or similar method, the centralized bureau  
38 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed  
39 on the recipient of the credit card payment by the credit card company.

40           5. If a person elects to plead not guilty, such person shall send the plea of not guilty to  
41 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor  
42 having original jurisdiction over the offense. Any trial shall be conducted at the location  
43 designated by the court. The clerk of the court in which the case is to be heard shall notify in  
44 writing such person of the date certain for the disposition of such charges. The prosecutor shall  
45 not be required to sign any information, ticket or indictment until the commencement of any  
46 proceeding by the prosecutor with respect to the notice of violation.

47           6. In courts adopting a schedule of fines pursuant to this section, any person receiving  
48 a notice of violation pursuant to this section shall also receive written notification of the  
49 following:

50           (1) The fine and court costs established pursuant to this section for the violation or  
51 information regarding how the person may obtain the amount of the fine and court costs for the

52 violation;

53 (2) That the person must respond to the notice of violation by paying the prescribed fine  
54 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties  
55 prescribed by law may attach for failure to appear and dispose of the violation. The supreme  
56 court may modify the suggested forms for uniform complaint and summons for use in courts  
57 adopting the procedures provided by this section, in order to accommodate such required written  
58 notifications.

59 7. Any moneys received in payment of fines and court costs pursuant to this section shall  
60 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit  
61 of those persons or entities entitled to receive such funds pursuant to this subsection. All  
62 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested  
63 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260  
64 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any  
65 interest earned on such fund shall be payable to the director of the department of revenue for  
66 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer  
67 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful  
68 appropriations, only to the judicial branch of state government for goods and services related to  
69 the administration of the judicial system.

70 8. Any person who receives a notice of violation subject to this section who fails to  
71 dispose of such violation as provided by this section shall be guilty of failure to appear provided  
72 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner  
73 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate  
74 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not  
75 guilty and request a trial within the time allotted by this section, for purposes of application of  
76 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of  
77 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon  
78 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified  
79 by the court.

80 9. In addition to the remedies provided by subsection 8 of this section, the centralized  
81 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,  
82 for the collection of court costs payable to courts, in order to collect fines and court costs for  
83 violations subject to this section.

488.4014. 1. A fee of ten dollars, as provided in section 67.133, RSMo, shall be  
2 assessed in all cases in which the defendant is convicted of violating any provision of chapters  
3 252, 301, 302, 304, 306, 307 and [390] **308**, RSMo, and any infraction otherwise provided by  
4 law, twenty-five dollars in all misdemeanor cases otherwise provided by law, and seventy-five

5 dollars in all felony cases, in criminal cases including violations of any county ordinance or any  
6 violation of a criminal or traffic law of the state, except that no such fees shall be collected in any  
7 proceeding in any court when the proceeding or the defendant has been dismissed by the court  
8 or when costs are to be paid by the state, county or municipality. All fees collected under the  
9 provisions of section 67.133, RSMo, shall be collected and disbursed in the manner provided by  
10 sections 488.010 to 488.020 and payable to the county treasurer who shall deposit those funds  
11 in the county treasury.

12 2. Counties shall be entitled to a judgment in the amount of twenty-five percent of all  
13 sums collected, pursuant to section 67.133, RSMo, on recognizances given to the state in  
14 criminal cases, which are or may become forfeited, if not more than five hundred dollars, and  
15 fifteen percent of all sums over five hundred dollars, to be paid out of the amount collected.

490.235. Printed copies of schedules, classifications and tariffs of rates, fares and  
2 charges, and supplements thereto, filed with the **former** Interstate Commerce Commission,  
3 **division of motor carrier and railroad safety, and division of transportation;** or the public  
4 service commission, **the Federal Surface Transportation Board, or the state highways and**  
5 **transportation commission** which show respectively [an Interstate Commerce Commission]  
6 **the required tariff designation or identifying** number, which may be stated in abbreviated  
7 form[, as I. C. C. No. ...., and an effective date, or which show respectively a public service  
8 commission number, which may be stated in abbreviated form, as P. S. C. Mo. No. .... or Mo.  
9 P. S. C. No. ....], and an effective date, may be received in evidence without certification and  
10 shall be presumed to be correct copies of the original schedules, classifications, tariffs and  
11 supplements [on file with the Interstate Commerce Commission or on file with the public service  
12 commission] **filed with any of the public governmental entities referenced in this section.**

508.070. 1. Suit may be brought against any motor carrier which is subject to regulation  
2 pursuant to chapter [390] **308**, RSMo, in any county where the cause of action may arise, in any  
3 town or county where the motor carrier operates, or judicial circuit where the cause of action  
4 accrued, or where the defendant maintains an office or agent, and service may be had upon the  
5 motor carrier whether an individual person, firm, company, association, or corporation, by  
6 serving process upon the [director, division of motor carrier and railroad safety] **secretary of the**  
7 **state highways and transportation commission pursuant to section 226.100, RSMo.**

8 2. When a summons and petition are served upon the [director, division of motor carrier  
9 and railroad safety] **secretary of the state highways and transportation commission**, naming  
10 any motor carrier, either a resident or nonresident of this state, as a defendant in any action, the  
11 [director] **secretary** shall immediately mail the summons and petition by registered United States  
12 mail to the motor carrier at the business address of the motor carrier as it appears upon the  
13 records of the commission. The [director] **secretary** shall request from the postmaster a return

14 receipt from the motor carrier to whom the registered letter enclosing copy of summons and  
15 petition is mailed. The [director] **secretary** shall inform the clerk of the court out of which the  
16 summons was issued that the summons and petition were mailed to the motor carrier, as herein  
17 described, and the [director] **secretary** shall forward to the clerk the return receipt showing  
18 delivery of the registered letter.

19 3. Each motor carrier not a resident of this state and not maintaining an office or agent  
20 in this state shall, in writing, designate the [director] **secretary of the state highways and**  
21 **transportation commission** as its authorized agent upon whom legal service may be had in all  
22 actions arising in this state from any operation of the motor vehicle pursuant to authority of any  
23 certificate or permit, and service shall be had upon the nonresident motor carrier as herein  
24 provided.

25 4. There shall be kept in the office of the [director, division of motor carrier and railroad  
26 safety] **secretary of the state highways and transportation commission** a permanent record  
27 showing all process served, the name of the plaintiff and defendant, the court from which the  
28 summons issued, the name and title of the officer serving the same, the day and the hour of  
29 service, the day and date on which petition and summons were forwarded to the defendant or  
30 defendants by registered letter, the date on which return receipt is received by the [director]  
31 **secretary**, and the date on which the return receipt was forwarded to the clerk of the court out  
32 of which the summons was issued.

