

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, May 1, 2003, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1067S.05C

AN ACT

To repeal sections 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 300.330, 300.410, 302.272, 302.302, 302.700, 304.010, 304.015, 307.100, 307.177, 307.400, 488.5336, 577.023, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof twenty-six new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 300.330, 300.410, 302.272, 302.302, 302.700, 304.010, 304.015, 307.100, 307.177, 307.400, 488.5336, 577.023, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 226.275, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 300.330, 300.410, 302.272, 302.302, 302.700, 304.010, 304.015, 304.029, 304.675, 304.677, 307.100, 307.177, 307.400, 488.5336, 537.038, 568.055, 577.023, to read as follows:

226.275. 1. The Missouri department of transportation shall require a minimum of two approved alternate materials, meeting American Association of State Highway and Transportation Officials specifications (AASHTO), to be utilized for storm sewer projects. One alternate shall meet AASHTO M294 material requirements.

2. All public entities or sewer districts shall require a minimum of two alternate materials approved by the department of transportation for storm

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 sewer applications.

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

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

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

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

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

18 (5) Changing gradients in any state highway;

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

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

24 (8) Eliminating grade crossings;

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

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

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

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

35 (13) Acquiring lands for any other purpose necessary for the proper and

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

46 **2. In any case in which the commission exercises eminent domain**
47 **involving a taking of real estate, the court, commissioners, and jury shall**
48 **consider the restriction of or loss of access to any adjacent highway as an**
49 **element in assessing the damages. As used in this subsection, "restriction of**
50 **or loss of access" includes, but is not limited to, the prohibition of making**
51 **right or left turns into or out of the real estate involved, provided that such**
52 **access was present before the proposed improvement or taking.**

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

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

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

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

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

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

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

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

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

29 4. The petition shall set forth:

30 (1) The name, voting residence and county of residence of each individual
31 petitioner, or, if no persons eligible to be registered voters reside within the proposed
32 district, the name and address of each owner of record of real property located within the
33 proposed district, or shall recite that the petitioner is the governing body of a local
34 transportation authority acting in its official capacity;

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

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

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

42 (5) The name of the proposed district;

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

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

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

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

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

58 **5. (1) As an alternative to the methods described in subsections 1 and**
59 **2 of this section, if two or more local transportation authorities have adopted**
60 **resolutions calling for the joint establishment of a district, the governing**
61 **body of any one such local transportation authority may file a petition in the**
62 **circuit court of any county in which the proposed project is located**
63 **requesting the creation of a district.**

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

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

70 **(a) That the petitioner is the governing body of a local transportation**
71 **authority acting in its official capacity;**

72 **(b) The name of each local transportation authority within the**
73 **proposed district. The resolution of the governing body of each local**
74 **transportation authority calling for the joint establishment of the district**
75 **shall be attached to the petition;**

76 **(c) The name and address of each respondent. Respondents must**
77 **include the commission and each affected local transportation authority**
78 **within the proposed district, except a petitioning local transportation**
79 **authority;**

80 **(d) A specific description of the proposed district boundaries including**
81 **a map illustrating such boundaries;**

82 **(e) A general description of each project proposed to be undertaken by**
83 **the district, including a description of the approximate location of each**
84 **project;**

85 **(f) The name of the proposed district;**

86 **(g) The number of members of the board of directors of the proposed**
87 **district;**

88 **(h) A request that the question be submitted to the qualified voters**
89 **within the limits of the proposed district whether they will establish a**
90 **transportation development district to develop the projects described in the**
91 **petition;**

92 **(i) A proposal for funding the district initially, pursuant to the**

93 authority granted in sections 238.200 to 238.275, together with a request that
94 the imposition of the funding proposal be submitted to the qualified voters
95 residing within the limits of the proposed district; provided, however, the
96 funding method of special assessments may also be approved as provided in
97 subsection 1 of section 238.230; and

98 (j) A statement that the proposed district shall not be an undue burden
99 on any owner of property within the district and is not unjust or
100 unreasonable.

