

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 327**  
**92ND GENERAL ASSEMBLY**

1067L.11T

2003

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**AN ACT**

To repeal sections 137.298, 144.062, 191.831, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.013, 304.015, 304.035, 304.580, 307.125, 307.127, 307.177, 307.400, 389.610, 390.020, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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

Section A. Sections 137.298, 144.062, 191.831, 226.525, 226.535, 227.120, 238.207,  
2 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 301.010, 301.069, 302.225,  
3 302.272, 302.302, 302.304, 302.309, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755,  
4 302.756, 302.760, 302.775, 304.013, 304.015, 304.035, 304.580, 307.125, 307.127, 307.177,  
5 307.400, 389.610, 390.020, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and  
6 section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, are repealed and  
7 fifty-four new sections enacted in lieu thereof, to be known as sections 137.298, 144.062,  
8 191.831, 226.525, 226.535, 227.120, 227.338, 238.207, 238.210, 238.215, 238.220, 238.222,  
9 238.235, 238.236, 292.602, 301.010, 301.026, 301.069, 302.225, 302.272, 302.302, 302.304,

**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.**

10 302.309, 302.540, 302.700, 302.725, 302.726, 302.735, 302.740, 302.755, 302.756, 302.760,  
11 302.775, 304.013, 304.015, 304.021, 304.029, 304.035, 304.580, 307.125, 307.127, 307.156,  
12 307.177, 307.400, 389.610, 390.020, 577.023, 577.041, 577.049, 577.054, 577.520, 1, 2, and 3,  
13 to read as follows:

137.298. **1.** Other provisions of law to the contrary notwithstanding, any city **or county**  
2 **of the first classification with a charter form of government** may by ordinance include as a  
3 charge on bills issued for personal property taxes any outstanding **vehicle-related fees and fines,**  
4 **including traffic and** parking violations, **assessed or** issued on any vehicle for which personal  
5 property tax is to be paid and, if required by ordinance, such charge shall be collected with and  
6 in the same payment as personal property taxes are collected by the collector of revenue [of such  
7 city] **or the treasurer ex officio collector.** **For the purpose of this section, vehicle-related**  
8 **fees and fines shall include, but not necessarily be limited to, traffic violation fines, parking**  
9 **violation fines, towing and vehicle immobilization fees and any late payment penalties and**  
10 **court costs associated with the adjudication or collection of those fines.** No personal  
11 property tax bill shall be considered paid unless all charges for parking violations **and other**  
12 **vehicle-related fees and fines** are also paid in full and the collector of revenue **or treasurer ex**  
13 **officio collection** shall not issue a paid personal property receipt until all such charges are paid.  
14 **The collector of revenue or treasurer ex officio collector of the city or county shall remit**  
15 **to the appropriate political subdivision all fees and fines, including traffic and parking**  
16 **violations collected less two percent for administrative costs.**

17 **2.** Any city or county that levies personal property taxes may establish an  
18 intergovernmental revenue collection agreement with other such cities and counties to  
19 establish a system to facilitate the collection of delinquent vehicle-related fees and fines  
20 through the personal property tax bills; therefore allowing participating jurisdictions to  
21 collect vehicle-related fees and fines from their residents even if those vehicle-related fees  
22 and fines have been assessed by other jurisdictions. Any vehicle-related fees and fines  
23 collected pursuant to this section shall be promptly remitted to the jurisdictions in which  
24 the original vehicle-related fees and fines were assessed in accordance with the terms of  
25 agreement.

144.062. 1. With respect to exempt sales at retail of tangible personal property and  
2 materials for the purpose of constructing, repairing or remodeling facilities for: (1) a county,  
3 other political subdivision or instrumentality thereof exempt from taxation under subdivision  
4 (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to  
5 which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of  
6 section 144.030; or (3) any institution of higher education supported by public funds or any  
7 private not-for-profit institution of higher education, exempt from taxation under subdivision

8 (20) of subsection 2 of section 144.030; or (4) any private not-for-profit elementary or secondary  
9 school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or **(5)**  
10 **after June 30, 2005: (a) the department of transportation; or (b) the state highways and**  
11 **transportation commission**, hereinafter collectively referred to as exempt entities, such  
12 exemptions shall be allowed for such purchases if the purchases are related to the entities'  
13 exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall  
14 any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to  
15 such purchases made by or on behalf of an exempt entity due to such purchases being billed to  
16 or paid for by a contractor or the exempt entity contracting with any entity to render any services  
17 in relation to such purchases, including but not limited to selection of materials, ordering, pickup,  
18 delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of  
19 loss to materials or providing warranties on materials as specified by contract, use of materials  
20 or other purchases for construction of the building or other facility, providing labor, management  
21 services, administrative services, design or technical services or advice to the exempt entity,  
22 whether or not the contractor or other entity exercises dominion or control in any other manner  
23 over the materials in conjunction with services or labor provided to the exempt entity.

24 2. When any exempt entity contracts for the purpose of constructing, repairing or  
25 remodeling facilities, and purchases of tangible personal property and materials to be  
26 incorporated into or consumed in the construction of the project are to be made on a tax-exempt  
27 basis, such entity shall furnish to the contractor an exemption certificate authorizing such  
28 purchases for the construction, repair or remodeling project. The form and content of such  
29 project exemption certificate shall be approved by the director of revenue. The project  
30 exemption certificate shall include but not be limited to:

31 (1) The exempt entity's name, address, Missouri tax identification number and signature  
32 of authorized representative;

33 (2) The project location, description, and unique identification number;

34 (3) The date the contract is entered into, which is the earliest date materials may be  
35 purchased for the project on a tax-exempt basis;

36 (4) The estimated project completion date; and

37 (5) The certificate expiration date.

38 Such certificate is renewable for a given project at the option of the exempt entity, only for the  
39 purpose of revising the certificate expiration date as necessary to complete the project.

40 3. The contractor shall furnish the certificate prescribed in subsection 2 of this section  
41 to all subcontractors, and any contractor purchasing materials shall present such certificate to all  
42 material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible  
43 personal property and materials to be incorporated into or consumed in the construction of that

44 project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing  
45 contractor invoices bearing the name of the exempt entity and the project identification number.  
46 Nothing in this section shall be deemed to exempt the purchase of any construction machinery,  
47 equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity.  
48 All invoices for all personal property and materials purchased under a project exemption  
49 certificate shall be retained by the purchasing contractor for a period of five years and shall be  
50 subject to audit by the director of revenue.

51 4. Any excess resalable tangible personal property or materials which were purchased  
52 for the project by a contractor under a project exemption certificate but which were not  
53 incorporated into or consumed in the construction of the project shall either be returned to the  
54 supplier for credit or the appropriate sales or use tax on such excess property or materials shall  
55 be reported on a return and paid by such contractor not later than the due date of the contractor's  
56 Missouri sales or use tax return following the month in which it was determined that the  
57 materials were not to be used in the project.

58 5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible  
59 personal property and materials incorporated into or consumed in the construction of the project,  
60 due to the failure of the exempt entity to revise the certificate expiration date as necessary to  
61 complete any work required by the contract. If it is determined that tax is owed on such property  
62 and materials due to the failure of the exempt entity to revise such certificate expiration date, the  
63 exempt entity shall be liable for the tax owed.

64 6. If an entity issues exemption certificates for the purchase of tangible personal property  
65 and materials which are incorporated into or consumed in the construction of its project and such  
66 entity is found not to have had the authority granted by this section to issue such exemption  
67 certificates, then such entity shall be liable for the tax owed on such personal property and  
68 materials. In addition, if an entity which does have the authority granted by this section to issue  
69 exemption certificates issues such certificates for the purchase of tangible personal property and  
70 materials which are incorporated into or consumed in the construction of a project, or part of a  
71 project, which is found not to be related to such entity's exempt functions and activities, then  
72 such entity shall be liable for the tax owed on such personal property and materials.

191.831. 1. There is hereby established in the state treasury a "Health Initiatives Fund",  
2 to which shall be deposited all revenues designated for the fund under subsection 8 of [sections]  
3 **section** 149.015, RSMo, and subsection 3 of section 149.160, RSMo, and section 167.609,  
4 RSMo, and all other funds donated to the fund or otherwise deposited pursuant to law. The state  
5 treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding  
6 for implementing the new programs and initiatives established by sections 105.711 and 105.721,  
7 RSMo. The moneys in the fund may further be used to fund those programs established by

8 sections 191.411, 191.520 and 191.600, sections 208.151 and 208.152, RSMo, and sections  
9 103.178, RSMo, 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211,  
10 191.231, 191.825 to 191.839, RSMo, 192.013, RSMo, 208.177, 208.178, 208.179 and 208.181,  
11 RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894,  
12 RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less than fifteen  
13 percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and  
14 149.160, RSMo, shall be appropriated annually to provide funding for the C-STAR substance  
15 abuse rehabilitation program of the department of mental health, or its successor program, and  
16 a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and  
17 the director of the department of corrections as an alternative to incarceration, as provided in  
18 subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care"  
19 program. In addition, [five percent of the] **some of the** proceeds deposited to the health  
20 initiatives fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually  
21 to the division of alcohol and drug abuse of the department of mental health to be used for [a  
22 pilot project to provide access to treatment and rehabilitation services by persons referred to such  
23 programs by an alcohol or drug related traffic offender education or rehabilitation program  
24 pursuant to sections 302.540, RSMo, 577.049 and 577.520, RSMo] **the administration and**  
25 **oversight of the substance abuse traffic offenders program defined in section 302.010,**  
26 **RSMo, and section 577.001, RSMo.** The provisions of section 33.080, RSMo, to the contrary  
27 notwithstanding, money in the health initiatives fund shall not be transferred at the close of the  
28 biennium to the general revenue fund.

29 2. The director of the division of alcohol and drug abuse and the director of the  
30 department of corrections shall develop and administer a pilot project to provide a  
31 comprehensive substance abuse treatment and rehabilitation program as an alternative to  
32 incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money  
33 provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR  
34 program of the department of mental health, and the division of alcohol and drug abuse's  
35 purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and  
36 living arrangements individually adapted to each client and her children. Alt-care shall consist  
37 of the following components:

- 38 (1) Assessment and treatment planning;
- 39 (2) Community support to provide continuity, monitoring of progress and access to  
40 services and resources;
- 41 (3) Counseling from individual to family therapy;
- 42 (4) Day treatment services which include accessibility seven days per week,  
43 transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly

44 events for families and companions, job and education preparedness training, peer support and  
45 self-help and daily living skills; and

46 (5) Living arrangement options which are permanent, substance-free and conducive to  
47 treatment and recovery.

48 3. Any female who is pregnant or is the custodial parent of a child or children under the  
49 age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of  
50 chapter 195, RSMo, and whose controlled substance abuse was a precipitating or contributing  
51 factor in the commission of the offense, and who is placed on probation may be required, as a  
52 condition of probation, to participate in Alt-care, if space is available in the pilot project area.  
53 Determinations of eligibility for the program, placement, and continued participation shall be  
54 made by the division of alcohol and drug abuse, in consultation with the department of  
55 corrections.

56 4. The availability of space in Alt-care shall be determined by the director of the division  
57 of alcohol and drug abuse in conjunction with the director of the department of corrections. If  
58 the sentencing court is advised that there is no space available, the court shall consider other  
59 authorized dispositions.

226.525. 1. The state highways and transportation commission is directed to erect within  
2 the right-of-way of all classes of highways within the state signs and notices pertaining to  
3 publicly and privately owned natural wonders and scenic and historical attractions under the  
4 following conditions:

5 (1) Such signs shall not violate any federal law, rule, or regulation affecting the  
6 allocation of federal funds to the state of Missouri or which violate any safety regulation formally  
7 promulgated by the state highways and transportation commission.

8 (2) Such official signs shall be limited in content to the name of the attraction and  
9 necessary travel information.

10 (3) The state highways and transportation commission shall determine those sites and  
11 attractions for which directional and other official signs may be erected as permitted by Section  
12 131 of Title 23, United States Code, which it deems of such importance as to justify such  
13 signing, using as a guide those publicly or privately owned natural wonders and scenic, historic,  
14 educational, cultural, or recreational sites which have been determined to be of general interest.

15 (4) The state highways and transportation commission may require reimbursement for  
16 the cost of erection and maintenance of the official directional signs authorized hereunder when  
17 sites or attractions are privately owned by other than the state or political subdivisions. The state  
18 highways and transportation commission shall prescribe the size, number and locations of such  
19 signs based upon its determination of the travelers' need for directional information.

20           2. The commission shall adopt rules to implement a program for the erection and  
21 maintenance of tourist-oriented directional signs within the right-of-way of state highways in the  
22 state. The tourist-oriented directional signs shall provide business identification and directional  
23 information for natural attractions and activities which, during a normal business season, derive  
24 a major portion of the income and visitors for the business or activity from motorists not residing  
25 in the immediate area of the business or activity. Natural attractions and activities eligible for  
26 such tourist-oriented directional signs shall include, but not be limited to, caves, museums,  
27 wineries, antique business districts and tourist-oriented directional signs indicating the location  
28 of any veterans' memorial located at any college in such county provided that such signs are  
29 located on a highway known as the "Veterans' Memorial Highway" in any county of the first  
30 classification with a population of more than one hundred seventy thousand inhabitants but less  
31 than two hundred thousand inhabitants.

32           **3. Regionally accredited post-secondary educational facilities with a current**  
33 **certificate to operate within this state shall be eligible for tourist-oriented directional signs**  
34 **as provided for in subsection 2 of this section.**

226.535. 1. Signs, displays, and devices giving specific information of interest to the  
2 traveling public shall be erected and maintained within the right-of-way in such areas, in an  
3 appropriate distance from interchanges on the interstate system as shall conform with the rules  
4 and regulations promulgated by the highway department. Such rules shall be consistent with  
5 national standards promulgated from time to time by the appropriate authority of the federal  
6 government, pursuant to Title 23, section 131, paragraph f, of the United States Code.

7           **2. Regionally accredited post-secondary educational facilities with a current**  
8 **certificate to operate within this state shall be eligible to display signs as provided in this**  
9 **section.**

227.120. 1. The state highways and transportation commission shall have power to  
2 purchase, lease, or condemn, lands in the name of the state of Missouri for the following  
3 purposes when necessary for the proper and economical construction and maintenance of state  
4 highways:

5           (1) Acquiring the right-of-way for the location, construction, reconstruction, widening,  
6 improvement or maintenance of any state highway or any part thereof;

7           (2) Acquiring bridges or sites therefor and ferries, including the rights and franchises for  
8 the maintenance and operation thereof, over navigable streams, at such places as the state  
9 highways and transportation commission shall have authority to construct, acquire or contribute  
10 to the cost of construction of any bridge;

11 (3) Acquiring the right-of-way for the location, construction, reconstruction, widening,  
12 improvement or maintenance of any highway ordered built by the bureau of public roads of the  
13 Department of Agriculture of the United States government;

14 (4) Obtaining road building or road maintenance materials or plants for the manufacture  
15 or production of such materials and acquiring the right-of-way thereto; also acquiring the  
16 right-of-way to such plants as are privately owned when necessary for the proper and economical  
17 construction of the state highway system;

18 (5) Changing gradients in any state highway;

19 (6) Establishing detours in connection with the location, construction, reconstruction,  
20 widening, improvement or maintenance of any state highway or any part thereof;

21 (7) Changing the channels of any stream and providing for drainage ditches when  
22 necessary for the proper construction or maintenance of any state highway;

23 (8) Eliminating grade crossings;

24 (9) Acquiring water supply and water power sites and necessary lands for use in  
25 connection therewith, including rights-of-way to any such sites;

26 (10) Acquiring sites for garages and division offices and for storing materials, machinery  
27 and supplies;

28 (11) Acquiring lands for sight distances along any state highway or any portion thereof  
29 whenever necessary, and also acquiring lands within wyes formed by junctions of state highways,  
30 or junctions of state highways and other public highways;

31 (12) Acquiring lands or interests therein for the purpose of depositing thereon excess  
32 excavated, or other materials produced in the construction, reconstruction, widening,  
33 improvement or maintenance of any state highway;

34 (13) Acquiring lands for any other purpose necessary for the proper and economical  
35 construction of the state highway system for which the commission may have authority granted  
36 by law. If condemnation becomes necessary, the commission shall have the power to proceed  
37 to condemn such lands in the name of the state of Missouri, in accordance with the provisions  
38 of chapter 523, RSMo, insofar as the same is applicable to the said state highways and  
39 transportation commission, and the court or jury shall take into consideration the benefits to be  
40 derived by the owner, as well as the damage sustained thereby. The state highways and  
41 transportation commission also shall have the same authority to enter upon private lands to  
42 survey and determine the most advantageous route of any state highway as granted, under section  
43 388.210, RSMo, to railroad corporations.

44 **2. In any case in which the commission exercises eminent domain involving a taking**  
45 **of real estate, the court, commissioners, and jury shall consider the restriction of or loss of**  
46 **access to any adjacent highway as an element in assessing the damages. As used in this**



47 subsection, "restriction of or loss of access" includes, but is not limited to, the prohibition  
48 of making right or left turns into or out of the real estate involved, provided that such  
49 access was present before the proposed improvement or taking.

227.338. The portion of U.S. Highway 71, located within a county of the third  
2 classification without a township form of government and with more than twenty-one  
3 thousand six hundred but less than twenty-one thousand seven hundred inhabitants shall  
4 be designated the "Corporal Bobbie J. Harper Memorial Highway".

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered  
2 voters from each county partially or totally within the proposed district may file a petition  
3 requesting the creation of a district. However, if no persons eligible to be registered voters reside  
4 within the district, the owners of record of all of the real property, except public streets, located  
5 within the proposed district may file a petition requesting the creation of a district. The petition  
6 shall be filed in the circuit court of any county partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local transportation authority within any  
8 county in which a proposed project may be located may file a petition in the circuit court of that  
9 county, requesting the creation of a district.