620.010. 1. There is hereby created a "Department of Economic Development" to be  
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.  
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus  
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,  
5 agencies and personnel.

6 2. The office of director of the department of business and administration, chapter 35,  
7 RSMo, and others, is abolished and all powers, duties, personnel and property of that office[,]  
8 not previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the  
9 governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the  
10 department of economic development. The department of business and administration is hereby  
11 abolished.

12 3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are  
13 transferred by type I transfer to the personnel division, office of administration.

14 4. The powers, duties and functions vested in the public service commission, chapters  
15 386, [387, 388, 389, 390,] 392, and 393, RSMo, and others[, and the administrative hearing  
16 commission, sections 621.015 to 621.198, RSMo, and others,] are transferred by type III  
17 transfers, and the state banking board, chapter 361, RSMo, and others, and the savings and loan

18 commission, chapter 369, RSMo, and others, are transferred by type II transfers to the  
19 department of economic development. The director of the department is directed to provide and  
20 coordinate staff and equipment services to these agencies in the interest of facilitating the work  
21 of the bodies and achieving optimum efficiency in staff services common to all the bodies.  
22 Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service  
23 commission from presenting additional budget requests or from explaining or clarifying its  
24 budget requests to the governor or general assembly.

25         5. The powers, duties and functions vested in the office of the public counsel are  
26 transferred by type III transfer to the department of economic development. Funding for the  
27 general counsel's office shall be by general revenue.

28         6. The public service commission is authorized to employ such staff as it deems  
29 necessary for the functions performed by the general counsel other than those powers, duties and  
30 functions relating to representation of the public before the public service commission.

31         7. There is hereby created a "Division of Credit Unions" in the department of economic  
32 development, to be headed by a director, nominated by the department director and appointed  
33 by the governor with the advice and consent of the senate. All the powers, duties and functions  
34 vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties  
35 relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are  
36 transferred to the division of credit unions of the department of economic development, by a type  
37 II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the  
38 director of the division of credit unions shall be set by the director of the department within the  
39 limits of the appropriations therefor. The director of the division shall assume all the duties and  
40 functions of the state supervisor of credit unions and the commissioner of finance only where the  
41 director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

42         8. The powers, duties and functions vested in the division of finance, chapters 361, 362,  
43 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department  
44 of economic development. There shall be a director of the division who shall be nominated by  
45 the department director and appointed by the governor with the advice and consent of the senate.

46         9. All the powers, duties and functions vested in the director of the division of savings  
47 and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other  
48 provision of law are transferred to the division of finance of the department of economic  
49 development by a type I transfer. The position of the director of the division of savings and loan  
50 supervision is hereby abolished. The director of the division of finance shall assume all the  
51 duties and functions of the director of the division of savings and loan supervision as provided  
52 in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law.  
53 The division of savings and loan is hereby abolished. The powers of the savings and loan

54 commission are hereby limited to hearing appeals from decisions of the director of the division  
55 of finance approving or denying applications to incorporate savings and loan associations or to  
56 establish branches of savings and loan associations and approving regulations pertaining to  
57 savings and loan associations. Any appeals shall be held in accordance with section 369.319,  
58 RSMo.

59       10. On and after August 28, 1990, the status of the division is modified under a specific  
60 type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The status of  
61 the division is modified from that of a division transferred to the department of economic  
62 development pursuant to a type II transfer, as provided for in this section, to that of an agency  
63 possessing the characteristics of a division transferred pursuant to a type III transfer; provided,  
64 however, that the division will remain within the department of economic development. The  
65 division of insurance shall be assigned to the department of economic development as a type III  
66 division, and the director of the department of economic development shall have no supervision,  
67 authority or control over the actions or decisions of the director of the division. All authority,  
68 records, property, personnel, powers, duties, functions, matter pending and all other pertinent  
69 vestiges pertaining thereto shall be retained by the division except as modified by this section.  
70 If the division of insurance becomes a department by operation of a constitutional amendment,  
71 the department of economic development shall continue until December 31, 1991, to provide at  
72 least the same assistance as was provided in previous fiscal years for personnel, data processing  
73 support and other benefits from appropriations.

74       11. All the powers, duties and functions of the commerce and industrial development  
75 division and the industrial development commission, chapters 184 and 255, RSMo, and others,  
76 not otherwise transferred, are transferred by type I transfer to the department of economic  
77 development, and the industrial development commission is abolished. All powers, duties and  
78 functions of the division of commerce and industrial development and the division of community  
79 development are transferred by a type I transfer to the department of economic development, and  
80 the division of commerce and industrial development and the division of community  
81 development are abolished.

82       12. All the powers, duties and functions vested in the tourism commission, chapter 258,  
83 RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type  
84 III transfer.

85       13. All the powers, duties and functions of the department of community affairs, chapter  
86 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the  
87 department of economic development, and the department of community affairs is abolished.  
88 The director of the department of economic development may assume all the duties of the  
89 director of community affairs or may establish within the department such subunits and advisory

90 committees as may be required to administer the programs so transferred. The director of the  
91 department shall appoint all members of such committees and heads of subunits.

92 14. (1) There is hereby established a "Division of Professional Registration" assigned  
93 to the department of economic development as a type III division, headed by a director appointed  
94 by the governor with the advice and consent of the senate.

95 (2) The director of the division of professional registration shall promulgate rules and  
96 regulations which designate for each board or commission assigned to the division the renewal  
97 date for licenses or certificates. After the initial establishment of renewal dates, no director of  
98 the division shall promulgate a rule or regulation which would change the renewal date for  
99 licenses or certificates if such change in renewal date would occur prior to the date on which the  
100 renewal date in effect at the time such new renewal date is specified next occurs. Each board or  
101 commission shall by rule or regulation establish licensing periods of one, two, or three years.  
102 Registration fees set by a board or commission shall be effective for the entire licensing period  
103 involved, and shall not be increased during any current licensing period. Persons who are  
104 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees  
105 for the remainder of the period remaining at the time the fees are paid. Each board or  
106 commission shall provide the necessary forms for initial registration, and thereafter the director  
107 may prescribe standard forms for renewal of licenses and certificates. Each board or commission  
108 shall by rule and regulation require each applicant to provide the information which is required  
109 to keep the board's records current. Each board or commission shall issue the original license  
110 or certificate.