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

14 2. The court shall hear the case without a jury. If the court shall thereafter
15 determine the petition is defective or the proposed district is illegal or unconstitutional,
16 or shall be an undue burden on any owner of property within the district or is unjust and
17 unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to
18 make the certifications requested in the pleadings. If the court determines that any
19 proposed funding method is illegal or unconstitutional, it shall enter its judgment
20 striking that funding method in whole or part. If the court determines the petition is
21 not legally defective and the proposed district and method of funding are neither illegal
22 nor unconstitutional, the court shall enter its judgment to that effect. If the petition was
23 filed by registered voters or by a governing body, the court shall then certify the
24 questions regarding district creation, project development, and proposed funding for
25 voter approval. **If the petition was filed by a governing body pursuant to**
26 **subsection 5 of section 239.207, RSMo, the court shall then certify the single**
27 **question regarding district creation, project development, and proposed**
28 **funding for voter approval.** If the petition was filed by the owners of record of all

29 of the real property located within the proposed district, the court shall declare the
30 district organized and certify the funding methods stated in the petition for qualified
31 voter approval; provided, however, the funding method of special assessments may also
32 be approved as provided in subsection 1 of section 238.230. In either case, if no
33 objections to the petition are timely filed, the court may make such certifications based
34 upon the pleadings before it without any hearing.

35 3. Any party having filed an answer or petition may appeal the circuit court's
36 order or 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
2 call an election pursuant to section 238.216.

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

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

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

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

26 **(2) If the petition was filed pursuant to subsection 5 of section 238.207**
27 **and the district desires to impose a funding mechanism other than a sales tax,**
28 **at such election for voter approval of the qualified voters, the question shall**

29 **be submitted in substantially the form set forth in subsection 2 of this section**
30 **and the proposed funding mechanism shall require separate voter approval**
31 **at a subsequent election.**

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

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

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

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

9 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk

10 and shall file with the election authority of such county a statement under oath that he
11 or she possesses all of the qualifications set out in this section for a director. Thereafter,
12 such candidate shall have his or her name placed on the ballot as a candidate for
13 director;

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

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

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

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

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

43 (3) The one-third of the initial board members receiving the most votes shall be
44 elected to positions having a term of three years. The one-third of initial board members
45 receiving the next highest number of votes shall be elected to positions having a term

46 of two years. The lowest one-third of initial board members receiving sufficient votes
47 shall be elected to positions having a term of one year. Each initial director shall serve
48 the term to which he or she was elected, and until a successor is duly elected and
49 qualified. Successor directors shall be elected in the same manner as the initial
50 directors at a meeting of the real property owners called by the board. Each successor
51 director shall serve a three-year term. The directors shall nominate and elect an interim
52 director to complete any unexpired term of a director caused by resignation or
53 disqualification;

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

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

58 **(1) If the district is comprised of four or more local transportation**
59 **authorities, the board of directors shall consist of the presiding officer of**
60 **each local transportation authority within the district. If the district is**
61 **comprised of two or three local transportation authorities, the board of**
62 **directors shall consist of the presiding officer of each local transportation**
63 **authority within the district and one person designated by the governing**
64 **body of each local transportation authority within the district;**

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

70 **(3) Upon the assumption of office of a new presiding officer of a local**
71 **transportation authority, such individual shall automatically succeed his**
72 **predecessor as a member of the board of directors. Upon the removal,**
73 **resignation or disqualification of a director designated by the governing body**
74 **of a local transportation authority, such governing body shall designate a**
75 **successor director.**

76 [3.] **4.** The commission shall appoint one or more advisors to the board, who
77 shall have no vote but shall have the authority to participate in all board meetings and
78 discussions, whether open or closed, and shall have access to all records of the district
79 and its board of directors.

80 [4.] **5.** If the proposed project is not intended to be merged into the state
81 highways and transportation system under the commission's jurisdiction, the local

82 transportation authority that will assume maintenance of the project shall appoint one
83 or more advisors to the board of directors who shall have the same rights as advisors
84 appointed by the commission.

85 **6. Any county or counties located wholly or partially within the district**
86 **which is not a "local transportation authority" pursuant to subdivision (4) of**
87 **subsection 1 of section 238.202, may appoint one or more advisors to the**
88 **board who shall have the same rights as advisors appointed by the**
89 **commission.**

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

3 2. Within thirty days after the election of the initial directors **or the selection**
4 **of the initial directors pursuant to subsection 3 of section 238.220**, the board
5 shall meet. The time and place of the first meeting of the board shall be designated by
6 the court that heard the petition upon the court's own initiative or upon the petition of
7 any interested person. At its first meeting and after each election of new board members
8 **or the selection of the initial directors pursuant to subsection 3 of section**
9 **238.220** the board shall elect a chairman from its members.