10 3. The proposed district area shall be contiguous and may contain all or any portion of  
11 one or more municipalities and counties[.]; **provided:**

12 (1) Property separated only by public streets, **easements or rights-of-way** shall be  
13 considered contiguous;

14 (2) **In the case of a district formed pursuant to a petition filed by the owners of**  
15 **record of all of the real property located within the proposed district, the proposed district**  
16 **area need not contain contiguous properties if:**

17 (a) **The petition provides that the only funding method for project costs will be a**  
18 **sales tax;**

19 (b) **The court finds that all of the real property located within the proposed district**  
20 **will benefit by the projects to be undertaken by the district; and**

21 (c) **Each parcel within the district is within five miles of every other parcel; and**

22 (3) **In the case of a district created pursuant to subsection 5 of this section, property**  
23 **separated only by public streets, easements, or rights-of-way or connected by a single**  
24 **public street, easement, or right-of-way shall be considered contiguous.**

25 4. The petition shall set forth:

26 (1) The name, voting residence and county of residence of each individual petitioner, or,  
27 if no persons eligible to be registered voters reside within the proposed district, the name and  
28 address of each owner of record of real property located within the proposed district, or shall

29 recite that the petitioner is the governing body of a local transportation authority acting in its  
30 official capacity;

31 (2) The name and address of each respondent. Respondents must include the  
32 commission and each affected local transportation authority within the proposed district, except  
33 a petitioning local transportation authority;

34 (3) A specific description of the proposed district boundaries including a map illustrating  
35 such boundaries;

36 (4) A general description of each project proposed to be undertaken by that district,  
37 including a description of the approximate location of each project;

38 (5) The name of the proposed district;

39 (6) The number of members of the board of directors of the proposed district, which shall  
40 be not less than five or more than fifteen;

41 (7) A statement that the terms of office of initial board members shall be staggered in  
42 approximately equal numbers to expire in one, two or three years;

43 (8) If the petition was filed by registered voters or by a governing body, a request that  
44 the question be submitted to the qualified voters within the limits of the proposed district  
45 whether they will establish a transportation development district to develop a specified project  
46 or projects;

47 (9) A proposal for funding the district initially, pursuant to the authority granted in  
48 sections 238.200 to 238.275, together with a request that the funding proposal be submitted to  
49 the qualified voters residing within the limits of the proposed district; provided, however, the  
50 funding method of special assessments may also be approved as provided in subsection 1 of  
51 section 238.230; and

52 (10) A statement that the proposed district shall not be an undue burden on any owner  
53 of property within the district and is not unjust or unreasonable.

54 **5. (1) As an alternative to the methods described in subsections 1 and 2 of this**  
55 **section, if two or more local transportation authorities have adopted resolutions calling for**  
56 **the joint establishment of a district, the governing body of any one such local**  
57 **transportation authority may file a petition in the circuit court of any county in which the**  
58 **proposed project is located requesting the creation of a district.**

59 **(2) The proposed district area shall be contiguous and may contain all or any**  
60 **portion of one or more municipalities and counties. Property separated only by public**  
61 **streets, easements, or rights-of-way or connected by a single public street, easement, or**  
62 **right-of-way shall be considered contiguous.**

63 **(3) The petition shall set forth:**

- 64           **(a) That the petitioner is the governing body of a local transportation authority**  
65 **acting in its official capacity;**
- 66           **(b) The name of each local transportation authority within the proposed district.**  
67 **The resolution of the governing body of each local transportation authority calling for the**  
68 **joint establishment of the district shall be attached to the petition;**
- 69           **(c) The name and address of each respondent. Respondents must include the**  
70 **commission and each affected local transportation authority within the proposed district,**  
71 **except a petitioning local transportation authority;**
- 72           **(d) A specific description of the proposed district boundaries including a map**  
73 **illustrating such boundaries;**
- 74           **(e) A general description of each project proposed to be undertaken by the district,**  
75 **including a description of the approximate location of each project;**
- 76           **(f) The name of the proposed district;**
- 77           **(g) The number of members of the board of directors of the proposed district;**
- 78           **(h) A request that the question be submitted to the qualified voters within the limits**  
79 **of the proposed district whether they will establish a transportation development district**  
80 **to develop the projects described in the petition;**
- 81           **(i) A proposal for funding the district initially, pursuant to the authority granted**  
82 **in sections 238.200 to 238.275, together with a request that the imposition of the funding**  
83 **proposal be submitted to the qualified voters residing within the limits of the proposed**  
84 **district; provided, however, the funding method of special assessments may also be**  
85 **approved as provided in subsection 1 of section 238.230; and**
- 86           **(j) A statement that the proposed district shall not be an undue burden on any**  
87 **owner of property within the district and is not unjust or unreasonable.**

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve  
2 a copy of the petition on the respondents who shall have thirty days after receipt of service to file  
3 an answer stating agreement with or opposition to the creation of the district. If any respondent  
4 files its answer opposing the creation of the district, it shall recite legal reasons why the petition  
5 is defective, why the proposed district is illegal or unconstitutional, or why the proposed method  
6 for funding the district is illegal or unconstitutional. The respondent shall ask the court for a  
7 declaratory judgment respecting these issues. The answer of each respondent shall be served on  
8 each petitioner and every other respondent named in the petition. Any resident, taxpayer, any  
9 other entity, or any local transportation authority within the proposed district may join in or file  
10 a petition supporting or answer opposing the creation of the district and seeking a declaratory  
11 judgment respecting these same issues within thirty days after the date notice is last published  
12 by the circuit clerk.

13           2. The court shall hear the case without a jury. If the court shall thereafter determine the  
14 petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue  
15 burden on any owner of property within the district or is unjust and unreasonable, it shall enter  
16 its declaratory judgment to that effect and shall refuse to make the certifications requested in the  
17 pleadings. If the court determines that any proposed funding method is illegal or  
18 unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the  
19 court determines the petition is not legally defective and the proposed district and method of  
20 funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect.  
21 If the petition was filed by registered voters or by a governing body, the court shall then certify  
22 the questions regarding district creation, project development, and proposed funding for voter  
23 approval. **If the petition was filed by a governing body pursuant to subsection 5 of section**  
24 **238.207, RSMo, the court shall then certify the single question regarding district creation,**  
25 **project development, and proposed funding for voter approval.** If the petition was filed by  
26 the owners of record of all of the real property located within the proposed district, the court shall  
27 declare the district organized and certify the funding methods stated in the petition for qualified  
28 voter approval; provided, however, the funding method of special assessments may also be  
29 approved as provided in subsection 1 of section 238.230. In either case, if no objections to the  
30 petition are timely filed, the court may make such certifications based upon the pleadings before  
31 it without any hearing.

32           3. Any party having filed an answer or petition may appeal the circuit court's order or  
33 declaratory judgment in the same manner provided for other appeals.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an  
2 election pursuant to section 238.216.

3           2. At such election for voter approval of the qualified voters, the questions shall be  
4 submitted in substantially the following form:

5           Shall there be organized in (here specifically describe the proposed district boundaries),  
6 within the state of Missouri, a transportation development district, to be known as the ".....  
7 Transportation Development District" for the purpose of developing the following transportation  
8 project: (here summarize the proposed project or projects and require each voter to approve or  
9 disapprove of each project) and have the power to fund the proposed project upon separate voter  
10 approval by any or all of the following methods: (here specifically describe the proposed funding  
11 methods and require each voter to approve or disapprove of each proposed funding method)?

12           **3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 and the**  
13 **district desires to impose a sales tax as the only proposed funding mechanism, at such**  
14 **election for voter approval of the qualified voters, the question shall be submitted in**  
15 **substantially the following form:**

16 **Shall there be organized in (here specifically describe the proposed district boundaries),**  
17 **within the state of Missouri, a transportation development district, to be known as the**  
18 **"..... Transportation Development District" for the purpose of developing the following**  
19 **transportation project: (here summarize the proposed project or projects) and be**  
20 **authorized to impose a transportation development district-wide sales tax at the rate of**  
21 **.....(insert amount) for a period of .....(insert number) years from the date on which such**  
22 **tax is first imposed for the purpose of funding the transportation project or projects?**

23 **(2) If the petition was filed pursuant to subsection 5 of section 238.207 and the**  
24 **district desires to impose a funding mechanism other than a sales tax, at such election for**  
25 **voter approval of the qualified voters, the question shall be submitted in substantially the**  
26 **form set forth in subsection 2 of this section and the proposed funding mechanism shall**  
27 **require separate voter approval at a subsequent election.**

28 [3.] **4.** The results of the election shall be entered upon the records of the circuit court  
29 of the county in which the petition was filed. Also, a certified copy thereof shall be filed with  
30 the county clerk of each county in which a portion of the proposed district lies, who shall cause  
31 the same to be spread upon the records of the county commission. If the results show that a  
32 majority of the votes cast by the qualified voters were in favor of organizing the transportation  
33 development district, the circuit court having jurisdiction of the matter shall declare the district  
34 organized and certify the funding methods approved by the qualified voters. If the results show  
35 that less than a majority of the votes cast by the qualified voters were in favor of the organization  
36 of the district, the circuit court shall declare that the question has failed to pass, and the same  
37 question shall not be again submitted for voter approval for two years.

38 **5. Notwithstanding the foregoing, if the election was held pursuant to subsection**  
39 **3 of this section, the results of the election shall be entered upon the records of the circuit**  
40 **court of the county in which the petition was filed. Also, a certified copy thereof shall be**  
41 **filed with the county clerk of each county in which a portion of the proposed district lies.**  
42 **If the results show that a majority of the votes cast by the qualified voters were in favor of**  
43 **the proposition, the circuit court having jurisdiction of the matter shall declare the district**  
44 **organized and the funding methods approved by the qualified voters to be in effect. If the**  
45 **results show that less than a majority of the votes cast by the qualified voters were in favor**  
46 **of the proposition, the circuit court shall declare that the question has failed to pass. A new**  
47 **petition shall be filed pursuant to subsection 5 of section 238.207 prior to the question**  
48 **being again submitted for voter approval.**

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if  
2 any persons eligible to be registered voters reside within the district the following procedures  
3 shall be followed:

4 (1) After the district has been declared organized, the court shall upon petition of any  
5 interested person order the county clerk to cause an election to be held in all areas of the district  
6 within one hundred twenty days after the order establishing the district, to elect the district board  
7 of directors which shall be not less than five nor more than fifteen;

8 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and  
9 shall file with the election authority of such county a statement under oath that he or she  
10 possesses all of the qualifications set out in this section for a director. Thereafter, such candidate  
11 shall have his or her name placed on the ballot as a candidate for director;

12 (3) The director or directors to be elected shall be elected at large. The candidate  
13 receiving the most votes from qualified voters shall be elected to the position having the longest  
14 term, the second highest total votes elected to the position having the next longest term, and so  
15 forth. Each initial director shall serve the one-, two- or three-year term to which he or she was  
16 elected, and until a successor is duly elected and qualified. Each successor director shall serve  
17 a three-year term. The directors shall nominate and elect an interim director to complete any  
18 unexpired term of a director caused by resignation or disqualification; and

19 (4) Each director shall be a resident of the district. Directors shall be registered voters  
20 at least twenty-one years of age.

21 2. Notwithstanding anything to the contrary contained in section 238.216, if no persons  
22 eligible to be registered voters reside within the district, the following procedures shall apply:

23 (1) Within thirty days after the district has been declared organized, the circuit clerk of  
24 the county in which the petition was filed shall, upon giving notice by causing publication to be  
25 made once a week for two consecutive weeks in a newspaper of general circulation in the county,  
26 the last publication of which shall be at least ten days before the day of the meeting required by  
27 this section, call a meeting of the owners of real property within the district at a day and hour  
28 specified in a public place in the county in which the petition was filed for the purpose of  
29 electing a board of not less than five and not more than fifteen directors, to be composed of  
30 owners or representatives of owners of real property in the district; provided that, if all the  
31 owners of property in the district joined in the petition for formation of the district, such meeting  
32 may be called by order of the court without further publication;

33 (2) The property owners, when assembled, shall organize by the election of a chairman  
34 and secretary of the meeting who shall conduct the election. At the election, each acre of real  
35 property within the district shall represent one share, and each owner may have one vote in  
36 person or by proxy for every acre of real property owned by such person within the district;

37 (3) The one-third of the initial board members receiving the most votes shall be elected  
38 to positions having a term of three years. The one-third of initial board members receiving the  
39 next highest number of votes shall be elected to positions having a term of two years. The lowest

40 one-third of initial board members receiving sufficient votes shall be elected to positions having  
41 a term of one year. Each initial director shall serve the term to which he or she was elected, and  
42 until a successor is duly elected and qualified. Successor directors shall be elected in the same  
43 manner as the initial directors at a meeting of the real property owners called by the board. Each  
44 successor director shall serve a three-year term. The directors shall nominate and elect an  
45 interim director to complete any unexpired term of a director caused by resignation or  
46 disqualification;

47 (4) Directors shall be at least twenty-one years of age.

48 **3. Notwithstanding any provision of sections 238.216 and 238.220 to the contrary,**  
49 **if the petition for formation of the district was filed pursuant to subsection 5 of section**  
50 **238.207, the following procedures shall be followed:**

51 **(1) If the district is comprised of four or more local transportation authorities, the**  
52 **board of directors shall consist of the presiding officer of each local transportation**  
53 **authority within the district. If the district is comprised of two or three local**  
54 **transportation authorities, the board of directors shall consist of the presiding officer of**  
55 **each local transportation authority within the district and one person designated by the**  
56 **governing body of each local transportation authority within the district;**

57 **(2) Each director shall be at least twenty-one years of age and a resident or**  
58 **property owner of the local transportation authority the director represents. A director**  
59 **designated by the governing body of a local transportation authority may be removed by**  
60 **such governing body at any time with or without cause; and**

61 **(3) Upon the assumption of office of a new presiding officer of a local**  
62 **transportation authority, such individual shall automatically succeed his predecessor as**  
63 **a member of the board of directors. Upon the removal, resignation or disqualification of**  
64 **a director designated by the governing body of a local transportation authority, such**  
65 **governing body shall designate a successor director.**

66 [3.] **4.** The commission shall appoint one or more advisors to the board, who shall have  
67 no vote but shall have the authority to participate in all board meetings and discussions, whether  
68 open or closed, and shall have access to all records of the district and its board of directors.

69 [4.] **5.** If the proposed project is not intended to be merged into the state highways and  
70 transportation system under the commission's jurisdiction, the local transportation authority that  
71 will assume maintenance of the project shall appoint one or more advisors to the board of  
72 directors who shall have the same rights as advisors appointed by the commission.

73 **6. Any county or counties located wholly or partially within the district which is not**  
74 **a "local transportation authority" pursuant to subdivision (4) of subsection 1 of section**

75 **238.202, may appoint one or more advisors to the board who shall have the same rights as**  
76 **advisors appointed by the commission.**

238.222. 1. The board shall possess and exercise all of the district's legislative and  
2 executive powers.

3 2. Within thirty days after the election of the initial directors **or the selection of the**  
4 **initial directors pursuant to subsection 3 of section 238.220**, the board shall meet. The time  
5 and place of the first meeting of the board shall be designated by the court that heard the petition  
6 upon the court's own initiative or upon the petition of any interested person. At its first meeting  
7 and after each election of new board members **or the selection of the initial directors pursuant**  
8 **to subsection 3 of section 238.220** the board shall elect a chairman from its members.

9 3. The board shall appoint an executive director, district secretary, treasurer and such  
10 other officers or employees as it deems necessary.

11 4. At the first meeting, the board, by resolution, shall define the first and subsequent  
12 fiscal years of the district, and shall adopt a corporate seal.

13 5. A simple majority of the board shall constitute a quorum. If a quorum exists, a  
14 majority of those voting shall have the authority to act in the name of the board, and approve any  
15 board resolution.

16 6. Each director shall devote such time to the duties of the office as the faithful discharge  
17 thereof may require and may be reimbursed for his actual expenditures in the performance of his  
18 duties on behalf of the district.

238.235. 1. (1) Any transportation development district may by resolution impose a  
2 transportation development district sales tax on all retail sales made in such transportation  
3 development district which are subject to taxation pursuant to the provisions of sections 144.010  
4 to 144.525, RSMo, except such transportation development district sales tax shall not apply to  
5 the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity  
6 or electrical current, water and gas, natural or artificial, nor to sales of service to telephone  
7 subscribers, either local or long distance. Such transportation development district sales tax may  
8 be imposed for any transportation development purpose designated by the transportation  
9 development district in its ballot of submission to its qualified voters, except that no resolution  
10 enacted pursuant to the authority granted by this section shall be effective unless:

11 **(a) The board of directors of the transportation development district submits to the**  
12 **qualified voters of the transportation development district a proposal to authorize the board of**  
13 **directors of the transportation development district to impose [a] or increase the levy of an**  
14 **existing tax pursuant to the provisions of this section; or**

15 **(b) The voters approved the question certified by the petition filed pursuant to**  
16 **subsection 5 of section 238.207.**



17 (2) **If the transportation district submits to the qualified voters of the**  
18 **transportation development district a proposal to authorize the board of directors of the**  
19 **transportation development district to impose or increase the levy of an existing tax**  
20 **pursuant to the provisions of paragraph (a) of subdivision (1) of subsection 1 of this**  
21 **section**, the ballot of submission shall contain, but need not be limited to, the following  
22 language:

23 Shall the transportation development district of ..... (transportation development  
24 district's name) impose a transportation development district-wide sales tax at the rate of .....  
25 (insert amount) for a period of ..... (insert number) years from the date on which such tax is  
26 first imposed for the purpose of ..... (insert transportation development purpose)?

27  YES  NO

28 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
29 to the question, place an "X" in the box opposite "NO".

30 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
31 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority  
32 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of  
33 directors of the transportation development district shall have no power to impose the sales tax  
34 authorized by this section unless and until the board of directors of the transportation  
35 development district shall again have submitted another proposal to authorize it to impose the  
36 sales tax pursuant to the provisions of this section and such proposal is approved by a majority  
37 of the qualified voters voting thereon.

38 (3) The sales tax authorized by this section shall become effective on the first day of the  
39 month following adoption of the tax by the qualified voters.

40 (4) In each transportation development district in which a sales tax has been imposed in  
41 the manner provided by this section, every retailer shall add the tax imposed by the transportation  
42 development district pursuant to this section to the retailer's sale price, and when so added such  
43 tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid,  
44 and shall be recoverable at law in the same manner as the purchase price.

45 (5) In order to permit sellers required to collect and report the sales tax authorized by this  
46 section to collect the amount required to be reported and remitted, but not to change the  
47 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid  
48 fractions of pennies, the transportation development district may establish appropriate brackets  
49 which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets  
50 provided in section 144.285, RSMo.

51 (6) All revenue received by a transportation development district from the tax authorized  
52 by this section which has been designated for a certain transportation development purpose shall

53 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon  
54 the expiration of the period of years approved by the qualified voters pursuant to subdivision (2)  
55 of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of  
56 this section, all funds remaining in the special trust fund shall continue to be used solely for such  
57 designated transportation development purpose. Any funds in such special trust fund which are  
58 not needed for current expenditures may be invested by the board of directors in accordance with  
59 applicable laws relating to the investment of other transportation development district funds.