111 (3) The division shall provide clerical and other staff services relating to the issuance and  
112 renewal of licenses for all the professional licensing and regulating boards and commissions  
113 assigned to the division. The division shall perform the financial management and clerical  
114 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and  
115 renewal of licenses and certificates" means the ministerial function of preparing and delivering  
116 licenses or certificates, and obtaining material and information for the board or commission in  
117 connection with the renewal thereof. It does not include any discretionary authority with regard  
118 to the original review of an applicant's qualifications for licensure or certification, or the  
119 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action  
120 contemplated against the licensee or certificate holder. The division may develop and implement  
121 microfilming systems and automated or manual management information systems.

122 (4) The director of the division shall establish a system of accounting and budgeting, in  
123 cooperation with the director of the department, the office of administration, and the state  
124 auditor's office, to ensure proper charges are made to the various boards for services rendered  
125 to them. The general assembly shall appropriate to the division and other state agencies from

126 each board's funds, moneys sufficient to reimburse the division and other state agencies for all  
127 services rendered and all facilities and supplies furnished to that board.

128 (5) For accounting purposes, the appropriation to the division and to the office of  
129 administration for the payment of rent for quarters provided for the division shall be made from  
130 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for  
131 the purpose defined in subdivision (4) of **this** subsection [14 of this section]. The fund shall  
132 consist of moneys deposited into it from each board's fund. Each board shall contribute a  
133 prorated amount necessary to fund the division for services rendered and rent based upon the  
134 system of accounting and budgeting established by the director of the division as provided in  
135 subdivision (4) of this subsection. Transfers of funds to the professional registration fees fund  
136 shall be made by each board on July first of each year; provided, however, that the director of  
137 the division may establish an alternative date or dates of transfers at the request of any board.  
138 Such transfers shall be made until they equal the prorated amount for services rendered and rent  
139 by the division. The provisions of section 33.080, RSMo, to the contrary notwithstanding,  
140 money in this fund shall not be transferred and placed to the credit of general revenue.

141 (6) The director of the division shall be responsible for collecting and accounting for all  
142 moneys received by the division or its component agencies. Any money received by a board or  
143 commission shall be promptly given, identified by type and source, to the director. The director  
144 shall keep a record by board and state accounting system classification of the amount of revenue  
145 the director receives. The director shall promptly transmit all receipts to the department of  
146 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall  
147 provide each board with all relevant financial information in a timely fashion. Each board shall  
148 cooperate with the director by providing necessary information.

149 (7) All educational transcripts, test scores, complaints, investigatory reports, and  
150 information pertaining to any person who is an applicant or licensee of any agency assigned to  
151 the division of professional registration by statute or by the department of economic development  
152 are confidential and may not be disclosed to the public or any member of the public, except with  
153 the written consent of the person whose records are involved. The agency which possesses the  
154 records or information shall disclose the records or information if the person whose records or  
155 information is involved has consented to the disclosure. Each agency is entitled to the  
156 attorney-client privilege and work-product privilege to the same extent as any other person.  
157 Provided, however, that any board may disclose confidential information without the consent of  
158 the person involved in the course of voluntary interstate exchange of information, or in the  
159 course of any litigation concerning that person, or pursuant to a lawful request, or to other  
160 administrative or law enforcement agencies acting within the scope of their statutory authority.  
161 Information regarding identity, including names and addresses, registration, and currency of the

license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

(8) Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public. Once a final decision is rendered, that decision shall be made available to the parties and the public.

15. (1) The division of registration and examination, department of education, within chapter 161, RSMo, and others, is abolished and the following boards and commissions are transferred by specific type transfers to the division of professional registration, department of economic development: state board of accountancy, chapter 326, RSMo; state board of barber examiners, chapter 328, RSMo; state board of registration for architects, professional engineers and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331, RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334, RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry, chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri veterinary medical board chapter 340, RSMo. The governor shall appoint members of these boards by and with the advice and consent of the senate from nominees submitted by the director of the department.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor. All clerical and other staff services relating to the issuance and renewal of licenses of the individual boards and commissions are abolished. All clerical and other staff services pertaining to collecting and accounting for moneys and to financial management relative to the issuance and renewal of licenses of the individual boards and commissions are abolished. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided

198 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,  
199 personnel other than board personnel, and equipment.

200 (4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331,  
201 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and  
202 responsibilities are in areas not related to the clerical duties involving the issuance and renewal  
203 of licenses, to the collecting and accounting for moneys, or to financial management relating to  
204 issuance and renewal of licenses; specifically included are executive secretaries (or comparable  
205 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these  
206 positions; and such other positions as are established and authorized by statute for a particular  
207 board or commission. Boards and commissions may employ legal counsel, if authorized by law,  
208 and temporary personnel if the board is unable to meet its responsibilities with the employees  
209 authorized above. Any board or commission which hires temporary employees shall annually  
210 provide the division director and the appropriation committees of the general assembly with a  
211 complete list of all persons employed in the previous year, the length of their employment, the  
212 amount of their remuneration and a description of their responsibilities.

213 (5) Board personnel for each board or commission shall be employed by and serve at the  
214 pleasure of the board or commission, shall be supervised as the board or commission designates,  
215 and shall have their duties and compensation prescribed by the board or commission, within  
216 appropriations for that purpose, except that compensation for board personnel shall not exceed  
217 that established for comparable positions as determined by the board or commission pursuant  
218 to the job and pay plan of the department of economic development. Nothing herein shall be  
219 construed to permit salaries for any board personnel to be lowered except by board action.

220 (6) Each board or commission shall receive complaints concerning its licensees' business  
221 or professional practices. Each board or commission shall establish by rule a procedure for the  
222 handling of such complaints prior to the filing of formal complaints before the administrative  
223 hearing commission. The rule shall provide, at a minimum, for the logging of each complaint  
224 received, the recording of the licensee's name, the name of the complaining party, the date of the  
225 complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall  
226 provide for informing the complaining party of the progress of the investigation, the dismissal  
227 of the charges or the filing of a complaint before the administrative hearing commission.

228 16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo,  
229 and others, are transferred by type I transfer to the division of professional registration. The  
230 athletic commission is abolished.

231 17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type  
232 II transfer to the department of economic development, and the members of the council shall be  
233 appointed by the director of the department.