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

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

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

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

238.235. 1. (1) Any transportation development district may by resolution
2 impose a transportation development district sales tax on all retail sales made in such
3 transportation development district which are subject to taxation pursuant to the
4 provisions of sections 144.010 to 144.525, RSMo, except such transportation development
5 district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or
6 outboard motors nor to all sales of electricity or electrical current, water and gas, natural
7 or artificial, nor to sales of service to telephone subscribers, either local or long
8 distance. Such transportation development district sales tax may be imposed for any
9 transportation development purpose designated by the transportation development

46 price, and when so added such tax shall constitute a part of the price, shall be a debt of
47 the purchaser to the retailer until paid, and shall be recoverable at law in the same
48 manner as the purchase price.

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

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

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

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

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

88 4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo,
89 governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057,
90 RSMo, the uniform confidentiality provision, shall apply to the collection of the tax
91 imposed by this section, except as modified in this section.

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

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

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

106 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to
107 144.525, RSMo, for violation of those sections are hereby made applicable to violations
108 of this section.

109 (6) For the purpose of a sales tax imposed by a resolution pursuant to this
110 section, all retail sales except retail sales of motor vehicles shall be deemed to be
111 consummated at the place of business of the retailer unless the tangible personal
112 property sold is delivered by the retailer or the retailer's agent to an out-of-state
113 destination or to a common carrier for delivery to an out-of-state destination. In the
114 event a retailer has more than one place of business in this state which participates in
115 the sale, the sale shall be deemed to be consummated at the place of business of the
116 retailer where the initial order for the tangible personal property is taken, even though
117 the order must be forwarded elsewhere for acceptance, approval of credit, shipment or

118 billing. A sale by a retailer's employee shall be deemed to be consummated at the place
119 of business from which the employee works.

120 5. All sales taxes collected by the transportation development district shall be
121 deposited by the transportation development district in a special fund to be expended for
122 the purposes authorized in this section. The transportation development district shall
123 keep accurate records of the amount of money which was collected pursuant to this
124 section, and the records shall be open to the inspection of officers of each transportation
125 development district and the general public.

126 6. (1) No transportation development district imposing a sales tax pursuant to
127 this section may repeal or amend such sales tax unless such repeal or amendment will
128 not impair the district's ability to repay any liabilities which it has incurred, money
129 which it has borrowed or revenue bonds, notes or other obligations which it has issued
130 or which have been issued by the commission or any local transportation authority to
131 finance any project or projects.

132 (2) Whenever the board of directors of any transportation development district
133 in which a transportation development sales tax has been imposed in the manner
134 provided by this section receives a petition, signed by ten percent of the qualified voters
135 calling for an election to repeal such transportation development sales tax, the board of
136 directors shall, if such repeal will not impair the district's ability to repay any liabilities
137 which it has incurred, money which it has borrowed or revenue bonds, notes or other
138 obligations which it has issued or which have been issued by the commission or any local
139 transportation authority to finance any project or projects, submit to the qualified voters
140 of such transportation development district a proposal to repeal the transportation
141 development sales tax imposed pursuant to the provisions of this section. If a majority
142 of the votes cast on the proposal by the qualified voters voting thereon are in favor of the
143 proposal to repeal the transportation development sales tax, then the resolution
144 imposing the transportation development sales tax, along with any amendments thereto,
145 is repealed. If a majority of the votes cast by the qualified voters voting thereon are
146 opposed to the proposal to repeal the transportation development sales tax, then the
147 ordinance or resolution imposing the transportation development sales tax, along with
148 any amendments thereto, shall remain in effect.

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

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

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

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

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

27 Shall the transportation development district of(transportation
28 development district's name) impose a transportation development district-wide sales tax
29 at the rate of (insert amount) for a period of (insert number) years from the
30 date on which such tax is first imposed for the purpose of (insert
31 transportation development purpose)?

32 YES NO

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

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

42 section and such proposal is approved by a majority of the qualified voters voting
43 thereon.

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

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

63 6. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth
64 of one percent, three-eighths of one percent, one-half of one percent or one percent on the
65 receipts from the sale at retail of all tangible personal property or taxable services at
66 retail within the transportation development district adopting such tax, if such property
67 and services are subject to taxation by the state of Missouri pursuant to the provisions
68 of sections 144.010 to 144.525, RSMo. Any transportation development district sales tax
69 imposed pursuant to this section shall be imposed at a rate that shall be uniform
70 throughout the district.