60 (7) The sales tax may be imposed in increments of one-eighth of one percent, up to a  
61 maximum of one percent on the receipts from the sale at retail of all tangible personal property  
62 or taxable services at retail within the transportation development district adopting such tax, if  
63 such property and services are subject to taxation by the state of Missouri pursuant to the  
64 provisions of sections 144.010 to 144.525, RSMo, except such transportation development  
65 district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard  
66 motors nor to public utilities. Any transportation development district sales tax imposed  
67 pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

68 2. The resolution imposing the sales tax pursuant to this section shall impose upon all  
69 sellers a tax for the privilege of engaging in the business of selling tangible personal property or  
70 rendering taxable services at retail to the extent and in the manner provided in sections 144.010  
71 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant  
72 thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax  
73 and the tax shall be reported and returned to and collected by the transportation development  
74 district.

75 3. On and after the effective date of any tax imposed pursuant to this section, the  
76 transportation development district shall perform all functions incident to the administration,  
77 collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall  
78 be collected and reported upon such forms and under such administrative rules and regulations  
79 as may be prescribed by the transportation development district.

80 4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo,  
81 governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the  
82 uniform confidentiality provision, shall apply to the collection of the tax imposed by this section,  
83 except as modified in this section.

84 (2) All exemptions granted to agencies of government, organizations, persons and to the  
85 sale of certain articles and items of tangible personal property and taxable services pursuant to  
86 the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the  
87 imposition and collection of the tax imposed by this section.

88 (3) The same sales tax permit, exemption certificate and retail certificate required by  
89 sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax  
90 shall satisfy the requirements of this section, and no additional permit or exemption certificate  
91 or retail certificate shall be required; except that the transportation development district may  
92 prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

93 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws  
94 for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made  
95 applicable to any taxes collected pursuant to the provisions of this section.

96 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525,  
97 RSMo, for violation of those sections are hereby made applicable to violations of this section.

98 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all  
99 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place  
100 of business of the retailer unless the tangible personal property sold is delivered by the retailer  
101 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an  
102 out-of-state destination. In the event a retailer has more than one place of business in this state  
103 which participates in the sale, the sale shall be deemed to be consummated at the place of  
104 business of the retailer where the initial order for the tangible personal property is taken, even  
105 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or  
106 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of  
107 business from which the employee works.

108 5. All sales taxes collected by the transportation development district shall be deposited  
109 by the transportation development district in a special fund to be expended for the purposes  
110 authorized in this section. The transportation development district shall keep accurate records  
111 of the amount of money which was collected pursuant to this section, and the records shall be  
112 open to the inspection of officers of each transportation development district and the general  
113 public.

114 6. (1) No transportation development district imposing a sales tax pursuant to this  
115 section may repeal or amend such sales tax unless such repeal or amendment will not impair the  
116 district's ability to repay any liabilities which it has incurred, money which it has borrowed or  
117 revenue bonds, notes or other obligations which it has issued or which have been issued by the  
118 commission or any local transportation authority to finance any project or projects.

119 (2) Whenever the board of directors of any transportation development district in which  
120 a transportation development sales tax has been imposed in the manner provided by this section  
121 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal  
122 such transportation development sales tax, the board of directors shall, if such repeal will not  
123 impair the district's ability to repay any liabilities which it has incurred, money which it has

124 borrowed or revenue bonds, notes or other obligations which it has issued or which have been  
 125 issued by the commission or any local transportation authority to finance any project or projects,  
 126 submit to the qualified voters of such transportation development district a proposal to repeal the  
 127 transportation development sales tax imposed pursuant to the provisions of this section. If a  
 128 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of  
 129 the proposal to repeal the transportation development sales tax, then the resolution imposing the  
 130 transportation development sales tax, along with any amendments thereto, is repealed. If a  
 131 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to  
 132 repeal the transportation development sales tax, then the ordinance or resolution imposing the  
 133 transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.236. 1. This section shall not apply to any tax levied pursuant to section 238.235,  
 2 and no tax shall be imposed pursuant to the provisions of this section if a tax has been imposed  
 3 by a transportation development district pursuant to section 238.235.

4 2. In lieu of the taxes allowed pursuant to section 238.235, any transportation  
 5 development district which consists of all of one or more entire counties, all of one or more  
 6 entire cities, or all of one or more entire counties and one or more entire cities which are totally  
 7 outside the boundaries of those counties may by resolution impose a transportation development  
 8 district sales tax on all retail sales made in such transportation development district which are  
 9 subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for any  
 10 transportation development purpose designated by the transportation development district in its  
 11 ballot of submission to its qualified voters. No resolution enacted pursuant to the authority  
 12 granted by this section shall be effective unless:

13 (1) The board of directors of the transportation development district submits to the  
 14 qualified voters of the transportation development district, at a state general, primary, or special  
 15 election, a proposal to authorize the board of directors of the transportation development district  
 16 to impose [a] **or increase the levy of an existing** tax pursuant to the provisions of this section;  
 17 **or**

18 (2) **The voters approved the question certified by the petition filed pursuant to**  
 19 **subsection 5 of section 238.207.**

20 3. **If the transportation development district submits to the qualified voters of the**  
 21 **transportation development district a proposal to authorize the board of directors of the**  
 22 **transportation development district to impose or increase the levy of an existing tax**  
 23 **pursuant to the provisions of subdivision (1) of subsection 2 of this section,** the ballot of  
 24 submission shall contain, but need not be limited to, the following language:

25 Shall the transportation development district of .....(transportation development  
 26 district's name) impose a transportation development district-wide sales tax at the rate of .....

27 (insert amount) for a period of ..... (insert number) years from the date on which such tax is  
28 first imposed for the purpose of ..... (insert transportation development  
29 purpose)?

30  YES  NO

31 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed  
32 to the question, place an "X" in the box opposite "NO".

33 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor  
34 of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority  
35 of the votes cast by the qualified voters voting are opposed to the proposal, then the board of  
36 directors of the transportation development district shall have no power to impose the sales tax  
37 authorized by this section unless and until the board of directors of the transportation  
38 development district shall again have submitted another proposal to authorize it to impose the  
39 sales tax pursuant to the provisions of this section and such proposal is approved by a majority  
40 of the qualified voters voting thereon.

41 4. Within ten days after the adoption of any resolution in favor of the adoption of a  
42 transportation development district sales tax **which has been approved** by the qualified voters  
43 of such transportation development district, the transportation development district shall forward  
44 to the director of revenue, by United States registered mail or certified mail, a certified copy of  
45 the resolution of its board of directors. The resolution shall reflect the effective date thereof.  
46 The sales tax authorized by this section shall become effective on the first day of the second  
47 calendar quarter after the director of revenue receives notice of adoption of such tax.

48 5. All revenue received by a transportation development district from the tax authorized  
49 by this section which has been designated for a certain transportation development purpose shall  
50 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon  
51 the expiration of the period of years approved by the qualified voters pursuant to subsection 3  
52 of this section or if the tax authorized by this section is repealed pursuant to subsection 12 of this  
53 section, all funds remaining in the special trust fund shall continue to be used solely for such  
54 designated transportation development purpose. Any funds in such special trust fund which are  
55 not needed for current expenditures may be invested by the board of directors in accordance with  
56 applicable laws relating to the investment of other transportation development district funds.

57 6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one  
58 percent, three-eighths of one percent, one-half of one percent or one percent on the receipts from  
59 the sale at retail of all tangible personal property or taxable services at retail within the  
60 transportation development district adopting such tax, if such property and services are subject  
61 to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525,

62 RSMo. Any transportation development district sales tax imposed pursuant to this section shall  
63 be imposed at a rate that shall be uniform throughout the district.

64 7. The resolution imposing the sales tax pursuant to this section shall impose upon all  
65 sellers a tax for the privilege of engaging in the business of selling tangible personal property or  
66 rendering taxable services at retail to the extent and in the manner provided in sections 144.010  
67 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant  
68 thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax.  
69 The amount reported and returned to the director of revenue by the seller shall be computed on  
70 the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and  
71 the tax imposed by the [resolutions] **resolution** as authorized by this section, plus any amounts  
72 imposed pursuant to other provisions of law.

73 8. On and after the effective date of any tax imposed pursuant to this section, the director  
74 of revenue shall perform all functions incident to the administration, collection, enforcement, and  
75 operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes  
76 imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant  
77 to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be  
78 collected together and reported upon such forms and pursuant to such administrative rules and  
79 regulations as may be prescribed by the director of revenue.

80 9. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing  
81 the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section  
82 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax  
83 imposed by this section, except as modified in this section.

84 10. All sales taxes collected by the director of revenue pursuant to this section on behalf  
85 of any transportation development district, less one percent for the cost of collection, which shall  
86 be deposited in the state's general revenue fund after payment of premiums for surety bonds as  
87 provided in section 32.087, RSMo, shall be deposited in the state treasury to the credit of the  
88 "Transportation Development District Sales Tax Fund", which is hereby created. Moneys in the  
89 transportation development district sales tax fund shall not be deemed to be state funds and shall  
90 not be commingled with any funds of the state. All interest earned upon the balance in the  
91 transportation development district sales tax fund shall be deposited to the credit of the same  
92 fund. Any balance in the fund at the end of an appropriation period shall not be transferred to  
93 the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund.  
94 The director of revenue shall keep accurate records of the amount of money which was collected  
95 in each transportation development district imposing a sales tax pursuant to this section, and the  
96 records shall be open to the inspection of officers of each transportation development district and  
97 the general public. Not later than the tenth day of each month, the director of revenue shall

98 distribute all moneys deposited in such fund during the preceding month to the proper  
99 transportation development district.

100         11. The director of revenue may authorize the state treasurer to make refunds from the  
101 amounts credited to any transportation development district for erroneous payments and  
102 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of  
103 such districts. If any transportation development district repeals the tax authorized by this  
104 section, the transportation development district shall notify the director of revenue of the action  
105 at least ninety days prior to the effective date of the repeal and the director of revenue may order  
106 retention, for a period of one year, of two percent of the amount collected after receipt of such  
107 notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks  
108 and drafts deposited to the credit of such accounts. After one year has elapsed after the effective  
109 date of repeal of the tax authorized by this section in such transportation development district,  
110 the director of revenue shall remit the balance in the account to the transportation development  
111 district and close the account of that transportation development district. The director of revenue  
112 shall notify each transportation development district of each instance of any amount refunded  
113 or any check redeemed from receipts due the transportation development district.

114         12. (1) No transportation development district imposing a sales tax pursuant to this  
115 section may repeal or amend such sales tax unless such repeal or amendment will not impair the  
116 district's ability to repay any liabilities which it has incurred, money which it has borrowed or  
117 revenue bonds, notes or other obligations which it has issued or which have been issued by the  
118 commission or any local transportation authority to finance any project or projects.

119         (2) Whenever the board of directors of any transportation development district in which  
120 a transportation development sales tax has been imposed in the manner provided by this section  
121 receives a petition, signed by ten percent of the qualified voters of such transportation  
122 development district calling for an election to repeal such transportation development sales tax,  
123 the board of directors shall, if such repeal will not impair the district's ability to repay any  
124 liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other  
125 obligations which it has issued or which have been issued by the commission or any local  
126 transportation authority to finance any project or projects, submit to the voters of such  
127 transportation development district a proposal to repeal the transportation development sales tax  
128 imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal  
129 by the qualified voters voting thereon are in favor of the proposal to repeal the transportation  
130 development sales tax, then the resolution imposing the transportation development sales tax,  
131 along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified  
132 voters voting thereon are opposed to the proposal to repeal the transportation development sales

133 tax, then the [ordinance or] resolution imposing the transportation development sales tax, along  
134 with any amendments thereto, shall remain in effect.

292.602. 1. The "Missouri Emergency Response Commission", herein to be known as  
2 the commission, is hereby established and is officially domiciled in the department of public  
3 safety. The commission shall be composed of the director of the department of [economic  
4 development] **transportation**, or his designee; the director of the department of natural  
5 resources, or his designee; the director of the department of public safety, or his designee; the  
6 director of the department of health and senior services, or his designee; six members appointed  
7 by the governor with the advice and consent of the senate; one to represent transporters of  
8 hazardous materials; one to represent Missouri industry; one to represent local government; one  
9 chief fire officer from a recognized fire department or fire protection district; one police officer  
10 of the rank of captain or above from a recognized county or municipal police department; and  
11 one to represent the general public and four members of the general assembly, two of whom shall  
12 be appointed by the speaker of the house and two of whom shall be appointed by the president  
13 pro tem of the senate. All members of the commission shall represent the general interest of the  
14 public and shall, to the extent practicable, have technical expertise in the emergency response  
15 field. No more than three members appointed by the governor shall be of the same political  
16 party. The terms of office for the members appointed by the governor shall be four years and  
17 until their successors are selected and qualified, except that, of those first appointed, two shall  
18 have a term of three years, two shall have a term of two years and two will have a term of one  
19 year. There is no limitation on the number of terms an appointed member may serve. The  
20 governor may appoint a member for the remaining portion of the unexpired term created by a  
21 vacancy. The governor may remove any appointed member for cause.

22 2. All members of the commission shall serve without compensation for their duties, but  
23 shall be reimbursed for necessary travel and other expenses incurred in the performance of their  
24 official duties.

25 3. The Missouri emergency response commission in conjunction with the department  
26 shall:

27 (1) Carry out those responsibilities designated under sections 292.600 to 292.625 and  
28 implement sections 292.600 to 292.625 and the Emergency Planning and Community  
29 Right-to-Know Act of 1986, Public Law 99-499, as amended, and all rules and regulations  
30 promulgated pursuant thereto, herein to be known as the Federal Act;

31 (2) Designate local emergency planning districts to facilitate preparation and  
32 implementation of emergency plans, appoint members of a local emergency planning committee  
33 for each local emergency planning district, support and coordinate the activities of such



34 committees, review the emergency plans submitted by local emergency planning committees,  
35 and make recommendations to the local emergency planning committees regarding those plans;

36 (3) Establish a single filing point for all reports and filings that are required to be  
37 submitted to the commission under the provisions of sections 292.600 to 292.625 and the Federal  
38 Act;

39 (4) Accept, receive and administer grants or other funds or gifts from public and private  
40 agencies, including the federal government, for the purpose of carrying out the functions and  
41 responsibilities enumerated in sections 292.600 to 292.625;

42 (5) Provide assistance to the local emergency planning committees for the purpose of  
43 carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and  
44 the Federal Act by utilizing all available expertise both public and private, including, but not  
45 limited to, the departments of natural resources, public safety and health;

46 (6) Provide training to local emergency planning committees and other local officials to  
47 accomplish the purposes and objectives of the Federal Act and the provisions of sections 292.600  
48 to 292.625. The department of public safety will coordinate the provisions of such training and  
49 periodically report to the commission on training activities;

50 (7) Enter into such agreements with other state agencies, local governments and other  
51 political subdivisions of the state, the federal government and other persons as is determined to  
52 be appropriate to implement the Federal Act and the provisions of sections 292.600 to 292.625;

53 (8) Allot funds as specified in section 292.604 to local emergency planning committees;

54 (9) Develop a data management system to store and retrieve information submitted under  
55 the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the  
56 department will provide assistance to local emergency planning committees and fire departments,  
57 fire protection districts, volunteer fire protection services and others to make this information  
58 readily available to them for planning and emergency response purposes.

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, 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  
5 hundred] **one thousand** pounds or less, traveling on three, four or more low pressure tires, with  
6 a seat designed to be straddled by the operator, **or with a seat designed to carry more than one**  
7 **person**, and handlebars for steering control;

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

- 10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are  
11 included between two parallel transverse vertical planes forty inches apart, extending across the  
12 full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to  
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not  
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,  
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person  
29 or motor carrier other than a dealer over any public highway, under its own power singly, or in  
30 a fixed combination of two or more vehicles, for the purpose of delivery for sale [or], for delivery  
31 either before or after sale, **or for the purpose of transporting vehicles in transit from one**  
32 **place to another by driveaway or towaway methods;**
- 33 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
34 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor  
35 equipped with a dromedary may carry part of a load when operating independently or in a  
36 combination with a semitrailer;
- 37 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 38 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 39 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 40 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last  
41 vehicle in a saddlemount combination;
- 42 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus  
43 the weight of any load thereon;
- 44 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the  
45 result of the impact of hail;

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

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

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

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

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

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

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

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

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

75 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
76 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
77 state, used to transport harvested forest products, operated solely at a forested site and in an area  
78 extending not more than a fifty-mile radius from such site, carries a load with dimensions not  
79 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the  
80 national system of interstate and defense highways described in Title 23, Section 103(e) of the  
81 United States Code, does not have more than four axles and does not pull a trailer which has

82 more than two axles. A local log truck may not exceed the limits required by law, however, if  
83 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding  
84 any other provisions of law to the contrary, such truck shall be subject to the weight limits  
85 required by such sections as licensed for eighty thousand pounds;

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

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

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

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

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

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

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

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

110 (a) Offered for hire or lease; or

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

112 (35) "Motorcycle", a motor vehicle operated on two wheels;

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

- 117 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
118 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.  
119 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 120 (38) "Municipality", any city, town or village, whether incorporated or not;
- 121 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- 122 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in  
123 compliance with United States emissions or safety standards;
- 124 (41) "Operator", any person who operates or drives a motor vehicle;
- 125 (42) "Owner", any person, firm, corporation or association, who holds the legal title to  
126 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
127 thereof with the right of purchase upon performance of the conditions stated in the agreement  
128 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
129 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
130 or mortgagor shall be deemed the owner for the purpose of this law;
- 131 (43) "Public garage", a place of business where motor vehicles are housed, stored,  
132 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
133 of business;
- 134 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
135 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 136 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original  
137 construction by the addition or substitution of two or more new or used major component parts,  
138 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 139 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or  
140 substantially modified so that it may be used and is used for the purposes of temporary housing  
141 quarters, including therein sleeping and eating facilities which are either permanently attached  
142 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
143 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
144 vehicle if the motor vehicle could otherwise be so registered;
- 145 (47) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
146 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
147 wrecker or towing service;
- 148 (48) "Saddlemount combination", a combination of vehicles in which a truck or truck  
149 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
150 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
151 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
152 wheel kingpin connection. When two vehicles are towed in this manner the combination is

153 called a double saddlemount combination. When three vehicles are towed in this manner, the  
154 combination is called a triple saddlemount combination;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
214 firm, corporation, association, city, county or state agency, or any member thereof, for the  
215 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
216 and from their place of employment; however, a vanpool shall not be included in the definition  
217 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
218 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
219 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
220 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
221 monetary profit other than for use in a ride-sharing arrangement;

222 (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
223 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,

224 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
225 operated by handicapped persons;

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

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

**301.026. 1. Beginning July 1, 2005, the director of revenue shall deny an  
2 application for a motor vehicle if the owner of that motor vehicle owes vehicle-related fees  
3 or fines to a city not within a county for liability which is delinquent as determined by the  
4 city not within a county, and the vehicle owner has not paid the liability or appeared in  
5 court or designated administrative adjudication agency to contest the vehicle-related fees  
6 and fines. For the purpose of this section, vehicle-related fees and fines shall include, but  
7 not necessarily be limited to, traffic violation fines, parking violation fines, towing and  
8 vehicle immobilization fees, and any late payment penalties and court costs associated with  
9 the adjudication or collection of those fines.**

**2. A city not within a county may notify, by ordinary mail, any owner of a motor  
11 vehicle for which vehicle-related fees and fines have not been paid that, if full payment is  
12 not received within thirty days, the director of revenue may be authorized to suspend the  
13 motor vehicle registration for such vehicle and any other vehicles owned by the vehicle  
14 owner and charge a reasonable reinstatement or processing fee. Any notification returned  
15 to the city not within a county by the post office may be sent to the director of revenue.  
16 The department of revenue may subsequently take any action it deems reasonable and  
17 practical to notify the owner and the city not within a county of the pending suspension of  
18 motor vehicle registration.**

**3. Thereafter, if the vehicle owner fails to pay such vehicle-related fees and fines  
20 to the city not within a county within thirty days, the city not within a county may notify  
21 the director of revenue of such failure. Such notification shall be on forms approved by  
22 the department of revenue and shall list the vehicle owner's full name and address, and the  
23 year, make, model, and vehicle identification number of such motor vehicle. In addition,  
24 the department of revenue may, before renewing the registration of any motor vehicle,  
25 check the driver's license record(s) of all registered owners for notification that the licensee**



26 has failed to pay a lawfully-imposed vehicle-related fee or fine within the time prescribed  
27 herein.