18. The Missouri housing development commission, chapter 215, RSMo, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

19. All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Job Development and Training", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

20. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

621.040. Notwithstanding the provisions of section 621.015, to the contrary, after July 11, 2002, all individuals authorized on that date as administrative law judges of the division of motor carrier and railroad safety within the department of economic development shall be commissioners of the administrative hearing commission within the office of administration, and shall serve out the unexpired remainder of their terms as commissioners. They shall have the same powers, duties, functions, and compensation as provided by law for the other commissioners, and after the expiration of their terms they may be reappointed in the same manner as other commissioners. The administrative hearing commission shall have jurisdiction to conduct hearings, make findings of fact and conclusions of law, and issue orders in all applicable cases relating to motor carrier and railroad regulation transferred to the **state** highways and transportation commission pursuant to this [section and sections 104.805, 226.008, 389.005, and 389.610, RSMo,] **act**; except that, notwithstanding any provision of law to the contrary, the **state** highways and transportation commission may issue final agency orders without involvement of the administrative hearing commission in relation to:

15 (1) Uncontested motor carrier cases, and other uncontested motor carrier matters, or in  
16 which all parties have waived a hearing in writing; and

17 (2) Approval of settlement agreements or issuance of consent orders in motor carrier or  
18 railroad enforcement cases, if all parties have consented in writing to the issuance of the  
19 [commissioner's] **commission's** order.

2 [152.032. 1. Fifty percent of all taxes collected by the director of revenue  
3 under the provisions of this chapter shall be deposited in the state treasury to the  
4 credit of a fund to be known as the "Grade Crossing Fund", which is hereby created  
5 and established for the purpose of providing revenues to protect the public against  
6 hazards existing at the crossings of public roads, streets, and highways with railroad  
7 tracks. Whenever the motor carrier and railroad safety division of the department of  
8 economic development, pursuant to section 389.640, RSMo, orders the installation,  
9 construction or reconstruction of automatic signals or other safety devices or other  
10 safety improvements at crossings at grade of railroads and public roads, highways or  
11 streets, the cost thereof, which the division apportions against the state, county,  
12 municipality or other public authority in interest, shall be paid out of the grade  
13 crossing fund; provided, however, that when any part of such cost can be paid from  
14 funds available under any federal or federal aid highway act such part shall not be  
15 paid from the grade crossing fund; and provided, further, that no more than ninety  
16 percent of the cost of protecting any grade crossing shall be paid out of the grade  
17 crossing fund. The motor carrier and railroad safety division of the department of  
18 economic development shall, in cooperation with other governmental agencies of the  
19 state, determine if any such cost can be paid from funds available under any federal  
20 or federal aid highway act. An order of the motor carrier and railroad safety division  
21 of the department of economic development for the payment of any such cost from  
22 the grade crossing fund shall be authority for the state treasurer to pay out of that  
23 fund to the person, firm, or corporation entitled thereto under the division's order the  
24 amount so determined to be paid from said fund. However, such payments annually  
25 shall not exceed in any one county an amount equal to the distribution as set forth in  
26 section 152.050, unless the motor carrier and railroad safety division of the  
27 department of economic development makes a specific finding of facts and  
28 conclusions of law that a situation highly dangerous to the public does exist.

29 2. The unexpended balance in the grade crossing fund at the end of each  
30 fiscal year shall not revert to the general revenue fund as provided in section 33.080,  
RSMo, but shall accumulate from year to year.]

2 [301.273. 1. There is hereby created a "Missouri Highway Reciprocity  
3 Commission" to be composed of the governor, the attorney general, the director of  
4 the division of motor carrier and railroad safety in the department of economic  
5 development, the director of revenue, the superintendent of the Missouri state  
6 highway patrol and the director of the department of transportation, and any member  
7 may designate a qualified employee to act for and in the member's stead on the  
commission. The designation shall be made in writing filed with the commission and

8 may be revoked at any time by the designating official. The commission shall elect  
9 from its members a chairperson and such other officers as it deems necessary, fix its  
10 times and places of meeting and determine its own procedure. The commission is  
11 hereby authorized to appoint a secretary, who shall have charge of the office of the  
12 commission and shall be the custodian of the records of the commission, and such  
13 other employees as shall be necessary to properly perform the duties of the  
14 commission and shall fix the compensation of such secretary and other employees  
15 within the amount appropriated by the general assembly.

16 2. The commission shall keep written records of the minutes of all meetings  
17 which shall be kept, together with copies of all agreements entered into and rules and  
18 regulations promulgated by the commission, in the office of the secretary of the  
19 commission. Such records shall be public records of the state of Missouri and shall  
20 be open to public inspection. All rules and regulations promulgated by the  
21 commission shall be filed in the office of the secretary of state and shall take effect  
22 and become operative not sooner than ten days after they are so filed.]

2 [301.279. The commission shall cooperate with the public service  
3 commission in the matter of negotiating and entering into reciprocal agreements as  
4 provided for under sections 301.271 to 301.279 and as provided for by section  
5 386.220, RSMo, but the provisions and agreements as to reciprocity concerning  
6 motor vehicle registration shall be separate and distinct from and not governed by any  
7 provisions or agreements as to reciprocity concerning public service commission fees  
and charges.]

2 [386.220. The commission may engage in any conferences with officials of  
3 any and all other states and the District of Columbia, territories and possessions of  
4 the United States and foreign countries for the purpose of promoting, entering into,  
5 and establishing fair and equitable reciprocal agreements or arrangements that in the  
6 judgment of the commission are proper, expedient, fair, and equitable and in the  
7 interest of the state of Missouri and the citizens thereof to the end that any motor  
8 carrier of passengers or property which operates motor vehicles and trailers into, out  
9 of, or through this state as a for hire motor carrier and which has paid all regulatory  
10 fees required by the state, District of Columbia, territory or possession of the United  
11 States or foreign country where the motor vehicles and trailers are duly licensed or  
12 registered pursuant to an agreement or arrangement entered into by the Missouri  
13 highway reciprocity commission, or if no such agreement or arrangement has been  
14 entered into, where the owner is a resident, shall not be required to pay fees  
15 prescribed in section 390.136, RSMo; but the provisions of this section shall be  
16 operative as to a motor vehicle and trailer duly licensed or registered in a state,  
17 District of Columbia, territory or possession of the United States or foreign country  
18 pursuant to an agreement or arrangement entered into by the Missouri highway  
19 reciprocity commission and if no such agreement or arrangement has been entered  
20 into, where the owner is a resident, upon which all regulatory fees have been paid,  
21 when operated for hire in Missouri only to the extent that, under the laws of the state,  
District of Columbia, territory or possession of the United States or foreign country,

wherein such motor vehicle and trailer are registered like exemptions are granted motor vehicles and trailers duly licensed or registered in Missouri which may be conducting similar motor carrier operations for hire in such other state, District of Columbia, territory or possession of the United States, or foreign country.]