71 7. The resolution imposing the sales tax pursuant to this section shall impose
72 upon all sellers a tax for the privilege of engaging in the business of selling tangible
73 personal property or rendering taxable services at retail to the extent and in the manner
74 provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the
75 director of revenue issued pursuant thereto; except that the rate of the tax shall be the
76 rate imposed by the resolution as the sales tax. The amount reported and returned to
77 the director of revenue by the seller shall be computed on the basis of the combined rate

78 of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the
79 [resolutions] **resolution** as authorized by this section, plus any amounts imposed
80 pursuant to other provisions of law.

81 8. On and after the effective date of any tax imposed pursuant to this section, the
82 director of revenue shall perform all functions incident to the administration, collection,
83 enforcement, and operation of the tax, and the director of revenue shall collect, in
84 addition to all other sales taxes imposed by law, the additional tax authorized pursuant
85 to this section. The tax imposed pursuant to this section and the taxes imposed
86 pursuant to all other laws of the state of Missouri shall be collected together and
87 reported upon such forms and pursuant to such administrative rules and regulations as
88 may be prescribed by the director of revenue.

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

93 10. All sales taxes collected by the director of revenue pursuant to this section
94 on behalf of any transportation development district, less one percent for the cost of
95 collection, which shall be deposited in the state's general revenue fund after payment of
96 premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in
97 the state treasury to the credit of the "Transportation Development District Sales Tax
98 Fund", which is hereby created. Moneys in the transportation development district sales
99 tax fund shall not be deemed to be state funds and shall not be commingled with any
100 funds of the state. All interest earned upon the balance in the transportation
101 development district sales tax fund shall be deposited to the credit of the same
102 fund. Any balance in the fund at the end of an appropriation period shall not be
103 transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall
104 not apply to the fund. The director of revenue shall keep accurate records of the amount
105 of money which was collected in each transportation development district imposing a
106 sales tax pursuant to this section, and the records shall be open to the inspection of
107 officers of each transportation development district and the general public. Not later
108 than the tenth day of each month, the director of revenue shall distribute all moneys
109 deposited in such fund during the preceding month to the proper transportation
110 development district.

111 11. The director of revenue may authorize the state treasurer to make refunds
112 from the amounts credited to any transportation development district for erroneous
113 payments and overpayments made, and may redeem dishonored checks and drafts

114 deposited to the credit of such districts. If any transportation development district
115 repeals the tax authorized by this section, the transportation development district shall
116 notify the director of revenue of the action at least ninety days prior to the effective date
117 of the repeal and the director of revenue may order retention, for a period of one year,
118 of two percent of the amount collected after receipt of such notice to cover possible
119 refunds or overpayment of such tax and to redeem dishonored checks and drafts
120 deposited to the credit of such accounts. After one year has elapsed after the effective
121 date of repeal of the tax authorized by this section in such transportation development
122 district, the director of revenue shall remit the balance in the account to the
123 transportation development district and close the account of that transportation
124 development district. The director of revenue shall notify each transportation
125 development district of each instance of any amount refunded or any check redeemed
126 from receipts due the transportation development district.

127 12. (1) No transportation development district imposing a sales tax pursuant to
128 this section may repeal or amend such sales tax unless such repeal or amendment will
129 not impair the district's ability to repay any liabilities which it has incurred, money
130 which it has borrowed or revenue bonds, notes or other obligations which it has issued
131 or which have been issued by the commission or any local transportation authority to
132 finance any project or projects.

133 (2) Whenever the board of directors of any transportation development district
134 in which a transportation development sales tax has been imposed in the manner
135 provided by this section receives a petition, signed by ten percent of the qualified voters
136 of such transportation development district calling for an election to repeal such
137 transportation development sales tax, the board of directors shall, if such repeal will not
138 impair the district's ability to repay any liabilities which it has incurred, money which
139 it has borrowed or revenue bonds, notes or other obligations which it has issued or which
140 have been issued by the commission or any local transportation authority to finance any
141 project or projects, submit to the voters of such transportation development district a
142 proposal to repeal the transportation development sales tax imposed pursuant to the
143 provisions of this section. If a majority of the votes cast on the proposal by the qualified
144 voters voting thereon are in favor of the proposal to repeal the transportation
145 development sales tax, then the resolution imposing the transportation development
146 sales tax, along with any amendments thereto, is repealed. If a majority of the votes
147 cast by the qualified voters voting thereon are opposed to the proposal to repeal the
148 transportation development sales tax, then the [ordinance or] resolution imposing the
149 transportation development sales tax, along with any amendments thereto, shall remain

150 in effect.