28       4. Upon receipt of this notification, the director of revenue may provide notice of  
29 suspension of motor vehicle registration to the vehicle owner at the vehicle owner's last  
30 address shown on the records of the department of revenue. The director of revenue may  
31 suspend registration and prohibit registration renewal on that vehicle, and all other  
32 vehicles owned by the vehicle owner, until the department of revenue receives notification  
33 from the city not within a county that the vehicle owner has paid the vehicle related fees  
34 and fines in full or otherwise satisfied his or her obligations regarding the delinquent  
35 vehicle-related fees and fines. Upon the city not within a county furnishing such  
36 notification, and the vehicle owner paying reinstatement fee designated by the department  
37 of revenue, the motor vehicle registration shall be reinstated.

38       5. If the vehicle owner's check is returned for insufficient funds, the city not within  
39 a county may assess and collect, in addition to any other penalty or interest that may be  
40 owed, a reasonable penalty approved by the governing body of the city not within a county.  
41 The city not within a county may refuse to accept any check or other similar order in  
42 payment of any fine or fee currently owed plus penalty or interest from a person who  
43 previously attempted to pay such amount with a check or order that was returned to the  
44 city not within a county unless the remittance is in the form of a cashier's check, certified  
45 check or money order. If a person does not comply with the provisions of this section, no  
46 state registration license may be issued or renewed.

47       6. In the event a motor vehicle registration is suspended for nonpayment of vehicle  
48 related fines or fees, the owner so aggrieved may appeal to the designated administrative  
49 adjudication agency of the county where the violation occurred or, if there is no such  
50 administrative adjudication agency, the circuit court where the violation occurred, for  
51 review of such suspension at any time within thirty days after notice of motor vehicle  
52 registration suspension. Upon such appeal, the cause shall be heard de novo in the manner  
53 provided by chapter 536, RSMo, for the review of administrative decisions. The circuit  
54 court or administrative adjudication agency may order the director to reinstate such  
55 registration, sustain the suspension of registration by the director or set aside or modify  
56 such suspension. Appeals from the judgment of the circuit court or administrative  
57 adjudication agency may be taken as in civil cases. The prosecuting attorney of the county  
58 where such appeal is taken shall appear in behalf of the director, and prosecute or defend,  
59 as the case may require.

60       7. The director of revenue may make necessary rules and regulations for the  
61 enforcement of this section, and shall design all necessary forms. All notifications among

62 state and local jurisdictions may be made electronically. Any rule or portion of a rule, as  
63 that term is defined in section 536.010, RSMo, that is created under the authority delegated  
64 in this section shall become effective only if it complies with and is subject to all of the  
65 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section  
66 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general  
67 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to  
68 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
69 rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be  
70 invalid and void.

301.069. A driveaway license plate may not be used on a vehicle used or operated  
2 on a highway except for the purpose of transporting vehicles in transit. Driveaway license  
3 plates may not be used by tow truck operators transporting wrecked, disabled, abandoned,  
4 improperly parked or burned vehicles. For each driveaway license there shall be paid an  
5 annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the  
6 director may issue which shall be attached to the motor vehicle as prescribed in this chapter.  
7 Applicants may choose to obtain biennial driveaway licenses. The fee for biennial  
8 driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be four dollars,  
9 and descriptive insignia shall be prepared and issued at the discretion of the director who shall  
10 also prescribe the type of equipment used to attach such vehicles in combinations.

302.225. 1. Every court having jurisdiction over offenses committed under sections  
2 302.010 to 302.780, or any other law of this state, or county or municipal ordinance, regulating  
3 the operation of vehicles on highways or any other offense in which the commission of such  
4 offense involves the use of a motor vehicle, including felony convictions, shall, within [ten]  
5 seven days thereafter, forward to the [Missouri state highway patrol, or at the written direction  
6 of the Missouri state highway patrol, to the] department of revenue, in a manner approved by the  
7 director of the department of public safety a record of any plea or finding of guilty of any person  
8 in the court for a violation of sections 302.010 to 302.780 or for any moving traffic violation  
9 under the laws of this state or county or municipal ordinances. The record related to offenses  
10 involving alcohol, controlled substances, or drugs shall be entered in the Missouri uniform law  
11 enforcement system records. The director of revenue shall enter the conviction information  
12 into the appropriate computer systems and transmit the conviction information as required  
13 in 49 CFR, part 384, or as amended by the Secretary of the United States Department of  
14 Transportation. The record of all convictions involving the assessment of points as provided  
15 in section 302.302 and convictions involving a commercial motor vehicle as defined in section  
16 302.700 furnished by a court to the [highway patrol and not to the] department of revenue shall

17 be forwarded by the [highway patrol] **department of revenue** within fifteen days of receipt to  
18 the [director of revenue] **Missouri state highway patrol**.

19 2. Whenever any person is convicted of any offense or series of offenses for which  
20 sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of such  
21 person by the director of revenue, the circuit court in which such conviction is had shall require  
22 the surrender to it of all licenses, then held by the person so convicted, and the court shall within  
23 [ten] **seven** days thereafter forward the same, together with a record of the conviction, to the  
24 director of revenue.

25 3. No [municipal judge or] municipal **administrative** official shall have power to revoke  
26 any license.

302.272. 1. No person shall operate any school bus owned by or under contract with a  
2 public school or the state board of education unless such driver has qualified for a school bus  
3 permit under this section and complied with the pertinent rules and regulations of the department  
4 of revenue. A school bus permit shall be issued to any applicant who meets the following  
5 qualifications:

6 (1) The applicant has a valid state license issued under this chapter or has a license valid  
7 in any other state;

8 (2) The applicant is at least twenty-one years of age;

9 (3) The applicant has passed a medical examination, including vision and hearing tests,  
10 as prescribed by the director of revenue and, if the applicant is at least seventy years of age, the  
11 applicant shall pass the medical examination annually to maintain or renew the permit; and

12 (4) The applicant has successfully passed an examination for the operation of a school  
13 bus as prescribed by the director of revenue. The examination shall include, but need not be  
14 limited to, a written skills examination of applicable laws, rules and procedures, and a driving  
15 test in the type of vehicle to be operated. The test shall be completed in the appropriate class of  
16 vehicle to be driven. For purposes of this section classes of school buses shall comply with the  
17 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

18 2. Except as otherwise provided in this section, a school bus permit shall be renewed  
19 every three years and shall require the applicant to provide a medical examination as specified  
20 in subdivision (3) of subsection 1 of this section and to successfully pass a written skills  
21 examination as prescribed by the director of revenue in consultation with the department of  
22 elementary and secondary education. If the applicant is at least seventy years of age, the school  
23 bus permit shall be renewed annually, and the applicant shall successfully pass the examination  
24 prescribed in subdivision (4) of subsection 1 of this section prior to receiving the renewed  
25 permit. The director may waive the written skills examination on renewal of a school bus permit  
26 upon verification of the applicant's successful completion within the preceding twelve months

27 of a training program which has been approved by the director in consultation with the  
28 department of elementary and secondary education and which is at least eight hours in duration  
29 with special instruction in school bus driving.

30 3. The fee for a new or renewed school bus permit shall be three dollars.

31 4. Upon the applicant's completion of the requirements of subsections 1, 2 and 3 of this  
32 section, the director of revenue shall issue a temporary school bus permit to the applicant until  
33 such time as a permanent school bus permit shall be issued following the record clearance as  
34 provided in subsection 6 of this section.

35 5. The director of revenue, to the best of the director's knowledge, shall not issue or  
36 renew a school bus permit to any applicant:

37 (1) Whose driving record shows that such applicant's privilege to operate a motor vehicle  
38 has been suspended, revoked or disqualified or whose driving record shows a history of moving  
39 vehicle violations;

40 (2) Who has pled guilty to or been found guilty of any felony or misdemeanor for  
41 violation of drug regulations as defined in chapter 195, RSMo; of any felony for an offense  
42 against the person as defined by chapter 565, RSMo, or any other offense against the person  
43 involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for  
44 a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for prostitution  
45 as defined by chapter 567, RSMo; of any misdemeanor or felony for an offense against the  
46 family as defined in chapter 568, RSMo; of any felony or misdemeanor for a weapons offense  
47 as defined by chapter 571, RSMo; of any misdemeanor or felony for pornography or related  
48 offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal  
49 or other court of similar jurisdiction of which the director has knowledge;

50 (3) Who has pled guilty to or been found guilty of any felony involving robbery, arson,  
51 burglary or a related offense as defined by chapter 569, RSMo; or any similar crime in any  
52 federal, state, municipal or other court of similar jurisdiction within the preceding ten years of  
53 which the director has knowledge.

54 6. The [department of social services or the] Missouri highway patrol[, whichever has  
55 access to applicable records,] shall provide a record of clearance or denial of clearance for any  
56 applicant for a school bus permit for the convictions specified in subdivisions (2) and (3) of  
57 subsection 5 of this section. The Missouri highway patrol in providing the record of clearance  
58 or denial of clearance for any such applicant is authorized to obtain from the Federal Bureau of  
59 Investigation any information which might aid the Missouri highway patrol in providing such  
60 record of clearance or denial of clearance. The [department of social services or the] Missouri  
61 highway patrol shall provide the record of clearance or denial of clearance within thirty days of  
62 the date requested, relying on information available at that time, except that the [department of

63 social services or the] Missouri highway patrol shall provide any information subsequently  
64 discovered to the department of revenue.

65 **7. Beginning January 1, 2004, the applicant shall submit two sets of fingerprints.**  
66 **One set of fingerprints shall be used by the highway patrol in order to search the criminal**  
67 **history repository and the second set shall be forwarded to the Federal Bureau of**  
68 **Investigation for searching the federal criminal history files.**

69 **8. The applicant shall pay the fee for the state criminal history information**  
70 **pursuant to section 43.530, RSMo, and pay the appropriate fee determined by the Federal**  
71 **Bureau of Investigation for the federal criminal history record when he or she applies for**  
72 **the school bus permit pursuant to this section. The director shall distribute the fees**  
73 **collected for the state and federal criminal histories to the highway patrol.**

74 **9. The director may adopt any rules and regulations necessary to carry out the**  
75 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
76 **536.010, RSMo, that is created under the authority delegated in this section shall become**  
77 **effective only if it complies with and is subject to all of the provisions of chapter 536,**  
78 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
79 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
80 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
81 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
82 **rule proposed or adopted after August 28, 2003, shall be invalid and void.**

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

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

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

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

16 (4) Careless and imprudent driving in violation of subsection 4

17 of section 304.016, RSMo ..... 4 points

18 In violation of a county or municipal ordinance ..... 2 points

19 (5) Operating without a valid license in violation of subdivision

20 (1) or (2) of subsection 1 of section 302.020:

21 (a) For the first conviction ..... 2 points

22 (b) For the second conviction ..... 4 points

23 (c) For the third conviction ..... 6 points

24 (6) Operating with a suspended or revoked license prior to restoration

25 of operating privileges ..... 12 points

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

27 (8) For the first conviction of driving while in an intoxicated condition

28 or under the influence of controlled substances or drugs ..... 8 points

29 (9) For the second or subsequent conviction of any of the following

30 offenses however combined: driving while in an intoxicated condition,

31 driving under the influence of controlled substances or drugs or driving

32 with a blood alcohol content of eight-hundredths of one percent or

33 more by weight ..... 12 points

34 (10) For the first conviction for driving with blood alcohol content

35 eight-hundredths of one percent or more by weight

36 In violation of state law ..... 8 points

37 In violation of a county or municipal ordinance or federal law or regulation ..... 8 points

38 (11) Any felony involving the use of a motor vehicle ..... 12 points

39 (12) Knowingly permitting unlicensed operator to operate a motor

40 vehicle ..... 4 points

41 (13) For a conviction for failure to maintain financial responsibility

42 pursuant to county or municipal ordinance or pursuant to section 303.025,

43 RSMo ..... 4 points

44 **(14) Exceeding the posted speed limit by twenty miles per hour or**

45 **more by a person under the age of eighteen:**

46 **(a) For the first conviction ..... 8 points**

47 **(b) For the second or subsequent conviction ..... 12 points**

48 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess

49 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section

50 302.020, when the director issues such operator a license or permit pursuant to the provisions

51 of sections 302.010 to 302.340.

52           3. An additional two points shall be assessed when personal injury or property damage  
53 results from any violation listed in subsection 1 of this section and if found to be warranted and  
54 certified by the reporting court.

55           4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
56 section constitutes both a violation of a state law and a violation of a county or municipal  
57 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
58 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
59 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
60 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
61 offenses arising out of the same occurrence.

62           5. The director of revenue shall put into effect a system for staying the assessment of  
63 points against an operator. The system shall provide that the satisfactory completion of a  
64 driver-improvement program or, in the case of violations committed while operating a  
65 motorcycle, a motorcycle-rider training course approved by the director of the department of  
66 public safety, by an operator, when so ordered and verified by any court having jurisdiction over  
67 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
68 violation committed in a commercial motor vehicle as defined in section 302.700 **or a violation**  
69 **committed by an individual who has been issued a commercial driver's license or is**  
70 **required to obtain a commercial driver's license in this state or any other state**, shall be  
71 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision  
72 (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the  
73 purposes of this subsection, the driver-improvement program shall meet or exceed the standards  
74 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a  
75 violation which occurred during the operation of a motorcycle, the program shall meet the  
76 standards established by the director of the department of public safety pursuant to sections  
77 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider  
78 training course shall not be accepted in lieu of points more than one time in any thirty-six-month  
79 period and shall be completed within sixty days of the date of conviction in order to be accepted  
80 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions  
81 of this subsection shall, within fifteen days after completion of the driver-improvement program  
82 or motorcycle-rider training course by an operator, forward a record of the completion to the  
83 director, all other provisions of the law to the contrary notwithstanding. The director shall  
84 establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value  
2 charged against the operator's record when the record shows four or more points have been  
3 accumulated in a twelve-month period.

4           2. In an action to suspend or revoke a license or driving privilege under this section  
5 points shall be accumulated on the date of conviction. No case file of any conviction for a  
6 driving violation for which points may be assessed pursuant to section 302.302 may be closed  
7 until such time as a copy of the record of such conviction is forwarded to the department of  
8 revenue.

9           3. The director shall suspend the license and driving privileges of any person whose  
10 driving record shows the driver has accumulated eight points in eighteen months.

11           4. The license and driving privilege of any person whose license and driving privilege  
12 have been suspended under the provisions of sections 302.010 to 302.540 except those persons  
13 whose license and driving privilege have been suspended under the provisions of subdivision (8)  
14 of subsection 1 of section 302.302 or has accumulated sufficient points together with a  
15 conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of  
16 financial responsibility with the department of revenue, in accordance with chapter 303, RSMo,  
17 and is otherwise eligible, shall be reinstated as follows:

18           (1) In the case of an initial suspension, thirty days after the effective date of the  
19 suspension;

20           (2) In the case of a second suspension, sixty days after the effective date of the  
21 suspension;

22           (3) In the case of the third and subsequent suspensions, ninety days after the effective  
23 date of the suspension.

24 Unless proof of financial responsibility is filed with the department of revenue, a suspension  
25 shall continue in effect for two years from its effective date.

26           5. The period of suspension of the driver's license and driving privilege of any person  
27 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has  
28 accumulated sufficient points together with a conviction under subdivision (10) of subsection  
29 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving  
30 privilege as defined in section 302.010. Upon completion of such period of restricted driving  
31 privilege, upon compliance with other requirements of law and upon filing of proof of financial  
32 responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license  
33 and driving privilege shall be reinstated.

34           6. If the person fails to maintain proof of financial responsibility in accordance with  
35 chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

36           7. The director shall revoke the license and driving privilege of any person when the  
37 person's driving record shows such person has accumulated twelve points in twelve months or  
38 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation  
39 period of any person whose license and driving privilege have been revoked under the provisions



40 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the  
41 department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall  
42 be terminated by a notice from the director of revenue after one year from the effective date of  
43 the revocation. Unless proof of financial responsibility is filed with the department of revenue,  
44 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for  
45 a period of two years from its effective date. If the person fails to maintain proof of financial  
46 responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege  
47 shall be rerevoked. Any person whose license and driving privilege have been revoked under  
48 the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of  
49 the revocation from the director, pass the complete driver examination and apply for a new  
50 license before again operating a motor vehicle upon the highways of this state.

51 8. If, prior to conviction for an offense that would require suspension or revocation of  
52 a person's license under the provisions of this section, the person's total points accumulated are  
53 reduced, pursuant to the provisions of section 302.306, below the number of points required for  
54 suspension or revocation pursuant to the provisions of this section, then the person's license shall  
55 not be suspended or revoked until the necessary points are again obtained and accumulated.

56 9. If any person shall neglect or refuse to surrender the person's license, as provided  
57 herein, the director shall direct the state highway patrol or any peace or police officer to secure  
58 possession thereof and return it to the director.