[387.020. The provisions of sections 390.020 and 622.100, RSMo, defining words, phrases and terms shall apply to and determine the meaning of all such words, phrases or terms as used in sections 387.010 to 387.340.]

[388.650. Nothing in sections 388.600 to 388.660 shall be construed to repeal or modify the provisions of section 562.190, RSMo.]

[390.106. The division of motor carrier and railroad safety may at any time, for good cause, suspend, and upon at least ten days' notice to the holder of any certificate or permit, and after hearing, revoke, alter or amend any such certificate or permit upon a finding:

(1) That the motor carrier has abandoned service;

(2) That the motor carrier does not give reasonable service based upon public demand;

(3) That the motor carrier is not financially fit to continue service; or

(4) That the motor carrier has failed to comply with the provisions of this chapter and the requirements, rules and regulations of the division of motor carrier and railroad safety.

However, such motor carrier shall be given a reasonable time, in the discretion of the division, not less, however, than thirty days, to comply with any orders issued by the division pertaining thereto.]

[390.146. The provisions of chapters 386 and 387, RSMo, that are not inconsistent with the provisions of sections 390.011 to 390.176 are hereby made applicable to motor carriers.]

[390.156. An action to recover a penalty or a forfeiture under this chapter or to enforce the powers of the division under this or any other law may be brought in any circuit court in this state in the name of the state of Missouri and shall be commenced and prosecuted to final judgment by the general counsel to the division. In any such action all penalties and forfeitures incurred up to the time of commencing the same may be sued for and recovered therein, and the commencement of an action to recover a penalty or forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or forfeiture; if the defendant in such action shall prove that during any portion of the time for which it is sought to recover penalties or forfeitures for a violation of an order or decision of the division, the defendant was actually and in good faith prosecuting a suit to review such order or decision in the manner as provided in this chapter, the court shall remit the penalties or forfeitures incurred during the pendency of such proceeding. All moneys recovered as a penalty or forfeiture shall be paid to the public school fund of the state. Any such action may be compromised or discontinued on application of the division upon such terms as the court shall approve and order.]

[390.161. All penalties accruing under sections 390.011 to 390.176 shall be

2 cumulative of each other, and the suit for the recovery of one penalty shall not be a  
3 bar to or affect the recovery of any other penalty or forfeiture or be a bar to any  
4 original prosecution against any motor carrier, or any officer, director, agent or  
5 employee thereof.]

2 [390.176. 1. Any person operating as a motor carrier who violates or fails  
3 to comply with any provision of the Constitution of this state or of this or any other  
4 law, or which fails, omits or neglects to obey, observe or comply with any order,  
5 decision, decree, rule, direction, demand or requirement, or any part or provision  
6 thereof, of the division is subject to a penalty of not less than one hundred dollars nor  
7 more than two thousand dollars for each offense.

8 2. Every violation of the provisions of this or any other law or of any order,  
9 decision, decree, rule, direction, demand or requirement of the division, or any part  
10 or portion thereof, by any person operating as a motor carrier is a separate and  
11 distinct offense, and in case of continuing violation each day's continuance thereof  
12 shall be and be deemed to be a separate and distinct offense.

13 3. In construing and enforcing the provisions of this chapter relating to  
14 penalties, the act, omission or failure of any officer, agent or employee of any person  
15 operating as a motor carrier acting within the scope of his official duties of  
16 employment, shall in every case be and be deemed to be the act, omission or failure  
of such person.]

2 [622.010. A "Division of Motor Carrier and Railroad Safety" is hereby  
3 established within the department of economic development. The division shall be  
4 headed by a director, nominated by the department director and appointed by the  
5 governor with the advice and consent of the senate. The director shall be the chief  
administrative officer of the division.]

2 [622.010. A "Transportation Division" is hereby established within the  
3 department of economic development. Effective on July 1, 1997, the name  
4 "Transportation Division" shall be changed to the "Division of Motor Carrier and  
5 Railroad Safety". The division shall be headed by a director, nominated by the  
6 department director and appointed by the governor with the advice and consent of the  
senate. The director shall be the chief administrative officer of the division.]

2 [622.020. 1. Three administrative law judges shall also be appointed for the  
3 division. They shall be nominated by the department director and appointed by the  
4 governor with the advice and consent of the senate. Each shall be appointed for a  
5 term of six years, except of those first appointed, one shall be appointed for a term  
6 of four years, and one for a term of two years. Each shall be an attorney-at-law  
7 admitted to practice before the supreme court of Missouri, and while serving in this  
8 capacity as an administrative law judge shall not otherwise practice law during his  
9 term of office. Not more than two of the administrative law judges shall be members  
10 of the same political party.

11 2. Administrative law judges shall be compensated at the same rate as  
12 administrative hearing commissioners are compensated, and they shall be reimbursed  
for actual and necessary expenses incurred in the performance of their duties.]

2 [622.040. The provisions of sections 622.010 to 622.059 and 680.307,  
3 RSMo, shall not apply to any case presently pending before the Missouri public  
4 service commission in which any evidence has been submitted either to the public  
5 service commission or to the administrative law judge or hearing examiner; or to any  
6 pending case in which the public service commission has ordered an investigation  
7 into rate charges and the results of the investigation have been filed with the  
8 commission. In such cases the public service commission shall decide such cases  
under the procedures in effect prior to July 1, 1985.]

2 [622.045. The director of the department of economic development is  
3 expressly authorized to organize the division to accomplish the purposes set forth by  
4 the provisions of sections 622.010 to 622.059 and 680.307, RSMo, and within the  
5 limit of appropriations made therefor shall employ all necessary personnel to  
6 accomplish those purposes. Personnel previously employed by the public service  
commission may be transferred to this division.]

2 [622.050. Nothing herein shall be construed as limiting any power, authority,  
3 jurisdiction, duty or responsibility of the public service commission under chapter  
4 386, RSMo, or any other statute as to the regulation of public utilities, utility safety  
5 and any other nontransportation matters remaining with the public service  
6 commission after July 1, 1985.]

2 [622.055. 1. A "Transportation Development Commission" is hereby  
3 established. It shall consist of five senators appointed by the president pro tem of the  
4 senate, five representatives appointed by the speaker of the house of representatives,  
5 and five persons, not less than one of whom shall be an intrastate certificated carrier,  
6 not less than one of whom shall be associated with a railroad industry, and not less  
7 than one of whom shall be a shipper, appointed by the director of the department of  
8 economic development.