300.330. The driver of a **motor** vehicle shall not drive within any sidewalk area
2 except as a permanent or temporary driveway. **A bicycle lane shall not be**
3 **obstructed by a parked or standing motor vehicle or other stationary object.**
4 **A motor vehicle may be driven in a bicycle lane only for the purpose of a lawful**
5 **maneuver to cross the lane or provide for safe travel. Where a bicycle lane**
6 **is present, a driver making a lawful maneuver must first merge into the**
7 **bicycle lane after yielding to any traffic that may be present.**

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410,
2 every driver of a vehicle shall exercise the highest degree of care to avoid colliding with
3 any pedestrian [upon any roadway and shall give warning by sounding the horn when
4 necessary], **any person propelling a human powered vehicle, or any person**
5 **operating a motorcycle,** and shall exercise proper precaution upon observing any
6 child or any confused or incapacitated person upon a roadway.

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

6 (1) The applicant has a valid state license issued under this chapter or has a
7 license valid 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
10 tests, as prescribed by the director of revenue and, if the applicant is at least seventy
11 years of age, the applicant shall pass the medical examination annually to maintain or
12 renew the permit; and

13 (4) The applicant has successfully passed an examination for the operation of a
14 school bus as prescribed by the director of revenue. The examination shall include, but
15 need not be limited to, a written skills examination of applicable laws, rules and
16 procedures, and a driving test in the type of vehicle to be operated. The test shall be
17 completed in the appropriate class of vehicle to be driven. For purposes of this section
18 classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of
19 1986 (Title XII of Pub. Law 99-570).

20 2. Except as otherwise provided in this section, a school bus permit shall be
21 renewed every three years and shall require the applicant to provide a medical
22 examination as specified in subdivision (3) of subsection 1 of this section and to

23 successfully pass a written skills examination as prescribed by the director of revenue
24 in consultation with the department of elementary and secondary education. If the
25 applicant is at least seventy years of age, the school bus permit shall be renewed
26 annually, and the applicant shall successfully pass the examination prescribed in
27 subdivision (4) of subsection 1 of this section prior to receiving the renewed permit. The
28 director may waive the written skills examination on renewal of a school bus permit
29 upon verification of the applicant's successful completion within the preceding twelve
30 months of a training program which has been approved by the director in consultation
31 with the department of elementary and secondary education and which is at least eight
32 hours in duration with special instruction in school bus driving.

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

34 4. Upon the applicant's completion of the requirements of subsections 1, 2 and
35 3 of this section, the director of revenue shall issue a temporary school bus permit to the
36 applicant until such time as a permanent school bus permit shall be issued following the
37 record clearance as provided in subsection 6 of this section.

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

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

43 (2) Who has pled guilty to or been found guilty of any felony or misdemeanor for
44 violation of drug regulations as defined in chapter 195, RSMo; of any felony for an
45 offense against the person as defined by chapter 565, RSMo, or any other offense against
46 the person involving the endangerment of a child as prescribed by law; of any
47 misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any
48 misdemeanor or felony for prostitution as defined by chapter 567, RSMo; of any
49 misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo;
50 of any felony or misdemeanor for a weapons offense as defined by chapter 571, RSMo;
51 of any misdemeanor or felony for pornography or related offense as defined by chapter
52 573, RSMo; or of any similar crime in any federal, state, municipal or other court of
53 similar jurisdiction of which the director has knowledge;

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

58 6. The [department of social services or the] Missouri highway patrol[, whichever

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

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

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

81 **9. The director may adopt any rules and regulations necessary to carry**
82 **out the provisions of this section. Any rule or portion of a rule, as that term**
83 **is defined in section 536.010, RSMo, that is created under the authority**
84 **delegated in this section shall become effective only if it complies with and**
85 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
86 **section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
87 **and if any of the powers vested with the general assembly pursuant to**
88 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
89 **annul a rule are subsequently held unconstitutional, then the grant of**
90 **rulemaking authority and any rule proposed or adopted after August 28, 2003,**
91 **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
3 or forfeiture of collateral. The initial point value is as follows:

- 4 (1) Any moving violation of a state law or county or municipal or federal traffic
- 5 ordinance or regulation not listed in this section, other than a violation of vehicle
- 6 equipment provisions or a court-ordered supervision as provided in section 302.308
- 7 (except any violation of municipal stop sign ordinance where no accident is involved) **1 point**
- 8 (2) Speeding
- 9 In violation of a state law 3 points
- 10 In violation of a county or municipal ordinance 2 points
- 11 (3) Leaving the scene of an accident in violation of
- 12 section 577.060, RSMo 12 points
- 13 In violation of any county or municipal
- 14 ordinance 6 points
- 15 (4) Careless and imprudent driving
- 16 in violation of subsection 4 of section 304.016,
- 17 RSMo 4 points
- 18 **In violation of subsection 4 of section 304.016,**
- 19 **RSMo, by a person under the age of eighteen**
- 20 **years of age 8 points**
- 21 In violation of a county or municipal ordinance 2 points
- 22 (5) Operating without a valid license in violation of subdivision (1) or (2) of
- 23 subsection 1 of section 302.020:
- 24 (a) For the first conviction 2 points
- 25 (b) For the second conviction 4 points
- 26 (c) For the third conviction 6 points
- 27 (6) Operating with a suspended or
- 28 revoked license prior to restoration of operating
- 29 privileges 12 points
- 30 (7) Obtaining a license by
- 31 misrepresentation 12 points
- 32 (8) For the first conviction of driving
- 33 while in an intoxicated condition or under the
- 34 influence of controlled substances or drugs 8 points
- 35 (9) For the second or subsequent conviction
- 36 of any of the following offenses however
- 37 combined: driving while in an intoxicated
- 38 condition, driving under the influence of
- 39 controlled substances or drugs or driving with

- 40 a blood alcohol content of eight-hundredths of one
- 41 percent or more by weight 12 points
- 42 (10) For the first conviction for driving
- 43 with blood alcohol content eight-hundredths of
- 44 one percent or more by weight
- 45 In violation of state law 8 points
- 46 In violation of a county or municipal ordinance
- 47 or federal law or regulation 8 points
- 48 (11) Any felony involving the use of a
- 49 motor vehicle 12 points
- 50 (12) Knowingly permitting unlicensed
- 51 operator to operate a motor vehicle 4 points
- 52 (13) For a conviction for failure to maintain
- 53 financial responsibility pursuant to county
- 54 or municipal ordinance or pursuant to section
- 55 303.025, RSMo 4 points
- 56 **(14) Exceeding the posted speed limit by**
- 57 **twenty miles per hour or more by a person under**
- 58 **the age of eighteen:**
- 59 **(a) For the first conviction 8 points**
- 60 **(b) For the second or subsequent conviction 12 points**
- 61 **(15) For a conviction for negligently**
- 62 **colliding with a pedestrian, bicyclist, or**
- 63 **motorcyclist thereby causing personal injury**
- 64 **to the pedestrian, bicyclist, or motorcyclist**
- 65 **pursuant to section 537.038:**
- 66 **(a) For the first conviction 4 points**
- 67 **(b) For the second and subsequent**
- 68 **conviction 6 points**
- 69 2. The director shall, as provided in subdivision (5) of subsection 1 of this section,
- 70 assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection
- 71 1 of section 302.020, when the director issues such operator a license or permit pursuant
- 72 to the provisions of sections 302.010 to 302.340.
- 73 3. An additional two points shall be assessed when personal injury or property
- 74 damage results from any violation listed in subsection 1 of this section and if found to
- 75 be warranted and certified by the reporting court.

76 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of
77 this section constitutes both a violation of a state law and a violation of a county or
78 municipal ordinance, points may be assessed for either violation but not for
79 both. Notwithstanding that an offense arising out of the same occurrence could be
80 construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section,
81 no person shall be tried or convicted for more than one offense pursuant to subdivisions
82 (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same
83 occurrence.