59 10. Upon the issuance of a reinstatement or termination notice after a suspension or  
60 revocation of any person's license and driving privilege under the provisions of sections 302.010  
61 to 302.540, the accumulated point value shall be reduced to four points, except that the points  
62 of any person serving as a member of the armed forces of the United States outside the limits of  
63 the United States during a period of suspension or revocation shall be reduced to zero upon the  
64 date of the reinstatement or termination of notice. It shall be the responsibility of such member  
65 of the armed forces to submit copies of official orders to the director of revenue to substantiate  
66 such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary  
67 notwithstanding, the effective date of the four points remaining on the record upon reinstatement  
68 or termination shall be the date of the reinstatement or termination notice.

69 11. No credit toward reduction of points shall be given during periods of suspension or  
70 revocation or any period of driving under a limited driving privilege granted by a court or the  
71 director of revenue.

72 12. Any person or nonresident whose license or privilege to operate a motor vehicle in  
73 this state has been suspended or revoked under this or any other law shall, before having the  
74 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee  
75 of twenty dollars which shall be in addition to all other fees provided by law.

76 13. Notwithstanding any other provision of law to the contrary, if after two years from  
77 the effective date of any suspension or revocation issued under this chapter, the person or  
78 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such  
79 license or privilege to operate a motor vehicle in this state.

80 14. No person who has had a license to operate a motor vehicle suspended or revoked  
81 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of  
82 subsection 1 of section 302.302 shall have that license reinstated until such person has  
83 participated in and successfully completed a substance abuse traffic offender program defined  
84 in section 302.010, or a program determined to be comparable by the department **of mental**  
85 **health**. Assignment recommendations, based upon the needs assessment as described in  
86 subdivision (22) of section 302.010, shall be delivered in writing to the person with written  
87 notice that the person is entitled to have such assignment recommendations reviewed by the court  
88 if the person objects to the recommendations. The person may file a motion in the associate  
89 division of the circuit court of the county in which such assignment was given, on a printed form  
90 provided by the state courts administrator, to have the court hear and determine such motion  
91 pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity  
92 making the needs assessment as the respondent and a copy of the motion shall be served upon  
93 the respondent in any manner allowed by law. Upon hearing the motion, the court may modify  
94 or waive any assignment recommendation that the court determines to be unwarranted based  
95 upon a review of the needs assessment, the person's driving record, the circumstances  
96 surrounding the offense, and the likelihood of the person committing a like offense in the future,  
97 except that the court may modify but may not waive the assignment to an education or  
98 rehabilitation program of a person determined to be a prior or persistent offender as defined in  
99 section 577.023, RSMo, or of a person determined to have operated a motor vehicle with  
100 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
101 the court determination of the motion shall satisfy the provisions of this section for the purpose  
102 of reinstating such person's license to operate a motor vehicle. The respondent's personal  
103 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
104 directed by the court.

105 15. The fees for the program authorized in subsection 14 of this section, or a portion  
106 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
107 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
108 charged for the program, a supplemental fee [of sixty dollars] **in an amount to be determined**  
109 **by the department of mental health for the purposes of funding the substance abuse traffic**  
110 **offender program defined in section 302.010 and section 577.001, RSMo, or a program**  
111 **determined to be comparable by the department of mental health**. The administrator of the

112 program shall remit to the division of alcohol and drug abuse of the department of mental health  
113 **on or before the fifteenth day of each month** the supplemental fee for all persons enrolled in  
114 the program, less two percent for administrative costs. **Interest shall be charged on any**  
115 **unpaid balance of the supplemental fees due the division of alcohol and drug abuse**  
116 **pursuant to this section and shall accrue at a rate not to exceed the annual rate established**  
117 **pursuant to section 32.065, RSMo, plus three percentage points.** The supplemental fees and  
118 **any interest** received by the department of mental health pursuant to this section shall be  
119 deposited in the mental health earnings fund which is created in section 630.053, RSMo.

120 **16. Any administrator who fails to remit to the division of alcohol and drug abuse**  
121 **of the department of mental health the supplemental fees and interest for all persons**  
122 **enrolled in the program pursuant to this section shall be subject to a penalty equal to the**  
123 **amount of interest accrued on the supplemental fees due the division pursuant to this**  
124 **section. If the supplemental fees, interest, and penalties are not remitted to the division of**  
125 **alcohol and drug abuse of the department of mental health within six months of the due**  
126 **date, the attorney general of the state of Missouri shall initiate appropriate action for the**  
127 **collection of such fees and interest accrued. The court shall assess attorney fees and court**  
128 **costs against any delinquent program.**

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,  
2 the director of revenue shall return the license to the operator immediately upon the termination  
3 of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

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

7 3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear  
8 applications and make eligibility determinations granting limited driving privileges. Any  
9 application may be made in writing to the director of revenue and the person's reasons for  
10 requesting the limited driving privilege shall be made therein.

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

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

14 (b) Seeking medical treatment for such operator;

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

16 (d) Attending alcohol or drug treatment programs; or

17 (e) Any other circumstance the court or director finds would create an undue hardship  
18 on the operator;

19 the court or director may grant such limited driving privilege as the circumstances of the case  
20 justify if the court or director finds undue hardship would result to the individual, and while so  
21 operating a motor vehicle within the restrictions and limitations of the limited driving privilege  
22 the driver shall not be guilty of operating a motor vehicle without a valid license.

23 (3) An operator may make application to the proper court in the county in which such  
24 operator resides or in the county in which is located the operator's principal place of business or  
25 employment. Any application for a limited driving privilege made to a circuit court shall name  
26 the director as a party defendant and shall be served upon the director prior to the grant of any  
27 limited privilege, and shall be accompanied by a copy of the applicant's driving record as  
28 certified by the director. Any applicant for a limited driving privilege shall have on file with the  
29 department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any  
30 application by a person who transports persons or property as classified in section 302.015 may  
31 be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if  
32 proof of financial responsibility does not accompany the application, or if the applicant does not  
33 have on file with the department of revenue proof of financial responsibility, the court or the  
34 director has discretion to grant the limited driving privilege to the person solely for the purpose  
35 of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and  
36 the limited driving privilege must state such restriction. When operating such vehicle under such  
37 restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for  
38 that vehicle.

39 (4) The court order or the director's grant of the limited driving privilege shall indicate  
40 the termination date of the privilege, which shall be not later than the end of the period of  
41 suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the  
42 director, and a copy shall be given to the driver which shall be carried by the driver whenever  
43 such driver operates a motor vehicle. The director of revenue upon granting a limited driving  
44 privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall  
45 carry a copy of the limited driving privilege while operating a motor vehicle. A conviction  
46 which results in the assessment of points pursuant to section 302.302, other than a violation of  
47 a municipal stop sign ordinance where no accident is involved, against a driver who is operating  
48 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points  
49 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the  
50 limited driving privilege, the privilege shall not be terminated. The director shall notify by  
51 ordinary mail the driver whose privilege is so terminated.

52 (5) Except as provided in subdivision (6) of this subsection, no person is eligible to  
53 receive a limited driving privilege who at the time of application for a limited driving privilege

54 has previously been granted such a privilege within the immediately preceding five years, or  
55 whose license has been suspended or revoked for the following reasons:

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

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

62 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),  
63 (6), (7), (8), (9), (10) or (11) of section 302.060;

64 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a  
65 controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as  
66 provided in section 577.060, RSMo;

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

70 (f) Violation more than once of the provisions of section 577.041, RSMo, or a similar  
71 implied consent law of any other state; **or**

72 (g) [Disqualification of a commercial driver's license pursuant to sections 302.700 to  
73 302.780, however, nothing in this subsection shall prevent a person holding a commercial  
74 driver's license who is suspended or revoked as a result of an action occurring while not driving  
75 a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an  
76 operator of a personal vehicle from applying for a limited driving privilege to operate a  
77 commercial vehicle, if otherwise eligible for such limited privilege; or

78 (h)] Due to a suspension pursuant to subsection 2 of section 302.525 and who has not  
79 completed the first thirty days of such suspension, provided the person is not otherwise ineligible  
80 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525  
81 if such person has not completed such revocation.

82 (6) **No person who possesses a commercial driver's license shall receive a limited**  
83 **driving privilege issued for the purpose of operating a commercial motor vehicle if such**  
84 **person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing**  
85 **in this section shall prohibit the issuance of a limited driving privilege for the purpose of**  
86 **operating a noncommercial motor vehicle provided that pursuant to the provisions of this**  
87 **section, the applicant is not otherwise ineligible for a limited driving privilege.**

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

90 manner prescribed in this subsection, allow a person who has had such person's license to operate  
91 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,  
92 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege  
93 pursuant to this subsection if such person has served at least three years of such disqualification  
94 or revocation. Such person shall present evidence satisfactory to the court or the director that  
95 such person has not been convicted of any offense related to alcohol, controlled substances or  
96 drugs during the preceding three years and that the person's habits and conduct show that the  
97 person no longer poses a threat to the public safety of this state.

98 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
99 ineligible for a limited driving privilege or convicted of involuntary manslaughter while  
100 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the  
101 manner prescribed in this subsection, allow a person who has had such person's license to operate  
102 a motor vehicle revoked where that person cannot obtain a new license for a period of five years  
103 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of  
104 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person  
105 has served at least two years of such disqualification or revocation. Such person shall present  
106 evidence satisfactory to the court or the director that such person has not been convicted of any  
107 offense related to alcohol, controlled substances or drugs during the preceding two years and that  
108 the person's habits and conduct show that the person no longer poses a threat to the public safety  
109 of this state. Any person who is denied a license permanently in this state because of an  
110 alcohol-related conviction subsequent to a restoration of such person's driving privileges  
111 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege  
112 pursuant to the provisions of this subdivision.

113 4. Any person who has received notice of denial of a request of limited driving privilege  
114 by the director of revenue may make a request for a review of the director's determination in the  
115 circuit court of the county in which the person resides or the county in which is located the  
116 person's principal place of business or employment within thirty days of the date of mailing of  
117 the notice of denial. Such review shall be based upon the records of the department of revenue  
118 and other competent evidence and shall be limited to a review of whether the applicant was  
119 statutorily entitled to the limited driving privilege.

120 5. The director of revenue shall promulgate rules and regulations necessary to carry out  
121 the provisions of this section. Any rule or portion of a rule, as that term is defined in section  
122 536.010, RSMo, that is created under the authority delegated in this section shall become  
123 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
124 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
125 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,

126 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently  
127 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
128 after August 28, 2001, shall be invalid and void.

302.540. 1. No person who has had a license to operate a motor vehicle suspended or  
2 revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated  
3 until such person has participated in and successfully completed a substance abuse traffic  
4 offender program defined in section 302.010, or a program determined to be comparable by the  
5 department **of mental health**. Assignment recommendations, based upon the needs assessment  
6 as described in subdivision (22) of section 302.010, shall be delivered in writing to the person  
7 with written notice that the person is entitled to have such assignment recommendations  
8 reviewed by the court if the person objects to the recommendations. The person may file a  
9 motion in the associate division of the circuit court of the county in which such assignment was  
10 given, on a printed form provided by the state courts administrator, to have the court hear and  
11 determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name  
12 the person or entity making the needs assessment as the respondent and a copy of the motion  
13 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,  
14 the court may modify or waive any assignment recommendation that the court determines to be  
15 unwarranted based upon a review of the needs assessment, the person's driving record, the  
16 circumstances surrounding the offense, and the likelihood of the person committing a like  
17 offense in the future, except that the court may modify but may not waive the assignment to an  
18 education or rehabilitation program of a person determined to be a prior or persistent offender  
19 as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle  
20 with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance  
21 with the court determination of the motion shall satisfy the provisions of this section for the  
22 purpose of reinstating such person's license to operate a motor vehicle. The respondent's  
23 personal appearance at any hearing conducted pursuant to this subsection shall not be necessary  
24 unless directed by the court.

25 2. The fees for the program authorized in subsection 1 of this section, or a portion thereof  
26 to be determined by the division of alcohol and drug abuse of the department of mental health,  
27 shall be paid by the person enrolled in the program. Any person who is enrolled in the program  
28 shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars]  
29 **to be determined by the department of mental health for the purposes of funding the**  
30 **substance abuse traffic offender program defined in section 302.010 and section 577.001,**  
31 **RSMo, or a program determined to be comparable by the department of mental health.**  
32 The administrator of the program shall remit to the division of alcohol and drug abuse of the  
33 department of mental health **on or before the fifteenth day of each month** the supplemental

34 fee for all persons enrolled in the program, less two percent for administrative costs. **Interest**  
35 **shall be charged on any unpaid balance of the supplemental fees due the division of alcohol**  
36 **and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual**  
37 **rate established pursuant to the provision of section 32.065, RSMo, plus three percentage**  
38 **points.** The supplemental fees **and any interest** received by the department of mental health  
39 pursuant to this section shall be deposited in the mental health earnings fund which is created in  
40 section 630.053, RSMo.

41 **3. Any administrator who fails to remit to the division of alcohol and drug abuse**  
42 **of the department of mental health the supplemental fees and interest for all persons**  
43 **enrolled in the program pursuant to this section shall be subject to a penalty equal to the**  
44 **amount of interest accrued on the supplemental fees due the division pursuant to this**  
45 **section. If the supplemental fees, interest, and penalties are not remitted to the division of**  
46 **alcohol and drug abuse of the department of mental health within six months of the due**  
47 **date, the attorney general of the state of Missouri shall initiate appropriate action for the**  
48 **collection of said fees and interest accrued. The court shall assess attorney fees and court**  
49 **costs against any delinquent program.**

50 [3.] **4.** Court-ordered participation in a substance abuse traffic offender program,  
51 pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court  
52 action arose out of the same occurrence that resulted in a person's license being administratively  
53 suspended or revoked.

54 [4.] **5.** The division of alcohol and drug abuse of the department of mental health may  
55 create a treatment demonstration project within existing appropriations and shall develop and  
56 certify a program to provide education or rehabilitation services for individuals determined by  
57 the division to be serious or repeat offenders. The program shall qualify as a substance abuse  
58 traffic offender program. As used in this subsection, a "serious or repeat offender" is one who  
59 was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by  
60 weight while operating a motor vehicle or a prior or persistent offender as defined in section  
61 577.023, RSMo.

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

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

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

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



9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section  
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which  
12 authorizes the individual to operate a commercial motor vehicle;

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

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport  
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or  
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand  
21 one pounds or more;

22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more  
23 pounds or such lesser rating as determined by federal regulation;

24 (c) If the vehicle is designed to transport [more than fifteen] **sixteen or more** passengers,  
25 including the driver; or

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

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

31 (8) "Conviction", an unvacated adjudication of guilt, or a determination that a person has  
32 violated or failed to comply with the law in a court of original jurisdiction or an authorized  
33 administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the  
34 person's appearance in court, the payment of a fine or court cost, or violation of a condition of  
35 release without bail, regardless of whether the penalty is rebated, suspended or prorated;

36 (9) "Director", the director of revenue or his authorized representative;

37 (10) "Disqualification", [a withdrawal of the privilege to drive a commercial motor  
38 vehicle] **any of the following three actions:**

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

40 (b) **Any withdrawal of a person's privileges to drive a commercial motor vehicle by**  
41 **a state as the result of a violation of federal, state, county, municipal, or local law relating**  
42 **to motor vehicle traffic control or violations committed through the operation of motor**  
43 **vehicles, other than parking, vehicle weight, or vehicle defect violations;**

44           **(c) A determination by the Federal Motor Carrier Safety Administration that a**  
45 **person is not qualified to operate a commercial motor vehicle under 49 CFR, Part 383.52**  
46 **or Part 391;**

47           (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

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

50           (13) "Driving under the influence of alcohol", the commission of any one or more of the  
51 following acts [in a commercial motor vehicle]:

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

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

57           (c) Driving a **commercial or noncommercial motor vehicle** with excessive blood  
58 alcohol content in violation of any federal or state law, or in violation of a county or municipal  
59 ordinance;

60           (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section  
61 302.750, any federal or state law, or a county or municipal ordinance; or

62           (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
63 in subsection 3 of section 302.525; **provided that any suspension or revocation pursuant to**  
64 **section 302.505, committed in a noncommercial vehicle shall have been committed by the**  
65 **person with an alcohol-concentration of at least eight-hundredths of one percent or more**  
66 **and if committed in a commercial motor vehicle, a concentration of four-hundredths of one**  
67 **percent or more;**

68           (14) "Driving under the influence of a controlled substance", the commission of any one  
69 or more of the following acts in a commercial **or noncommercial** motor vehicle:

70           (a) Driving a commercial **or noncommercial** motor vehicle while under the influence  
71 of any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C.  
72 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they  
73 may be revised from time to time;

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

76           (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section  
77 302.750, any federal or state law, or a county or municipal ordinance;

78 (15) "Employer", any person, including the United States, a state, or a political  
79 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
80 operate such a vehicle;

81 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer  
82 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,  
83 or a combination of these, within one hundred fifty miles of the farm, other than one which  
84 requires placarding for hazardous materials as defined in this section, or used in the operation  
85 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial  
86 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand  
87 one pounds when transporting fertilizers as defined in subdivision (19) of this subsection;

88 **(17) "Fatality", the death of a person as a result of a motor vehicle accident;**

89 [(17)] **(18) "Felony"**, any offense under state or federal law that is punishable by death  
90 or imprisonment for a term exceeding one year;

91 **(19) "Gross combination weight rating" or "GCWR", the value specified by the**  
92 **manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence**  
93 **of a value specified by the manufacturer, GCWR shall be determined by adding the**  
94 **GVWR of the power unit and the total weight of the towed unit and any load thereon;**

95 [(18)] **(20) "Gross vehicle weight rating" or "GVWR"**, the value specified by the  
96 manufacturer [or manufacturers] as the [maximum] loaded weight of a single [or a combination]  
97 vehicle[, or registered gross weight, whichever is greater. The GVWR of a combination vehicle,  
98 commonly referred to as the "gross combination weight rating" or "GCWR", is the GVWR of  
99 the power unit plus the GVWR of the towed unit or units];

100 [(19)] **(21) "Hazardous materials"**, hazardous materials as specified in section 103 of  
101 the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but  
102 not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor  
103 fuel or special fuel shall not be considered hazardous materials when transported by a farm  
104 vehicle provided all other provisions of this definition are followed;

105 **(22) "Imminent hazard", the existence of a condition that presents a substantial**  
106 **likelihood that death, serious illness, severe personal injury, or a substantial endangerment**  
107 **to health, property, or the environment may occur before the reasonably foreseeable**  
108 **completion date of a formal proceeding begins to lessen the risk of that death, illness,**  
109 **injury or endangerment;**

110 [(20)] **(23) "Motor vehicle"**, any self-propelled vehicle not operated exclusively upon  
111 tracks;

112 **(24) "Noncommercial motor vehicle", a motor vehicle or combination of motor**  
113 **vehicles not defined by the term "commercial motor vehicle" in this section;**

114 [(21)] **(25)** "Out of service", a temporary prohibition against the operation of a  
115 commercial motor vehicle by a particular driver, or the operation of a particular commercial  
116 motor vehicle, or the operation of a particular motor carrier;

117 [(22)] **(26)** "Out-of-service order", a declaration by the Federal Highway Administration,  
118 or any authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico,  
119 Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a  
120 motor carrier operation, is out of service;

121 **(27) "School bus", a commercial motor vehicle used to transport preprimary,  
122 primary, or secondary school students from home to school, from school to home, or to and  
123 from school sponsored events. School bus does not include a bus used as a common carrier  
124 as defined by the secretary;**

125 [(23)] **(28)** "Secretary", the Secretary of Transportation of the United States;

126 [(24)] **(29)** "Serious traffic violation", driving a commercial motor vehicle in such a  
127 manner that the driver receives a conviction for **the following offenses or driving a  
128 noncommercial motor vehicle when the driver receives a conviction for the following  
129 offenses and the conviction results in the suspension or revocation of the driver's license  
130 or noncommercial motor vehicle driving privilege:**

131 (a) Excessive speeding, as defined by the secretary by regulation;

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

138 (c) A violation of any state law or county or municipal ordinance regulating the operation  
139 of motor vehicles arising out of an accident or collision which resulted in death to any person,  
140 other than a parking violation; [or]

141 **(d) Driving a commercial motor vehicle without obtaining a commercial driver's  
142 license;**

143 **(e) Driving a commercial motor vehicle without a commercial driver's license in the  
144 driver's possession. Any individual who provides proof to the enforcement authority that  
145 issued the citation, by the date the individual must appear in court or pay any fine for such  
146 a violation, that the individual held a valid commercial driver's license on the date the  
147 citation was issued, shall not be guilty of this offense;**

148           **(f) Driving a commercial motor vehicle without the proper commercial driver's**  
149 **license class or endorsement for the specific vehicle group being operated or for the**  
150 **passengers or type of cargo being transported; or**

151           [(d)] **(g)** Any other violation of a state law or county or municipal ordinance regulating  
152 the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by  
153 regulation;

154           [(25)] **(30)** "State", a state, [territory or possession] of the United States, **including** the  
155 District of Columbia, [the Commonwealth of Puerto Rico, Mexico, and any province of Canada]  
156 **as defined in 49 CFR, part 383, and as may be amended by the secretary;**

157           [(26)] **(31)** "United States", the fifty states and the District of Columbia.