9 2. The commission shall meet and organize by electing one legislative  
10 member as chairman and another legislative member as vice chairman. The  
11 commission shall meet as often as necessary to carry out its duties at such places as  
12 may be convenient for this purpose.

13 3. Members shall not receive any compensation for the performance of their  
14 duties, but all shall be reimbursed for actual and necessary expenses incurred in the  
15 performance of those duties, the legislative members from the contingent funds of  
16 their respective houses, and the public members from funds appropriated to the  
department of economic development.]

2 [622.057. The transportation development commission shall study the  
3 implementation of the provisions of sections 622.010 to 622.059 and section  
4 680.307, RSMo, and shall make recommendations therefor to the motor carrier and  
5 railroad safety division and the department director. It shall also consider any other  
6 appropriate matter relating to the operation of the motor carrier and railroad safety  
7 division and the development and regulation of transportation activities within this  
8 state. It shall consider the need for new or changed laws or regulations relating to the  
development and regulation of transportation activities, and shall from time to time

9 make recommendations to the governor and the general assembly in connection  
10 therewith to the end that the development of transportation entities and facilities will  
11 enhance the economic development of the state.]

[622.120. Each administrative law judge and each person appointed to office  
2 or employment by the governor or by the division shall, before entering upon the  
3 duties of such person's office or employment, take and subscribe to an oath or  
4 affirmation to support the Constitution of the United States and of this state, and to  
5 faithfully and honestly discharge the duties of such office. No person shall be  
6 eligible to appointment or shall hold the office of administrative law judge, or be  
7 appointed by the division, or hold any office or position under the division, who  
8 holds any official relation to any common carrier, railroad corporation, street railroad  
9 corporation, transportation of freight or property company, carrier, corporation or  
10 person subject to any of the provisions of this chapter or chapter 387, 388, 389, 390  
11 or 391, RSMo, or who owns stocks or bonds therein, or who has any pecuniary  
12 interest therein.]

[622.130. 1. Every administrative law judge and every person employed or  
2 appointed to office by the division is hereby forbidden and prohibited to solicit,  
3 suggest, request or recommend, directly or indirectly, to any common carrier or other  
4 person subject to the supervision of the division, or to any officer, attorney, agent or  
5 employee thereof, the appointment of any person to any office, place, position or  
6 employment. Every such person or entity and every officer, attorney, agent and  
7 employee thereof, is hereby forbidden and prohibited to offer to any administrative  
8 law judge or to any person employed by the division any office, place, appointment  
9 or position, or to offer or give to any administrative law judge or to any person  
10 employed or appointed to office by the division any free pass or transportation or any  
11 reduction in fare to which the public generally is not entitled or free carriage for  
12 property or any present, gift, entertainment or gratuity of any kind.

13 2. If any administrative law judge or any person employed or appointed to  
14 office by the division violates any provision of this section, such person shall be  
15 removed from the office. Every administrative law judge and every person employed  
16 or appointed to office by the division shall be and be deemed to be a public officer.

17 3. If any common carrier or other person subject to the supervision of the  
18 division violates any provision of this section, it shall be liable to the state of  
19 Missouri in a civil action in any court of competent jurisdiction for the assessment  
20 of a civil penalty not to exceed twenty thousand dollars. The penalty provided in this  
21 subsection shall be in addition to any other penalty provided for violation of the  
22 provisions of this chapter. The attorney general shall bring the action authorized in  
23 this subsection. The action may be brought in any county where the defendant's  
24 principal place of business is located or where the violation occurred, or where the  
25 registered agent is located. The penalty assessed under the provisions of this  
26 subsection shall be paid into the state treasury to the credit of the public school fund.

27 4. Any officer, agent or employee of the division or of any carrier who  
28 violates any provision of this section is guilty of a misdemeanor and, upon

29 conviction, shall be punished by a fine not exceeding one thousand dollars, or by  
30 imprisonment in a county jail not exceeding one year, or by both such fine and  
31 imprisonment.]

2 [622.440. 1. The pendency of a writ of review shall not of itself stay or  
3 suspend the operation of the order or decision of the division, but during the  
4 pendency of such writ, the circuit court in its discretion may stay or suspend, in  
5 whole or in part, the operation of the division's order or decision. No order so staying  
6 or suspending an order or decision of the division shall be made by any circuit court  
7 otherwise than on three days' notice and after hearing, and if the order or decision of  
8 the division is suspended the same shall contain a specific finding based upon  
9 evidence submitted to the court and identified by reference thereto, that great or  
10 irreparable damage would otherwise result to the petitioner and specifying the nature  
11 of the damage. In case the order or decision of the division is stayed or suspended,  
12 the order or judgment of the court shall not become effective until a suspending bond  
13 shall first have been executed and filed with, and approved by, the circuit court,  
14 payable to the state of Missouri, and sufficient in amount and security to secure the  
15 prompt payment, by the party petitioning for the review, of all damages caused by the  
16 delay in the enforcement of the order or decision of the division, and in cases  
17 involving rates for the transportation of passengers or household goods by motor  
18 vehicle, the prompt payment of all moneys which any person or corporation may be  
19 compelled to pay, pending the review proceedings, for transportation, transmission,  
20 product, commodity or service in excess of the charges fixed by the order or decision  
21 of the division, in case such order or decision is sustained.

22 2. The circuit court, in case it stays or suspends the order or decision of the  
23 division in any manner affecting rates, fares, tolls, rentals, charges or classifications,  
24 shall also by order direct the carrier, corporation or person affected to pay into court,  
25 from time to time, there to be impounded until the final decision of the case, or into  
26 some bank or trust company paying interest on deposits, under such conditions as the  
27 court may prescribe, all sums of money which it may collect from any carrier,  
28 corporation or person in excess of the sum such carrier, corporation or person would  
29 have been compelled to pay if the order or decision of the division had not been  
30 stayed or suspended.