84 5. The director of revenue shall put into effect a system for staying the
85 assessment of points against an operator. The system shall provide that the satisfactory
86 completion of a driver-improvement program or, in the case of violations committed while
87 operating a motorcycle, a motorcycle-rider training course approved by the director of the
88 department of public safety, by an operator, when so ordered and verified by any court
89 having jurisdiction over any law of this state or county or municipal ordinance,
90 regulating motor vehicles, other than a violation committed in a commercial motor
91 vehicle as defined in section 302.700, shall be accepted by the director in lieu of the
92 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection
93 1 of this section or pursuant to subsection 3 of this section. For the purposes of this
94 subsection, the driver-improvement program shall meet or exceed the standards of the
95 National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a
96 violation which occurred during the operation of a motorcycle, the program shall meet
97 the standards established by the director of the department of public safety pursuant to
98 sections 302.133 to 302.138. The completion of a driver-improvement program or a
99 motorcycle-rider training course shall not be accepted in lieu of points more than one
100 time in any thirty-six-month period and shall be completed within sixty days of the date
101 of conviction in order to be accepted in lieu of the assessment of points. Every court
102 having jurisdiction pursuant to the provisions of this subsection shall, within fifteen
103 days after completion of the driver-improvement program or motorcycle-rider training
104 course by an operator, forward a record of the completion to the director, all other
105 provisions of the law to the contrary notwithstanding. The director shall establish
106 procedures for record keeping and the administration of this subsection.

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

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

5 (1) "Alcohol", any substance containing any form of alcohol, including, but not

6 limited to, ethanol, methanol, propanol and isopropanol;

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

10 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
11 302.720;

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

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

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

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

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

25 (c) If the vehicle is designed to transport more than fifteen passengers, including
26 the driver; or

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

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

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

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

39 (10) "Disqualification", a withdrawal of the privilege to drive a commercial motor
40 vehicle;

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

42 vehicle;

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

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

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

50 (b) Driving while intoxicated in violation of any federal or state law, or in
51 violation of a county or municipal ordinance;

52 (c) Driving with excessive blood alcohol content in violation of any federal or
53 state law, or in violation of a county or municipal ordinance;

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

56 (e) Having any state, county or municipal alcohol-related enforcement contact,
57 as defined in subsection 3 of section 302.525;

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

60 (a) Driving a commercial motor vehicle while under the influence of any
61 substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C.
62 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as
63 they may be revised from time to time;

64 (b) Driving a commercial motor vehicle while in a drugged condition in violation
65 of any federal or state law or in violation of a county or municipal ordinance; or

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

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

71 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a
72 farmer used exclusively for the transportation of agricultural products, farm machinery,
73 farm supplies, or a combination of these, within one hundred fifty miles of the farm,
74 other than one which requires placarding for hazardous materials as defined in this
75 section, or used in the operation of a common or contract motor carrier, except that a
76 farm vehicle shall not be a commercial motor vehicle when the total combined gross
77 weight rating does not exceed twenty-six thousand one pounds when transporting

78 fertilizers as defined in subdivision (19) of this subsection;

79 (17) "Felony", any offense under state or federal law that is punishable by death
80 or imprisonment for a term exceeding one year;

81 (18) **"Gross combination weight rating" or "GCWR", the value specified**
82 **by the manufacturer as the loaded weight of a combination (articulated)**
83 **vehicle. In the absence of a value specified by the manufacturer, GCWR will**
84 **be determined by adding the GVWR of the power unit and the total weight of**
85 **the towed unit and any load thereon;**

86 (19) "Gross vehicle weight rating" or "GVWR", the value specified by the
87 manufacturer [or manufacturers] as the [maximum] loaded weight of a single [or a
88 combination] vehicle[, or registered gross weight, whichever is greater. The GVWR of
89 a combination vehicle, commonly referred to as the "gross combination weight rating" or
90 "GCWR", is the GVWR of the power unit plus the GVWR of the towed unit or units];

91 [(19)] (20) "Hazardous materials", hazardous materials as specified in section
92 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,
93 including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous
94 ammonia, lime, potash, motor fuel or special fuel shall not be considered hazardous
95 materials when transported by a farm vehicle provided all other provisions of this
96 definition are followed;

97 [(20)] (21) "Motor vehicle", any self-propelled vehicle not operated exclusively
98 upon tracks;

99 [(21)] (22) "Out of service", a temporary prohibition against the operation of a
100 commercial motor vehicle by a particular driver, or the operation of a particular
101 commercial motor vehicle, or the operation of a particular motor carrier;