302.725. Any person who drives a commercial motor vehicle without the proper class  
2 of license or applicable endorsements valid for the type of vehicle being operated, or a  
3 commercial driver's instruction permit, or a receipt which indicates the driver is qualified to drive  
4 a commercial motor vehicle, [or while driving privileges are suspended, revoked, or canceled,  
5 or while disqualified from operating a commercial motor vehicle,] or who violates license  
6 restrictions in any state, **or driving a commercial motor vehicle without a commercial**  
7 **driver's license in his or her possession** shall be guilty of a class A misdemeanor. **Any**  
8 **individual who provides proof to the enforcement authority that issued the citation, by the**  
9 **date the individual must appear in court or pay any fine for such a violation, that the**  
10 **individual held a valid commercial driver's license on the date the citation was issued, shall**  
11 **not be guilty of this offense.** No court shall suspend the imposition of sentence as to such  
12 person nor sentence such person to a fine in lieu of a term of imprisonment, nor shall such person  
13 be eligible for parole or probation until he has served a minimum of forty-eight consecutive  
14 hours of imprisonment, unless as a condition of such parole or probation, such person performs  
15 at least ten days involving at least forty hours of community service under the supervision of the  
16 court in those jurisdictions which have a recognized program for community service. Upon  
17 receipt of such conviction the director shall [revoke] **disqualify** such person's privilege to drive  
18 a commercial motor vehicle [for a period of two years] **pursuant to section 302.755.**

**302.726. 1. A person commits the crime of driving a commercial motor vehicle**  
2 **while revoked if he operates a commercial motor vehicle when, as a result of prior**  
3 **violations committed operating a commercial motor vehicle, the driver's commercial driver**  
4 **license is revoked, suspended, or canceled, or the driver is disqualified from operating a**  
5 **commercial motor vehicle.**

6           **2. Any person convicted of driving a commercial motor vehicle while revoked is**  
7 **guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement**  
8 **contacts as defined in section 302.525, convicted a fourth or subsequent time of driving a**

9 **commercial motor vehicle while revoked or a county or municipal ordinance of driving a**  
10 **commercial motor vehicle while suspended or revoked where the judge in such case was**  
11 **an attorney and the defendant was represented by or waived the right to an attorney in**  
12 **writing, and where the prior three driving a commercial motor vehicle while revoked**  
13 **offenses occurred within ten years of the date of occurrence of the present offense and**  
14 **where the person received and served a sentence of ten days or more on such previous**  
15 **offenses; and any person with a prior alcohol-related enforcement contact as defined in**  
16 **section 302.525, convicted a third or subsequent time of driving a commercial motor vehicle**  
17 **while revoked or a county or municipal ordinance of driving a commercial motor vehicle**  
18 **while suspended or revoked where the judge in such case was an attorney and the**  
19 **defendant was represented by or waived the right to an attorney in writing, and where the**  
20 **prior two driving a commercial motor vehicle while revoked offenses occurred within ten**  
21 **years of the date of occurrence of the present offense and where the person received and**  
22 **served a sentence of ten days or more on such previous offenses is guilty of a class D felony.**  
23 **No court shall suspend the imposition of sentence as to such a person nor sentence such**  
24 **person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for**  
25 **parole or probation until he has served a minimum of forty-eight consecutive hours of**  
26 **imprisonment, unless as a condition of such parole or probation, such person performs at**  
27 **least ten days involving at least forty hours of community service under the supervision of**  
28 **the court in those jurisdictions which have a recognized program for community service.**  
29 **Driving a commercial motor vehicle while revoked is a class D felony on the second or**  
30 **subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent**  
31 **conviction for any other offense.**

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

8 2. The application for a commercial driver's license or renewal shall be accompanied by  
9 the payment of a fee of forty dollars. The fee for a duplicate commercial driver's license shall  
10 be twenty dollars. A commercial driver's license shall expire on the applicant's birthday in the  
11 sixth year after issuance and must be renewed on or before the date of expiration. The director  
12 shall have the authority to stagger the issuance or renewal of commercial driver's license  
13 applicants over a six-year period. When a person changes such person's name an application for

14 a duplicate license shall be made to the director of revenue. When a person changes such  
15 person's mailing address or residence the applicant shall notify the director of revenue of said  
16 change, however, no application for a duplicate license is required. To all applicants for a  
17 commercial license or renewal who are between eighteen and twenty-one years of age and  
18 seventy years of age and older, the application shall be accompanied by a fee of twenty dollars.  
19 A commercial license issued pursuant to an applicant less than twenty-one years of age and  
20 seventy years of age and older shall expire on the applicant's birthday in the third year after  
21 issuance.

22 3. Within thirty days after moving to this state, the holder of a commercial driver's  
23 license shall apply for a commercial driver's license in this state. The applicant shall meet all  
24 other requirements of sections 302.700 to 302.780, except that the director may waive the driving  
25 test for a commercial driver's license as required in section 302.720 if the applicant for a  
26 commercial driver's license has a valid commercial driver's license from a state which has  
27 requirements for issuance of such license comparable to those in this state.

28 4. Any person who falsifies any information in an application or test for a commercial  
29 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's  
30 commercial driver's license shall be canceled, for a period of one year after the director discovers  
31 such falsification.

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

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

18 **record system of the date when he or she has obtained the driving records from all states**  
19 **which the person has been licensed.**

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

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

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

3 (1) Driving a [commercial] motor vehicle under the influence of alcohol or a controlled  
4 substance;

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

8 **(3) Driving a commercial motor vehicle while revoked pursuant to section 302.726;**

9 ~~[(2)]~~ **(4) Leaving the scene of an accident involving a commercial or noncommercial**  
10 **motor vehicle operated by the person;**

11 ~~[(3)]~~ **(5) Using a commercial or noncommercial motor vehicle in the commission of**  
12 **any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this**  
13 **section.**

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

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

23 4. Any person is disqualified from driving a commercial motor vehicle for life who uses  
24 a commercial **or noncommercial** motor vehicle in the commission of any felony involving the



25 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to  
26 manufacture, distribute, or dispense a controlled substance.

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

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

34           7. Any person who is convicted of operating a commercial motor vehicle during a  
35 continuous twenty-four-hour period beginning at the time of issuance of the out-of-service order  
36 is guilty of a class A misdemeanor.

37           8. Any person convicted for the first time of driving while out of service shall be  
38 disqualified from driving a commercial motor vehicle for a period of ninety days.

39           9. Any person convicted of driving while out of service on a second occasion during any  
40 ten-year period, involving separate incidents, shall be disqualified for a period of one year.

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

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

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

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

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

57           15. Any person disqualified from operating a commercial motor vehicle pursuant to  
58 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and  
59 upon conclusion of the period of disqualification shall take the written and driving tests and meet  
60 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation

61 shall not be withdrawn by the director until such person reapplies for a commercial driver's  
62 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

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

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] **not to exceed an amount as determined by the secretary pursuant to 49**  
4 **CFR, part 383, or as amended by the secretary**, in addition to disqualification as provided by  
5 law. Any civil penalty established in this section shall not become effective and enforced until  
6 October 1, 1996.

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

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

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

302.760. Within ten days after conviction, suspension, revocation, cancellation or  
2 disqualification of any nonresident holder of a commercial driver's license **or any nonresident**  
3 **who is required to possess a commercial driver's license** for any violation committed in a  
4 [commercial motor] vehicle of state law or any county or municipal ordinance regulating the  
5 operation of motor vehicles, other than parking violations, the director shall notify the driver's  
6 licensing authority in the licensing state of such action **in the manner as prescribed in 49 CFR,**  
7 **part 384, or as amended by the secretary.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and national guard on  
4 active duty, including personnel on full-time national guard duty, personnel on part-time training  
5 and national guard military technicians, while driving military vehicles for military purposes;
- 6 (3) Any person who drives emergency or fire equipment necessary to the preservation  
7 of life or property [or], the execution of emergency governmental functions under emergency  
8 conditions **or the execution of official department or agency business**;
- 9 (4) Any person driving or pulling a recreational vehicle, as defined in sections 301.010  
10 and 700.010, RSMo, for personal use; and
- 11 (5) Any other class of persons exempted by rule or regulation of the director, which rule  
12 or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any  
13 amendments or regulations drafted to that act.

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

- 3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- 4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises  
5 purposes between the official sunrise and sunset on the day of operation;
- 6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally  
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;
- 8 (4) Governing bodies of cities may issue special permits to licensed drivers for special  
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be  
10 collected and retained by cities for such permits;
- 11 (5) Governing bodies of counties may issue special permits to licensed drivers for special  
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be  
13 collected and retained by the counties for such permits.

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

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

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

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

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

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

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

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

304.015. 1. All vehicles not in motion shall be placed with their right side as near the  
2 right-hand side of the highway as practicable, except on streets of municipalities where vehicles  
3 are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

4           2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon  
5 the right half of the roadway, except as follows:

6           (1) When overtaking and passing another vehicle proceeding in the same direction  
7 pursuant to the rules governing such movement;

8           (2) When placing a vehicle in position for and when such vehicle is lawfully making a  
9 left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations  
10 thereunder or of municipalities;

11           (3) When the right half of a roadway is closed to traffic while under construction or  
12 repair;

13           (4) Upon a roadway designated by local ordinance as a one-way street and marked or  
14 signed for one-way traffic.

15           3. It is unlawful to drive any vehicle upon any highway or road which has been divided  
16 into two or more roadways by means of a physical barrier or by means of a dividing section or  
17 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier  
18 or dividing section, or to make any left turn or semicircular or U-turn on any such divided  
19 highway, except at an intersection or interchange or at any signed location designated by the state  
20 highways and transportation commission or the department of transportation. The provisions  
21 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles  
22 owned by the commission or the department.

23           4. The authorities in charge of any highway or the state highway patrol may erect signs  
24 temporarily designating lanes to be used by traffic moving in a particular direction, regardless  
25 of the center line of the highway, and all members of the Missouri highway patrol and other  
26 peace officers may direct traffic in conformance with such signs. When authorized signs have  
27 been erected designating off-center traffic lanes, no person shall disobey the instructions given  
28 by such signs.

29           5. Whenever any roadway has been divided into three or more clearly marked lanes for  
30 traffic, the following rules in addition to all others consistent herewith shall apply:

31           (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and  
32 shall not be moved from such lane until the driver has first ascertained that such movement can  
33 be made with safety;

34           (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the  
35 center lane, except when overtaking and passing another vehicle where the roadway ahead is  
36 clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for  
37 a left turn or where such center lane is at the time allocated exclusively to traffic moving in the  
38 direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

39           (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic  
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the  
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

42           (4) Official signs may be erected by the highways and transportation commission or the  
43 highway patrol may place temporary signs directing slow-moving traffic to use a designated lane  
44 or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall  
45 obey the directions of every such sign;

46           (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the  
47 right, and except when a roadway has been divided into traffic lanes, each driver shall give to  
48 the other at least one-half of the main traveled portion of the roadway whenever possible.

49           6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding  
50 in the same direction shall be driven in the right-hand lane except when overtaking and passing

51 another vehicle or when preparing to make a proper left turn or when otherwise directed by  
52 traffic markings, signs or signals.

53 **7. All trucks registered for a gross weight of more than forty-eight thousand**  
54 **pounds, shall not be driven in the far left-hand lane upon all interstate highways, freeways,**  
55 **or expressways within the urbanized areas of this state having three or more lanes of**  
56 **traffic proceeding in the same direction. This restriction shall not apply when:**

57 **(1) It is reasonably necessary for the operator of the truck to respond to emergency**  
58 **conditions;**

59 **(2) It is necessary for the operator of the truck to avoid actual or potential traffic**  
60 **moving onto the right lane from an acceleration or merging lane;**

61 **(3) It is necessary for the operator of the truck to follow traffic control devices that**  
62 **direct use of a lane other than the right lane; or**

63 **(4) The right half of a roadway is closed to traffic while under construction or**  
64 **repair.**

65 [7.] **8. Violation of this section shall be deemed an infraction unless such violation**  
66 **causes an immediate threat of an accident, in which case such violation shall be deemed a class**  
67 **C misdemeanor, or unless an accident results from such violation, in which case such violation**  
68 **shall be deemed a class A misdemeanor.**

69 **9. As used in subsection 7 of this section, the word "truck" means any vehicle,**  
70 **machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn**  
71 **by mechanical power and designed for or used in the transportation of property upon the**  
72 **highways. The term "truck" also includes a commercial motor vehicle as defined in section**  
73 **301.010, RSMo.**

**304.021. Any wrecker, tow truck, or rollback, requested by law enforcement**  
2 **pursuant to this chapter, shall be considered an emergency vehicle, after such vehicle**  
3 **arrives at the scene of a vehicle accident. A vehicle containing additional equipment for**  
4 **emergency clean-ups that arrives to assist the above vehicles shall also be considered an**  
5 **emergency vehicle pursuant to this section. The vehicles in this section shall only be**  
6 **considered emergency vehicles after arriving and when working the scene at the direction**  
7 **and supervision of law enforcement.**

**304.029. 1. Notwithstanding any other law to the contrary, a low-speed vehicle may**  
2 **be operated upon a highway in the state if it meets the requirements of this section. Every**  
3 **person operating a low-speed vehicle shall be granted all the rights and shall be subject to**  
4 **all the duties applicable to the driver of any other motor vehicle except as to the special**  
5 **regulations in this section and except as to those provisions which by their nature can have**  
6 **no application.**

7           **2. The operator of a low-speed vehicle shall observe all traffic laws and local**  
8 **ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on**  
9 **a street or a highway with a posted speed limit greater than thirty-five miles per hour. The**  
10 **provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street**  
11 **or highway with a posted speed limit greater than thirty-five miles per hour.**

12           **3. No persons shall operate a low-speed vehicle:**

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

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

15           **4. A low-speed vehicle shall be exempt from the requirements of sections 307.350**  
16 **to 307.402, RSMo, for purposes of titling and registration. Low-speed vehicles shall**  
17 **comply with the standards in 49 C.F.R. 571.500.**

18           **5. Every operator of a low-speed vehicle shall maintain financial responsibility on**  
19 **such low-speed vehicle as required by chapter 303, RSMo, if the low-speed vehicle is to be**  
20 **operated upon the highways of this state.**

21           **6. Each person operating a low-speed vehicle on a highway in this state shall**  
22 **possess a valid driver's license issued pursuant to chapter 302, RSMo.**

23           **7. For purposes of this section a "low-speed vehicle" means a four-wheeled motor**  
24 **vehicle, other than a truck, whose top speed is greater than twenty miles per hour but less**  
25 **than twenty-five miles per hour and is manufactured in compliance with the National**  
26 **Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R.**  
27 **571.500.**

28           **8. Nothing in this section shall prevent county or municipal governments from**  
29 **adopting more stringent local ordinances governing low-speed vehicle operation if the**  
30 **governing body of the county or municipality determines that such ordinances are**  
31 **necessary in the interest of public safety. The department of transportation may prohibit**  
32 **the operation of low-speed vehicles on any highway under its jurisdiction if it determines**  
33 **that the prohibition is necessary in the interest of public safety.**

304.035. 1. When any person driving a vehicle approaches a railroad grade crossing, the  
2 driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall  
3 stop the vehicle not less than fifteen feet and not more than fifty feet from the nearest rail of the  
4 railroad track and shall not proceed until he can safely do so if:

5           (1) A clearly visible electric or mechanical signal device warns of the approach of a  
6 railroad train; or

7           (2) A crossing gate is lowered or when a human flagman gives or continues to give a  
8 signal or warning of the approach or passage of a railroad train; or

9 (3) An approaching railroad train is visible and is in hazardous proximity to such  
10 crossing; or

11 (4) Any other traffic sign, device or any other act, rule, regulation or statute requires a  
12 vehicle to stop at a railroad grade crossing.

13 2. No person shall drive any vehicle through, around or under any crossing gate or barrier  
14 at a railroad crossing when a train is approaching while such gate or barrier is closed or is being  
15 opened or closed.

16 3. No person shall drive a vehicle through a railroad crossing when there is not sufficient  
17 space to drive completely through the crossing.

18 4. No person shall drive a vehicle through a railroad crossing unless such vehicle has  
19 sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from  
20 contacting the railroad crossing.