31 3. In case any circuit court stays or suspends any order or decision of the  
32 division lowering any rate, fare, toll, rental, charge or classification, in cases  
33 involving rates for the transportation of passengers or household goods by motor  
34 vehicle, upon the execution and approval of such suspending bond, shall forthwith  
35 require the corporation or person affected, under penalty of the immediate  
36 enforcement of the order or decision of the division, pending the review and  
37 notwithstanding the suspending order, to keep such accounts, verified by oath, as  
38 may, in the judgment of the court, suffice to show the amounts being charged or  
39 received by such carrier, corporation or person, pending the review, in excess of the  
40 charges allowed by the order or decision of the division, together with the names and  
addresses of the carriers, corporations and persons to whom overcharges will be

refundable in case the charges made by the carrier, corporation or person, pending the review, be not sustained by the circuit court, except that street railroad corporations shall not be required to keep a record of the names and addresses of such persons paying such overcharge of fares, but such street railroad corporations shall give to such persons printed receipts showing such overcharges of fares, the form of such printed receipts to be approved by the division.

4. The court may, from time to time, require a party petitioning for a review to give additional security on, or to increase, the suspending bond, whenever in the opinion of the court the same may be necessary to secure the prompt payment of damages or overcharges.

5. Upon the decision of the circuit court, all moneys which the carrier, corporation or person may have collected pending the appeal, in excess of those authorized by such decision, together with interest, in case the court ordered the deposit of such moneys in a bank or trust company, shall be promptly paid to the carriers, corporations or persons entitled thereto, in such manner and through such methods of distribution as may be prescribed by the court, unless an appeal be granted such carrier, corporation or person, as provided in this section.]

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

[622.600. 1. As used in sections 622.600 to 622.620, the following terms mean:

(1) "Division", the division of transportation within the department of economic development of this state, which, after June 30, 1997, is known as the "division of motor carrier and railroad safety";

(2) "Household goods", personal effects and property used or to be used in a dwelling when part of the equipment or supplies of such dwelling and similar property, if the transportation of such effects or property, is either arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or arranged and paid for by another party. The term "household goods" shall not include personal property which when tendered to a motor carrier is crated or otherwise packaged to make it suitable for transportation by motor carriers of general commodities, freight or property;

(3) "Property carrier registration", a document issued by the division pursuant

16 to sections 622.600 to 622.620 which identifies a person as a registered property  
17 carrier and qualifies that person to engage in the transportation by motor vehicle of  
18 property except household goods for hire or compensation in intrastate commerce on  
19 the public highways in this state;

20 (4) "Registered property carrier", a person who is entitled pursuant to  
21 subdivision (3) of this subsection to engage in the transportation by motor vehicle of  
22 property, except household goods, for hire or compensation in intrastate commerce  
23 on the public highways in this state. This term is included within the term "common  
24 carrier" as defined in section 390.020, RSMo.

25 2. Notwithstanding any provisions of section 390.020, RSMo, or this chapter,  
26 to the contrary, the provisions of this section which define words shall also apply to  
27 and determine the meaning of all words used in chapter 390, RSMo, and this chapter.  
28 Except as otherwise provided in this section, or when the context clearly requires  
29 otherwise, the provisions of section 390.020, RSMo, and this chapter, which define  
30 words shall also apply to and determine the meaning of words used in sections  
31 622.600 to 622.620.]

2 [622.602. 1. The division shall neither enforce any law nor make or enforce  
3 any rule or order relating to the prices, routes or services of registered property  
4 carriers or of common carriers or contract carriers of property for hire or  
5 compensation by motor vehicle in intrastate commerce on the public highways in this  
6 state, except with reference to the transportation of household goods or passengers  
7 or as expressly authorized in sections 622.600 to 622.620.

8 2. Except as preempted by section 601 of the Federal Aviation  
9 Administration Authorization Act of 1994, the powers, duties and functions of the  
10 division with reference to motor vehicles or common carriers pursuant to the  
11 provisions of chapters 386, 387, 390, RSMo, and this chapter, that are not  
12 inconsistent with the provisions of sections 622.600 to 622.620, are hereby made  
13 applicable to the division with reference to registered property carriers, including the  
14 division's power to enforce only within terminals the rules and regulations  
15 promulgated by the director of the department of public safety pursuant to section  
16 307.400, RSMo, as they apply to motor vehicles.

17 3. The provisions of sections 390.051, 390.061, 390.062, 390.081, and  
18 390.111, RSMo, shall not apply to the transportation of property in intrastate  
commerce, except with reference to household goods as defined in section 622.600.]

2 [622.604. Except as otherwise provided in section 390.030, RSMo, no person  
3 shall engage in the business of transporting property, except household goods, by  
4 motor vehicle for hire or compensation in intrastate commerce on any public highway  
5 in this state, unless there is in force with respect to that person a property carrier  
6 registration issued by the division pursuant to the provisions of sections 622.600 to  
622.620, which authorizes such transportation.]

2 [622.606. 1. Certificates or permits, or both, which were issued before  
3 January 1, 1995, and which authorized a person to transport any property in intrastate  
commerce by motor vehicle as a common carrier or contract carrier, or both, are void,

4 except that to the extent such certificates or permits, or portions thereof, authorized  
5 a person to transport household goods over irregular routes or passengers in intrastate  
6 commerce, or any property or passengers in interstate commerce, those certificates  
7 or permits, or portions thereof, are exempt from the provisions of this subsection.

8 2. Persons who owned certificates or permits, or both, that were in active  
9 status with the division on December 31, 1994, and persons to whom the division  
10 issued certificates and permits after December 31, 1994, pursuant to emergency rules  
11 adopted by the division, are deemed to be qualified as registered property carriers,  
12 unless the person's certificate or permit has been suspended, revoked or transferred  
13 to another person as provided by law. A person deemed qualified pursuant to this  
14 subsection is not required to file an application pursuant to section 622.608 to  
15 continue providing intrastate transportation as a registered property carrier, but rather,  
16 upon such person's compliance with the licensing and insurance requirements of the  
17 division the person is deemed to have a property carrier registration in force as  
18 required pursuant to section 622.604, authorizing the person to transport property  
19 except household goods in intrastate commerce on the public highways, unless the  
20 person's property carrier registration is suspended, revoked or transferred to another  
21 person as provided by law. Within a reasonable time after August 28, 1996, the  
22 division shall issue property carrier registrations to all persons who are deemed to be  
23 qualified as registered property carriers and deemed to have property carrier  
24 registrations in force pursuant to this subsection.

25 3. Notwithstanding any provision of this section to the contrary, this section  
26 shall not be construed as authorizing any person to transport any hazardous material  
27 as designated in Title 49, Code of Federal Regulations, except hazardous materials  
28 which that person was expressly authorized to transport in intrastate commerce  
29 within this state on August 28, 1996. A person may file an application for property  
30 carrier registration pursuant to section 622.608 to transport additional hazardous  
31 materials. Nothing in this section shall be construed to conflict with chapter 260,  
32 RSMo, or of relieving an applicant of any duty to obtain a license pursuant to chapter  
33 260, RSMo.]