21 5. **An operator of a commercial motor vehicle, as defined in section 302.700, RSMo,**  
22 **other than those required to stop pursuant to section 304.030, shall approach a railroad**  
23 **grade crossing at a rate of speed which will permit the vehicle to be stopped before**  
24 **reaching the nearest rail of such crossing and shall not be driven upon or over such**  
25 **crossing until due caution has been taken to ascertain that the course is clear.**

26 6. Any person violating the provisions of this section is guilty of a class C misdemeanor.

304.580. 1. As used in this section, the term "construction zone" or "work zone" means  
2 any area upon or around any highway as defined in section 302.010, RSMo, which is visibly  
3 marked by the department of transportation or a contractor performing work for the department  
4 of transportation as an area where construction, maintenance, or other work is temporarily  
5 occurring. The term "work zone" or "construction zone" also includes the lanes of highway  
6 leading up to the area upon which an activity described in this subsection is being performed,  
7 beginning at the point where appropriate signs directing motor vehicles to merge from one lane  
8 into another lane are posted.

9 2. Upon a conviction or a plea of guilty by any person for a moving violation as defined  
10 in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess  
11 a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the  
12 offense occurred within a construction zone or a work zone.

13 3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant  
14 to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this  
15 section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine  
16 authorized by law, if the offense occurred within a construction zone or a work zone and at the  
17 time the speeding or passing violation occurred there was any person in such zone who was there  
18 to perform duties related to the reason for which the area was designated a construction zone or



19 work zone. However, no person assessed an additional fine pursuant to this subsection shall also  
20 be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be  
21 assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to  
22 subsection 4 of this section.

23 4. The penalty authorized by subsection 3 of this section shall only be assessed by the  
24 court if the department of transportation or contractor performing work for the department of  
25 transportation has erected signs upon or around a construction or work zone which are clearly  
26 visible from the highway and which state substantially the following message: "Warning: \$250  
27 fine for speeding or passing in this work zone".

28 5. During any day in which no person is present in a construction zone or work zone  
29 established pursuant to subsection 3 of this section to perform duties related to the purpose of  
30 the zone, the sign warning of additional penalties shall not be visible to motorists. During any  
31 period of [two] **four** hours or more in which no person is present in such zone on a day in which  
32 persons have been or will be present to perform duties related to the reason for which the area  
33 was designated as a construction zone or work zone, the sign warning of additional penalties  
34 shall not be visible to motorists. The department of transportation or contractor performing work  
35 for the department of transportation shall be responsible for compliance with provisions of this  
36 subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary  
37 for public safety in the construction or work zone being visible to motorists at all times.

38 6. The driver of a motor vehicle may not overtake or pass another motor vehicle within  
39 a work zone or construction zone. This subsection applies to a construction zone or work zone  
40 located upon a highway divided into two or more marked lanes for traffic moving in the same  
41 direction and for which motor vehicles are instructed to merge from one lane into another lane  
42 by an appropriate sign erected by the department of transportation or a contractor performing  
43 work for the department of transportation. Violation of this subsection is a class C misdemeanor.

44 7. This section shall not be construed to enhance the assessment of court costs or the  
45 assessment of points pursuant to section 302.302, RSMo.

307.125. **1.** Any person who shall place or drive or cause to be placed or driven, upon  
2 or along any state or supplementary state highway of this state any animal-driven vehicle  
3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have  
4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not  
5 less than three inches in diameter of effective area or its equivalent in area. When such device  
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an  
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection  
8 of every such device shall be no less than sixty degrees and the spread and efficiency of the  
9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor

10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five  
11 hundred feet.

12 **2.** In addition, any person who operates any such animal-driven vehicle during the hours  
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times  
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and  
15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six  
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance  
17 of at least five hundred feet. Any person violating the provisions of this section shall be guilty  
18 of a class C misdemeanor.

19 **3. Any person operating an animal-driven vehicle during the hours between sunset**  
20 **and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this**  
21 **section, use lamps or lanterns complying with the rules promulgated by the director of the**  
22 **department of public safety.**

23 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
24 **that is created under the authority delegated in this section shall become effective only if**  
25 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
26 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
27 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
28 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
29 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
30 **adopted after August 28, 2003, shall be invalid and void.**

307.127. 1. No person shall operate on any public highway of this state any  
2 slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any  
3 animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds  
4 less than twenty-five miles per hour, including all road construction or maintenance machinery  
5 except when engaged in actual construction or maintenance work either guarded by a flagman  
6 or clearly visible warning signs, which normally travels or is normally used at a speed of less  
7 than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as  
8 described in, and displayed as provided in subsection 2 in this section. The requirement of such  
9 emblem shall be in addition to any lighting devices required by section 307.115.

10 2. The emblem required by subsection 1 of this section shall be of substantial  
11 construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or  
12 equivalent quality paint with a base of not less than fourteen inches and an altitude of not less  
13 than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum  
14 width of one and three-fourths inches, with the vertices of the overall triangle truncated such that  
15 the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted

16 on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a  
17 height of not less than four feet above the roadway, and shall be maintained in a clean, reflective  
18 condition. The provisions of this section shall not apply to any vehicle or equipment being  
19 operated on a gravel or dirt surfaced public highway.

20 3. Any person who shall violate the provisions of this section shall be guilty of an  
21 infraction.

22 4. No emblem shall be required on machinery or equipment pulled or attached to a farm  
23 tractor providing the machinery or equipment does not extend more than twelve feet to the rear  
24 of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from  
25 the rear.

26 **5. Any person operating an animal-drawn vehicle on any public highway of this**  
27 **state may, in lieu of displaying the emblem required by subsections 1 and 2 of this section,**  
28 **equip the animal-drawn vehicle with reflective material complying with rules and**  
29 **regulations promulgated by the director of the department of public safety. The reflective**  
30 **material shall be visible from a distance of not less than five hundred feet to the rear when**  
31 **illuminated by the lower beams of vehicle headlights. Any rule or portion of a rule, as that**  
32 **term is defined in section 536.010, RSMo, that is created under the authority delegated in**  
33 **this section shall become effective only if it complies with and is subject to all of the**  
34 **provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section**  
35 **and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**  
36 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**  
37 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
38 **rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be**  
39 **invalid and void.**

2 **307.156. Any person, firm, or corporation which owns or operates a business**  
3 **engaged in whole or in part in servicing motor vehicles and installs or purports to install**  
4 **an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all**  
5 **applicable federal safety regulations for an airbag installed in a vehicle of that make,**  
6 **model, and year; or 2) installs an airbag which has previously been installed in another**  
7 **motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving**  
8 **such airbag installation that a used airbag has been installed in it, shall be guilty of a class**  
9 **D felony.**

2 **307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor and**  
3 **trailer combination, or other commercial motor vehicle and trailer upon any highway of this**  
4 **state, whether intrastate transportation or interstate transportation, [transporting materials defined**  
5 **and classified as hazardous by the United States Department of Transportation pursuant to Title**

5 49 of the Code of Federal Regulations,] **unless such transportation is conducted in**  
6 **accordance with the hazardous material regulations established by the United States**  
7 **Department of Transportation pursuant to Title 49, Code of Federal Regulations,** as such  
8 regulations have been and may periodically be amended[, unless such vehicle is equipped with  
9 the equipment required by and be operated in accordance with safety and hazardous materials  
10 regulations for such vehicles as adopted by the United States Department of Transportation].

11 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
12 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
13 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
14 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

15 3. Failure to comply with the requirements of this section may result in the commercial  
16 motor vehicle and trailer and driver of such vehicle and trailer being placed out of service.  
17 Criteria used for placing drivers and vehicles out of service are the North American Uniform  
18 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
19 States Department of Transportation, as such criteria have been and may periodically be  
20 amended.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle  
2 [licensed for more than twelve thousand pounds] **as defined in Title 49, Code of Federal**  
3 **Regulations, Part 390.5,** either singly or in combination with a trailer, as both vehicles are  
4 defined [in section 301.010, RSMo,] **in Title 49, Code of Federal Regulations, Part 390.5,**  
5 unless such vehicles are equipped and operated as required by Parts 390 through 397, Title 49,  
6 Code of Federal Regulations, as such regulations have been and may periodically be amended,  
7 whether intrastate transportation or interstate transportation. Members of the Missouri state  
8 highway patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to  
9 inspect the contents when reasonable grounds exist to cause belief that the vehicle is transporting  
10 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of  
11 the department of public safety is hereby authorized to further regulate the safety of commercial  
12 motor vehicles and trailers as he deems necessary to govern and control their operation on the  
13 public highways of this state by promulgating and publishing rules and regulations consistent  
14 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by  
15 the director, require:

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

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

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, 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.

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. **When a road authority lawfully closes or vacates**  
35 **a roadway which provided access to a railroad crossing, the state highways and**  
36 **transportation commission shall issue an order authorizing removal of the crossing by the**  
37 **railroad within thirty days of being notified of such action by the roadway authority or**  
38 **railroad.**

39           6. The **state** highways and transportation commission shall have the exclusive power to  
40 prescribe the proportion in which the expense of the construction, installation, alteration or  
41 abolition of such crossings, the separation of grades, and the continued maintenance thereof,  
42 shall be divided between the railroad, street railroad, and the state, county, municipality or other  
43 public authority in interest.

44           7. Any agreement entered into after October 13, 1963, between a railroad or street  
45 railroad and the state, county, municipality or other public authority in interest, as to the  
46 apportionment of any cost mentioned in this section shall be final and binding upon the filing  
47 with the **state** highways and transportation commission of an executed copy of such agreement.  
48 If such parties are unable to agree upon the apportionment of the cost, the **state** highways and  
49 transportation commission shall apportion the cost among the parties according to the benefits  
50 accruing to each. In determining such benefits, the **state** highways and transportation  
51 commission shall consider all relevant factors including volume, speed and type of vehicular  
52 traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad  
53 or street railroad resulting from the elimination of delays and the reduction of hazard at the  
54 crossing.

55           8. Upon application of any person, firm or corporation, the **state** highways and  
56 transportation commission shall determine if an existing private crossing has become or a  
57 proposed private crossing will become utilized by the public to the extent that it is necessary to  
58 protect or promote the public safety. The **state** highways and transportation commission shall  
59 consider all relevant factors including but not limited to volume, speed, and type of vehicular  
60 traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to  
61 protect and promote the public safety, the **state** highways and transportation commission shall  
62 prescribe the nature and type of crossing protection or warning device for such crossing, the cost  
63 of which shall be apportioned by the **state** highways and transportation commission among the

64 parties according to the benefits accruing to each. In the event such crossing protection or  
65 warning device as prescribed by the **state** highways and transportation commission is not  
66 installed, maintained or operated, the crossing shall be closed to the public.

67 9. The exclusive power of the **state** highways and transportation commission pursuant  
68 to this section shall be subject to review, determination, and prescription by the administrative  
69 hearing commission, upon application to [that] **the administrative hearing** commission by any  
70 interested party **in accordance with section 621.040, RSMo.** Upon filing of an application  
71 pursuant to this subsection, the administrative hearing commission is vested with the exclusive  
72 power of the **state** highways and transportation commission otherwise provided in this section,  
73 with reference to matters reviewed, determined or prescribed by the administrative hearing  
74 commission.

75 **10. Unless prescribed in this section, the state highways and transportation**  
76 **commission shall not impose any notification requirements on any local road authority or**  
77 **any railroad pertaining to a diagnostic review or an application for the installation of**  
78 **grade crossing warning devices or pertaining to the closure of grade crossings. Provided**  
79 **however, the state highways and transportation commission may set reasonable deadlines**  
80 **for compliance with its own procedures and may determine that the failure of any party,**  
81 **person, or entity, including any subdivision of this state, to respond to or object within**  
82 **those deadlines is deemed to be consent by such party, person, or entity to any action**  
83 **pertaining to the matter for which the deadline was established.**

390.020. As used in this chapter, unless the context clearly requires otherwise, the words  
2 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, any municipality within this state together with that territory



17 either within or without the state of Missouri, extending one mile beyond the corporate limits of  
18 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;  
19 however, any commercial zone of a city not within a county shall extend eighteen miles beyond  
20 that city's corporate limits and shall also extend throughout any first class charter county which  
21 adjoins that zone;

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

26 (6) "Common carrier", any person which holds itself out to the general public to engage  
27 in the transportation by motor vehicle of passengers or property for hire or compensation upon  
28 the public highways and airlines engaged in intrastate commerce;

29 (7) "Contract carrier", any person under individual contracts or agreements which engage  
30 in transportation by motor vehicles of passenger or property for hire or compensation upon the  
31 public highways;

32 (8) "Corporate family", a group of corporations consisting of a parent corporation and  
33 all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent  
34 interest;

35 (9) "Division", the division of motor carrier and railroad safety of the department of  
36 economic development;

37 (10) "Driveaway operator", any motor carrier who moves any commercial motor vehicle  
38 or assembled automobile singly under its own power or in any other combination of two or more  
39 vehicles under the power of one of said vehicles upon any public highway for the purpose of  
40 delivery for sale or for delivery either before or after sale, **or for the purpose of transporting**  
41 **vehicles in transit from one place to another by driveaway or towaway methods;**

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

47 (12) "Household goods", personal effects and property used or to be used in a dwelling  
48 when a part of the equipment or supply of such dwelling; new or used furniture; store or office  
49 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and  
50 articles, which because of their unusual nature or value require specialized handling and  
51 equipment usually employed in moving household goods;

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

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

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

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

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

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

73 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus  
74 or any self-propelled vehicle used upon the highways of the state in the transportation of property  
75 or passengers;

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

78 (21) "Permit", a permit issued under the provisions of this chapter to a contract carrier  
79 to engage in intrastate or interstate commerce or to a common carrier to engage in interstate  
80 commerce;

81 (22) "Person", any individual or other legal entity, whether such entity is a  
82 proprietorship, partnership, corporation, company, association or joint-stock association,  
83 including the partners, officers, employees, and agents of the person, as well as any trustees,  
84 assignees, receivers, or personal representatives of the person;

85 (23) "Private carrier", any person engaged in the transportation of property or passengers  
86 by motor vehicle upon public highways, but not as a common or contract carrier by motor

87 vehicle; and includes any person who transports property by motor vehicle where such  
88 transportation is incidental to or in furtherance of his commercial enterprises;

89 (24) "Public highway", every public street, road, highway or thoroughfare of any kind  
90 used by the public, whether actually dedicated to the public;

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

93 (26) "School bus", any motor vehicle while being used solely to transport students to or  
94 from school or to transport students to or from any place for educational purposes or school  
95 purposes;

96 (27) "Taxicab", any motor vehicle performing a bona fide for hire taxicab service having  
97 a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular  
98 route or between fixed termini;

99 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one  
100 consignee for delivery at the direction of the consignor or consignee with the lot or lots being the  
101 only lot or lots transported on the motor vehicle at any one time.

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "intoxication-related traffic offense" is driving while intoxicated, driving with  
3 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) of  
4 subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4)  
5 of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second  
6 degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo, or driving under  
7 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance,  
8 where the judge in such case was an attorney and the defendant was represented by or waived  
9 the right to an attorney in writing;

10 (2) A "persistent offender" is one of the following:

11 (a) A person who has pleaded guilty to or has been found guilty of two or more  
12 intoxication-related traffic offenses, where such two or more offenses occurred within ten years  
13 of the occurrence of the intoxication-related traffic offense for which the person is charged;

14 (b) A person who has pleaded guilty to or has been found guilty of involuntary  
15 manslaughter pursuant to subsection 1 of section 565.024, RSMo, assault in the second degree  
16 pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law  
17 enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section  
18 565.082, RSMo; and

19 (3) A "prior offender" is a person who has pleaded guilty to or has been found guilty of  
20 one intoxication-related traffic offense, where such prior offense occurred within five years of  
21 the occurrence of the intoxication-related traffic offense for which the person is charged.

22           2. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
23 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A  
24 misdemeanor.

25           3. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
26 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D  
27 felony.

28           4. No **state, county, or municipal** court shall suspend the imposition of sentence as to  
29 a prior or persistent offender under this section nor sentence such person to pay a fine in lieu of  
30 a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior  
31 offender shall be eligible for parole or probation until he has served a minimum of five days  
32 imprisonment, unless as a condition of such parole or probation such person performs at least  
33 thirty days of community service under the supervision of the court in those jurisdictions which  
34 have a recognized program for community service. No persistent offender shall be eligible for  
35 parole or probation until he or she has served a minimum of ten days imprisonment, unless as  
36 a condition of such parole or probation such person performs at least sixty days of community  
37 service under the supervision of the court.

38           5. The **state, county, or municipal** court shall find the defendant to be a prior offender  
39 or persistent offender, if:

40           (1) The indictment or information, original or amended, or the information in lieu of an  
41 indictment pleads all essential facts warranting a finding that the defendant is a prior offender  
42 or persistent offender; and

43           (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding  
44 beyond a reasonable doubt the defendant is a prior offender or persistent offender; and

45           (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt  
46 by the court that the defendant is a prior offender or persistent offender.

47           6. In a jury trial, the facts shall be pleaded, established and found prior to submission to  
48 the jury outside of its hearing.

49           7. In a trial without a jury or upon a plea of guilty, the court may defer the proof in  
50 findings of such facts to a later time, but prior to sentencing.

51           8. The defendant shall be accorded full rights of confrontation and cross-examination,  
52 with the opportunity to present evidence, at such hearings.

53           9. The defendant may waive proof of the facts alleged.

54           10. Nothing in this section shall prevent the use of presentence investigations or  
55 commitments.

56           11. At the sentencing hearing both the **state, county, or municipality** and the defendant  
57 shall be permitted to present additional information bearing on the issue of sentence.

58           12. The pleas or findings of guilty shall be prior to the date of commission of the present  
59 offense.

60           13. The court shall not instruct the jury as to the range of punishment or allow the jury,  
61 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of  
62 prior offenders or persistent offenders.

63           14. Evidence of prior convictions shall be heard and determined by the trial court out of  
64 the hearing of the jury prior to the submission of the case to the jury, and shall include but not  
65 be limited to evidence of convictions received by a search of the records of the Missouri uniform  
66 law enforcement system maintained by the Missouri state highway patrol. After hearing the  
67 evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal  
68 or county ordinance in a county or municipal court for driving while intoxicated or a conviction  
69 or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence,  
70 suspended execution of sentence, probation or parole or any combination thereof in a state court  
71 shall be treated as a prior conviction.

          577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision  
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to  
3 any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal  
4 shall be admissible in a proceeding pursuant to section 565.024 or 565.060, RSMo, or section  
5 577.010 or 577.012. The request of the officer shall include the reasons of the officer for  
6 requesting the person to submit to a test and also shall inform the person that evidence of refusal  
7 to take the test may be used against such person and that the person's license shall be  
8 immediately revoked upon refusal to take the test. If a person when requested to submit to any  
9 test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be  
10 granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the  
11 twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a  
12 refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of  
13 license revocation personally upon the person and shall take possession of any license to operate  
14 a motor vehicle issued by this state which is held by that person. The officer shall issue a  
15 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall  
16 also give the person a notice of such person's right to file a petition for review to contest the  
17 license revocation.