2 [622.608. 1. Every application for a property carrier registration pursuant to  
3 sections 622.600 to 622.620 shall be completed and filed in the form and manner  
4 prescribed by rule of the division, shall be verified by the applicant under penalty of  
5 perjury and shall not be filed by the division until it has received the following:

6 (1) A certificate of insurance or surety bond executed by the applicant's  
7 insurer or surety, or order of the division approving self- insurance by the applicant,  
8 which certifies that the applicant is covered against personal injury and property  
9 damage liability, except damage to property transported as cargo by the applicant,  
10 resulting from negligent motor vehicle operations by the applicant in this state, which  
11 is completed and filed in the prescribed form, manner and amount and is approved  
12 by the division in accordance with rules of the division pursuant to section 390.126,  
13 RSMo;

(2) A license fee application showing the number and type of vehicle licenses

requested by the applicant for each motor vehicle to be operated in intrastate commerce in this state under the requested property carrier registration during the year for which the application is made, together with payment of the aggregate license fees payable with reference to those motor vehicles, which is completed, filed and paid in the form and manner prescribed by rule of the division pursuant to section 390.136, RSMo; and

(3) Information required by rule of the division relating to the applicant's compliance and willingness to comply with any laws, rules, regulations or orders relating to registration, licensing, liability insurance or safety, and applicable to the applicant's motor vehicles, drivers or operations by motor vehicle, including any state or federal laws, rules, regulations or orders relating to the transportation of any hazardous material as designated in Title 49, Code of Federal Regulations.

2. One of the division's administrative law judges shall determine on the basis of the information filed by the applicant, evidence submitted by the division staff, and any other information received by the division and filed of record in the case, whether the applicant is in compliance and willing to comply with the laws, rules, regulations and orders relating to registration, licensing, liability insurance, safety and hazardous materials, which are applicable to the applicant's motor vehicles, drivers or operations as a registered property carrier by motor vehicle. If the administrative law judge determines that the applicant is qualified, the application shall be granted and a property carrier registration shall be issued without a hearing. If the administrative law judge determines that the information on record concerning the applicant's qualifications is not adequate to finally determine the application, the division may investigate the applicant's qualifications more thoroughly before the administrative law judge makes a final determination of the application. If the administrative law judge or the division staff opposes the issuance of a property carrier registration, then a hearing shall be held, not more than twenty days after a request for hearing by the applicant, to determine the merits of the application and whether a property carrier registration shall be issued. The administrative law judge shall determine the application not more than forty-five days after the close of the hearing, or else the application shall be approved.

3. The division shall not restrict the property carrier registration with reference to any specific commodities, routes or service, except that the division shall restrict the applicant's property carrier registration against the transportation of household goods, and shall further restrict against any hazardous material as designated in Title 49, Code of Federal Regulations, if the division finds that the applicant has not shown it is qualified to safely transport that hazardous material in compliance with all registration, liability insurance and safety requirements applicable to the transportation of that hazardous material pursuant to Title 49, Code of Federal Regulations.]

[622.610. 1. A property carrier registration, including any certificate or permit, or both, which pursuant to section 622.606 is deemed to identify a registered property carrier, may be transferred in its entirety by the registered property carrier

4 to whom it was issued, but only if the transfer is approved by the division as provided  
5 in this section. The division shall approve the transfer of the property carrier  
6 registration if the following requirements are met:

7 (1) The transfer application is joined in by both the registered property carrier  
8 or its authorized representative and the proposed transferee or its authorized  
9 representative;

10 (2) The transfer application is filed in the form and manner prescribed by rule  
11 of the division; and

12 (3) The division finds that the transferee is in all respects qualified as  
13 required of an applicant for a new property carrier registration pursuant to section  
14 622.608.

15 2. Upon approval of the transfer of a property carrier registration pursuant to  
16 subsection 1 of this section, the division shall transfer the property carrier registration  
17 in its entirety, except that the division shall restrict the transferee's property carrier  
18 registration against the transportation of any hazardous material formerly authorized  
19 under the property carrier registration if the division finds that the transferee has not  
20 shown it is qualified to safely transport that hazardous material in compliance with  
21 all registration, liability insurance and safety requirements applicable to the  
22 transportation of that hazardous material pursuant to Title 49, Code of Federal  
23 Regulations. The transferee may file a separate application for property carrier  
24 registration pursuant to section 622.608 to transport additional hazardous materials.]

2 [622.612. Notwithstanding any provisions of section 390.106, RSMo, to the  
3 contrary, the division at any time, for good cause, may suspend a certificate, permit  
4 or property carrier registration, and after hearing upon at least ten days' notice to the  
5 person to whom the division has issued the certificate, permit or property carrier  
6 registration authorizing any intrastate transportation of passengers or property by  
7 motor vehicle, may revoke, alter or amend any such certificate, permit or property  
8 carrier registration upon a finding that the person has failed to comply with any  
9 applicable provisions of sections 622.600 to 622.620, or chapter 386, 387 or 389,  
10 RSMo, or this chapter, or any safety rules, regulations or orders which may be  
11 enforced by the division. Revocation of a certificate, permit or property carrier  
12 registration shall not become effective less than thirty days after issuance of an order  
of revocation by the division.]

2 [622.618. Notwithstanding any provisions of section 390.136, RSMo, to the  
3 contrary, beginning with the first calendar year after August 28, 1996, the annual  
4 licenses required pursuant to section 390.136, RSMo, with reference to motor  
5 vehicles operated by motor carriers shall be effective from January first to December  
6 thirty-first of the year for which they are issued, and the annual license fees for each  
7 calendar year shall be due and payable on or before the thirty-first day of December  
8 in the year immediately preceding the year for which they are issued. The division  
9 shall begin issuing the annual licenses on August first of each year for the succeeding  
10 calendar year, but this shall not preclude the division from continuing to issue the  
current year's licenses as needed for the remainder of the current calendar year.]

[622.620. 1. Notwithstanding any provisions of section 390.045, RSMo, to the contrary, the division shall by rule adopt reasonable training requirements for its enforcement personnel to prepare them for their actual duties of employment; this training need not require any basic law enforcement training as required of peace officers as specified in chapter 590, RSMo.

2. No rule or portion of a rule promulgated pursuant to the authority of sections 622.600 to 622.620 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

Section B. Because immediate action is necessary to ensure safe and efficient administration of commercial motor vehicles within this state section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.