18           2. The officer shall make a sworn report to the director of revenue, which shall include  
19 the following:

20           (1) That the officer has:

21           (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle  
22 while in an intoxicated or drugged condition; or

23 (b) Reasonable grounds to believe that the person stopped, being under the age of  
24 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths  
25 of one percent or more by weight; or

26 (c) Reasonable grounds to believe that the person stopped, being under the age of  
27 twenty-one years, was committing a violation of the traffic laws of the state, or political  
28 subdivision of the state, and such officer has reasonable grounds to believe, after making such  
29 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

30 (2) That the person refused to submit to a chemical test;

31 (3) Whether the officer secured the license to operate a motor vehicle of the person;

32 (4) Whether the officer issued a fifteen-day temporary permit;

33 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice  
34 of the right to file a petition for review, which notices and permit may be combined in one  
35 document; and

36 (6) Any license to operate a motor vehicle which the officer has taken into possession.

37 3. Upon receipt of the officer's report, the director shall revoke the license of the person  
38 refusing to take the test for a period of one year; or if the person is a nonresident, such person's  
39 operating permit or privilege shall be revoked for one year; or if the person is a resident without  
40 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the  
41 person the issuance of a license or permit for a period of one year.

42 4. If a person's license has been revoked because of the person's refusal to submit to a  
43 chemical test, such person may petition for a hearing before a circuit or associate circuit court  
44 in the county in which the arrest or stop occurred. The person may request such court to issue  
45 an order staying the revocation until such time as the petition for review can be heard. If the  
46 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the  
47 director of revenue and shall send a copy of such order to the director. Such order shall serve  
48 as proof of the privilege to operate a motor vehicle in this state and the director shall maintain  
49 possession of the person's license to operate a motor vehicle until termination of any revocation  
50 pursuant to this section. Upon the person's request the clerk of the court shall notify the  
51 prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the  
52 director of revenue. At the hearing the court shall determine only:

53 (1) Whether or not the person was arrested or stopped;

54 (2) Whether or not the officer had:

55 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in  
56 an intoxicated or drugged condition; or

57 (b) Reasonable grounds to believe that the person stopped, being under the age of  
58 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths  
59 of one percent or more by weight; or

60 (c) Reasonable grounds to believe that the person stopped, being under the age of  
61 twenty-one years, was committing a violation of the traffic laws of the state, or political  
62 subdivision of the state, and such officer had reasonable grounds to believe, after making such  
63 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

64 (3) Whether or not the person refused to submit to the test.

65 5. If the court determines any issue not to be in the affirmative, the court shall order the  
66 director to reinstate the license or permit to drive.

67 6. Requests for review as provided in this section shall go to the head of the docket of  
68 the court wherein filed.

69 7. No person who has had a license to operate a motor vehicle suspended or revoked  
70 pursuant to the provisions of this section shall have that license reinstated until such person has  
71 participated in and successfully completed a substance abuse traffic offender program defined  
72 in section 577.001, or a program determined to be comparable by the department of **mental**  
73 **health** or the court. Assignment recommendations, based upon the needs assessment as  
74 described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the  
75 person with written notice that the person is entitled to have such assignment recommendations  
76 reviewed by the court if the person objects to the recommendations. The person may file a  
77 motion in the associate division of the circuit court of the county in which such assignment was  
78 given, on a printed form provided by the state courts administrator, to have the court hear and  
79 determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name  
80 the person or entity making the needs assessment as the respondent and a copy of the motion  
81 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,  
82 the court may modify or waive any assignment recommendation that the court determines to be  
83 unwarranted based upon a review of the needs assessment, the person's driving record, the  
84 circumstances surrounding the offense, and the likelihood of the person committing a like  
85 offense in the future, except that the court may modify but may not waive the assignment to an  
86 education or rehabilitation program of a person determined to be a prior or persistent offender  
87 as defined in section 577.023, or of a person determined to have operated a motor vehicle with  
88 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
89 the court determination of the motion shall satisfy the provisions of this section for the purpose  
90 of reinstating such person's license to operate a motor vehicle. The respondent's personal  
91 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
92 directed by the court.

93 8. The fees for the substance abuse traffic offender program, or a portion thereof to be  
94 determined by the division of alcohol and drug abuse of the department of mental health, shall  
95 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
96 pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be**  
97 **determined by the department of mental health for the purposes of funding the substance**  
98 **abuse traffic offender program defined in section 302.010 and section 577.001, RSMo.** The  
99 administrator of the program shall remit to the division of alcohol and drug abuse of the  
100 department of mental health **on or before the fifteenth day of each month** the supplemental  
101 fee for all persons enrolled in the program, less two percent for administrative costs. **Interest**  
102 **shall be charged on any unpaid balance of the supplemental fees due the division of alcohol**  
103 **and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual**  
104 **rate established pursuant to section 32.065, RSMo, plus three percentage points.** The  
105 supplemental fees **and any interest** received by the department of mental health pursuant to this  
106 section shall be deposited in the mental health earnings fund which is created in section 630.053,  
107 RSMo.

108 9. Any administrator who fails to remit to the division of alcohol and drug abuse  
109 of the department of mental health the supplemental fees and interest for all persons  
110 enrolled in the program pursuant to this section shall be subject to a penalty equal to the  
111 amount of interest accrued on the supplemental fees due the division pursuant to this  
112 section. If the supplemental fees, interest, and penalties are not remitted to the division of  
113 alcohol and drug abuse of the department of mental health within six months of the due  
114 date, the attorney general of the state of Missouri shall initiate appropriate action for the  
115 collection of such fees and interest accrued. The court shall assess attorney fees and court  
116 costs against any delinquent program.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the  
2 provisions of section 577.010 or 577.012 or violations of county or municipal ordinances  
3 involving alcohol or drug related traffic offenses, the court shall order the person to participate  
4 in and successfully complete a substance abuse traffic offender program defined in section  
5 577.001.

6 2. The fees for the substance abuse traffic offender program, or a portion thereof, to be  
7 determined by the division of alcohol and drug abuse of the department of mental health, shall  
8 be paid by the person enrolling in the program. Any person who [attends] **is enrolled in** the  
9 program shall pay, in addition to any fee charged for the program, a supplemental fee [of sixty  
10 dollars] **in an amount to be determined by the department of mental health for the purposes**  
11 **of funding the substance abuse traffic offender program defined in section 302.010, RSMo,**  
12 **and section 577.001.** The administrator of the program shall remit to the division of alcohol and



13 drug abuse of the department of mental health **on or before the fifteenth day of each month**  
14 the supplemental fees for all persons enrolled in the program, less two percent for administrative  
15 costs. **Interest shall be charged on any unpaid balance of the supplemental fees due the**  
16 **division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not**  
17 **to exceed the annual rates established pursuant to the provision of section 32.065, RSMo,**  
18 **plus three percentage points.** The supplemental fees **and any interest** received by the  
19 department of mental health pursuant to this section shall be deposited in the mental health  
20 earnings fund which is created in section 630.053, RSMo.

21 **3. Any administrator who fails to remit to the division of alcohol and drug abuse**  
22 **of the department of mental health the supplemental fees and interest for all persons**  
23 **enrolled in the program pursuant to this section shall be subject to a penalty equal to the**  
24 **amount of interest accrued on the supplemental fees due the division pursuant to this**  
25 **section. If the supplemental fees, interest, and penalties are not remitted to the division of**  
26 **alcohol and drug abuse of the department of mental health within six months of the due**  
27 **date, the attorney general of the state of Missouri shall initiate appropriate action for the**  
28 **collection of said fees and interest accrued. The court shall assess attorney fees and court**  
29 **costs against any delinquent program.**

577.054. 1. After a period of not less than ten years, an individual who has pleaded  
2 guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor  
3 or a county or city ordinance violation and which is not a conviction for driving a commercial  
4 motor vehicle while under the influence of alcohol and who since such date has not been  
5 convicted of any other alcohol-related driving offense may apply to the court in which he pled  
6 guilty or was sentenced for an order to expunge from all official records all recordations of his  
7 arrest, plea, trial or conviction. If the court determines, after hearing, that such person has not  
8 been convicted of any alcohol-related driving offense in the ten years prior to the date of the  
9 application for expungement, and has no other alcohol-related enforcement contacts as defined  
10 in section 302.525, RSMo, during that ten-year period, the court shall enter an order of  
11 expungement. The effect of such order shall be to restore such person to the status he occupied  
12 prior to such arrest, plea or conviction and as if such event had never taken place. No person as  
13 to whom such order has been entered shall be held thereafter under any provision of any law to  
14 be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or  
15 acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made  
16 of him for any purpose whatsoever and no such inquiry shall be made for information relating  
17 to an expungement under this section. A person shall only be entitled to one expungement  
18 pursuant to this section. Nothing contained in this section shall prevent the director from  
19 maintaining such records as to ensure that an individual receives only one expungement pursuant

20 to this section for the purpose of informing the proper authorities of the contents of any record  
21 maintained pursuant to this section.

22 **2. The provisions of this section shall not apply to any individual who has been**  
23 **issued a commercial driver's license or is required to possess a commercial driver's license**  
24 **issued by this state or any other state.**

577.520. 1. No person who has had his license suspended or revoked under the  
2 provisions of sections 577.500 and 577.505 shall have that license reinstated until he has paid  
3 a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic  
4 offender program as defined in section 577.001.

5 2. The fees for the substance abuse traffic offender program, or a portion thereof to be  
6 determined by the division of alcohol and drug abuse of the department of mental health, shall  
7 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
8 pay, in addition to any fee charged for the program, a supplemental fee [of sixty dollars] **to be**  
9 **determined by the department of mental health for the purposes of funding the substance**  
10 **abuse traffic offender program defined in section 302.010, RSMo, and section 577.001, or**  
11 **a program determined to be comparable by the department of mental health.** The  
12 administrator of the program shall remit to the division of alcohol and drug abuse of the  
13 department of mental health **on or before the fifteenth of each month** the supplemental fees  
14 for all persons enrolled in the program, less two percent for administrative costs. **Interest shall**  
15 **be charged on any unpaid balance of the supplemental fees due the division of alcohol and**  
16 **drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates**  
17 **established pursuant to the provision of section 32.065, RSMo, plus three percentage**  
18 **points.** The supplemental fees **and any interest** received by the department of mental health  
19 pursuant to this section shall be deposited in the mental health earnings fund which is created in  
20 section 630.053, RSMo.

21 **3. Any administrator who fails to remit to the division of alcohol and drug abuse**  
22 **of the department of mental health the supplemental fees and interest for all persons**  
23 **enrolled in the program pursuant to this section shall be subject to a penalty equal to the**  
24 **amount of interest accrued on the supplemental fees due the division pursuant to this**  
25 **section. If the supplemental fees, interest, and penalties are not remitted to the division of**  
26 **alcohol and drug abuse of the department of mental health within six months of the due**  
27 **date, the attorney general of the state of Missouri shall initiate appropriate action for the**  
28 **collection of said fees and interest accrued. The court shall assess attorney fees and court**  
29 **costs against any delinquent program.**

**Section 1. 1. Notwithstanding any provisions of section 302.272, RSMo, to the**  
2 **contrary, any individual who operates a school bus as that term is defined in 49 CFR, Part**

3 **383, Section 383.5, shall meet the requirements for and be issued a school bus endorsement**  
4 **as required by the secretary pursuant to 49 CFR, Part 383, Section 383.123.**

5 **2. The director is authorized to promulgate any rules and regulations necessary to**  
6 **carry out the provisions of this section. No rule or portion of a rule promulgated pursuant**  
7 **to the authority of this section shall become effective unless it has been promulgated**  
8 **pursuant to the provisions of chapter 536, RSMo.**

**Section 2. Notwithstanding any other provisions of law to the contrary, no federal,**  
2 **state, county, municipal, or local court shall defer imposition of judgment, suspend**  
3 **imposition of sentence, or allow an individual who possesses a commercial driver's license**  
4 **or is required to possess a commercial driver's license issued pursuant to chapter 302,**  
5 **RSMo, or the laws of another state, to enter into a diversion program that would prevent**  
6 **a conviction for any violation, in any type of motor vehicle, of a federal, state, county,**  
7 **municipal, or local traffic control law from appearing on the driver's record maintained**  
8 **by the director of revenue.**

**Section 3. The director of revenue shall adopt the materials incorporated by**  
2 **reference and record keeping requirements as prescribed in 49 CFR, part 384, or as**  
3 **amended by the secretary.**

[304.157. 1. If a person abandons property, as defined in section 304.001,  
2 on any real property owned by another without the consent of the owner or person in  
3 possession of the property, at the request of the person in possession of the real  
4 property, any member of the state highway patrol, state water patrol, sheriff, or other  
5 law enforcement officer within his jurisdiction may authorize a towing company to  
6 remove such abandoned property from the property in the following circumstances:

7 (1) The abandoned property is left unattended for more than forty-eight  
8 hours; or

9 (2) In the judgment of a law enforcement officer, the abandoned property  
10 constitutes a safety hazard or unreasonably interferes with the use of the real property  
11 by the person in possession.

12 2. The owner of real property or lessee or property or security manager in  
13 lawful possession of the real property may authorize a towing company to remove  
14 abandoned property or property parked in a restricted or assigned area without  
15 authorization by a law enforcement officer only when the owner, lessee or property  
16 or security manager of the real property is present. A property or security manager  
17 must be a full-time employee of a business entity. An authorization to tow under this  
18 subsection may be made only under any of the following circumstances:

19 (1) There is displayed, in plain view at all entrances to the property, a sign  
20 not less than seventeen by twenty-two inches in size, with lettering not less than one  
21 inch in height, prohibiting public parking and indicating that unauthorized abandoned  
22 property or property improperly parked in a restricted or assigned area will be  
23 removed at the owner's expense, disclosing the maximum fee for all charges related

24 to towing and storage, and containing the telephone number of the local traffic law  
25 enforcement agency where information can be obtained; or a twenty-four-hour staffed  
26 emergency information telephone number, other than the number of a towing  
27 company, by which the owner of the abandoned property or improperly parked  
28 property may call to receive information regarding the location of such owner's  
29 property; or

30 (2) The abandoned property is on private property and lacks an engine,  
31 transmission, wheels, tires, doors, windshield or any other major part or equipment  
32 necessary to operate safely on the highways, the owner or lessee of the private  
33 property has notified the city police or county sheriff, as appropriate, and ninety-six  
34 hours have elapsed since that notification; or

35 (3) The abandoned property is left unattended on private property, and the  
36 owner, lessee or agent of the real property in lawful possession of real property has  
37 notified the appropriate law enforcement agency, and ten days have elapsed since that  
38 notification.

39 3. Pursuant to this section, any owner or lessee in lawful possession of real  
40 property that requests a towing company to tow abandoned property without  
41 authorization from a law enforcement officer shall within one hour of the tow file an  
42 abandoned property report with the appropriate law enforcement agency where the  
43 property is located. The report shall contain the following:

44 (1) The year, model, make and abandoned property identification number of  
45 the property and the owner and any lienholders, if known;

46 (2) A description of any damage to the abandoned property noted by owner,  
47 lessee or property or security manager in possession of the real property;

48 (3) The license plate or registration number and the state of issuance, if  
49 available;

50 (4) The physical location of the property and the reason for requesting the  
51 property to be towed;

52 (5) The date the report is completed;

53 (6) The signature and printed name, address and phone number of the owner,  
54 lessee or property or security manager in possession of the real property;

55 (7) The towing company's name and address;

56 (8) The signature of the towing operator;

57 (9) The name of the law enforcement agency notified of the abandoned  
58 property.

59 The department of revenue may design and make available to police agencies  
60 throughout the state a uniform "Authorization to Tow" form. The form shall contain  
61 lines for time, date, location, descriptive information of the vehicle, reason for  
62 towing, the tow operator and company and signature of authorizing officer. The cost  
63 of the forms shall be determined by the department of revenue. The completed form  
64 shall be issued by the authorizing officer to the tow operator for that company's  
65 records as proof of authorization to tow a particular vehicle.

66 4. The law enforcement agency receiving such abandoned property report  
67 must record the date the abandoned property report is filed with such agency and  
68 within five days of such filing make an inquiry into the national crime information  
69 center and any statewide Missouri law enforcement computer system to determine  
70 if the abandoned property has been reported as stolen. The law enforcement agency  
71 shall enter the information pertaining to the towed property into the statewide  
72 enforcement computer system. The department of revenue may design and sell to  
73 towing companies informational brochures outlining owner or lessee of real property  
74 obligations pursuant to this section.

75 5. Neither the law enforcement officer nor anyone having custody of  
76 abandoned property under his direction shall be liable for any damage to such  
77 abandoned property occasioned by a removal authorized by this section other than  
78 damages occasioned by negligence or by willful or wanton acts or omissions.

79 6. Any towing company which tows abandoned property without  
80 authorization from a law enforcement officer pursuant to subdivision (1) of  
81 subsection 2 of this section shall within one hour of the tow report the event and the  
82 circumstances to the local law enforcement agency where the abandoned property  
83 report was filed.

84 7. The law enforcement agency receiving notification that abandoned  
85 property has been towed by a towing company shall record the date the property was  
86 towed and shall forward a copy of the abandoned property report to the director of  
87 revenue.

88 8. If any owner or lessee of real property authorizes the removal of  
89 abandoned property pursuant to subsection 2 of this section and such property is so  
90 removed and no sign is displayed prior to such removal as required pursuant to  
91 subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class  
92 C misdemeanor.]

Section B. Because immediate action is necessary to ensure just compensation for the  
2 restriction or loss of property rights for owners of real estate and because of the immediate need  
3 to effectively administer and maintain the substance abuse traffic offender program, the repeal  
4 and reenactment of sections 191.831, 227.120, 302.304, 302.540, 577.041, 577.049, and 577.520  
5 of this act is deemed necessary for the immediate preservation of the public health, welfare,  
6 peace, and safety, and is hereby declared to be an emergency act within the meaning of the  
7 constitution, and the repeal and reenactment of sections 191.831, 227.120, 302.304, 302.540,  
8 577.041, 577.049, and 577.520 of this act shall be in full force and effect upon its passage and  
9 approval.

Section C. The repeal and reenactment of sections 302.225, 302.302, 302.309, 302.700,  
2 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, and the enactment of  
3 sections 302.726, 1, 2, and 3 of section A of this act shall become effective September 30, 2005.