102 [(22)] (23) "Out-of-service order", a declaration by the Federal Highway
103 Administration, or any authorized enforcement officer of a federal, state, Commonwealth
104 of Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a
105 commercial motor vehicle, or a motor carrier operation, is out of service;

106 [(23)] (24) "Secretary", the Secretary of Transportation of the United States;

107 [(24)] (25) "Serious traffic violation", driving a commercial motor vehicle in such
108 a manner that the driver receives a conviction for:

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

110 (b) Careless, reckless or imprudent driving which includes, but shall not be
111 limited to, any violation of section 304.016, RSMo, any violation of section 304.010,
112 RSMo, or any other violation of state law, or any county or municipal ordinance while
113 driving a commercial motor vehicle in a willful or wanton disregard for the safety of

114 persons or property, or improper or erratic traffic lane changes, or following the vehicle
115 ahead too closely, but shall not include careless and imprudent driving by excessive
116 speed;

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

120 (d) Any other violation of a state law or county or municipal ordinance regulating
121 the operation of motor vehicles, other than a parking violation, as prescribed by the
122 secretary by regulation;

123 [(25)] **(26)** "State", a state, territory or possession of the United States, the
124 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of
125 Canada;

126 [(26)] **(27)** "United States", the fifty states and the District of Columbia.

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

2 (1) "Expressway", a divided highway of at least ten miles in length with four or
3 more lanes which is not part of the federal interstate system of highways which has
4 crossovers or accesses from streets, roads or other highways at the same grade level as
5 such divided highway;

6 (2) "Freeway", a limited access divided highway of at least ten miles in length
7 with four or more lanes which is not part of the federal interstate system of highways
8 which does not have any crossovers or accesses from streets, roads or other highways at
9 the same grade level as such divided highway within such ten miles of divided highway;

10 (3) "Rural interstate", that part of the federal interstate highway system that is
11 not located in an urban area;

12 (4) "Urbanized area", an area of fifty thousand population at a density at or
13 greater than one thousand persons per square mile.

14 2. Except as otherwise provided in this section, the uniform maximum speed
15 limits are and no vehicle shall be operated in excess of the speed limits established
16 pursuant to this section:

17 (1) Upon the rural interstates and freeways of this state, seventy miles per hour;

18 (2) Upon the rural expressways of this state, sixty-five miles per hour;

19 (3) Upon the interstate highways, freeways or expressways within the urbanized
20 areas of this state, sixty miles per hour;

21 (4) All other roads and highways in this state not located in an urbanized area
22 and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

23 (5) All other roads provided for in subdivision (4) of this subsection shall not

24 include any state two-lane road which is identified by letter. Such lettered roads shall
25 not exceed fifty-five miles per hour unless set at a higher speed as established by the
26 department of transportation, except that no speed limit shall be set higher than sixty
27 miles per hour;

28 (6) For the purposes of enforcing the speed limit laws of this state, it is a
29 rebuttable presumption that the posted speed limit is the legal speed limit.

30 3. On any state road or highway where the speed limit is not set pursuant to a
31 local ordinance, the highways and transportation commission may set a speed limit
32 higher or lower than the uniform maximum speed limit provided in subsection 2 of this
33 section, if a higher or lower speed limit is recommended by the department of
34 transportation. The department of public safety, where it believes for safety reasons, or
35 to expedite the flow of traffic a higher or lower speed limit is warranted, may request the
36 department of transportation to raise or lower such speed limit, except that no speed
37 limit shall be set higher than seventy miles per hour.

38 4. Notwithstanding the provisions of section 304.120 or any other provision of law
39 to the contrary, cities, towns and villages may regulate the speed of vehicles on state
40 roads and highways within such cities', towns' or villages' corporate limits by ordinance
41 with the approval of the state highways and transportation commission. Any reduction
42 of speed in cities, towns or villages shall be designed to expedite the flow of traffic on
43 such state roads and highways to the extent consistent with public safety. The
44 commission may declare any ordinance void if it finds that such ordinance is:

45 (1) Not primarily designed to expedite traffic flow; and

46 (2) Primarily designed to produce revenue for the city, town or village which
47 enacted such ordinance.

48 If an ordinance is declared void, the city, town or village shall have any future proposed
49 ordinance approved by the highways and transportation commission before such
50 ordinance may take effect.

51 5. The county commission of any county of the second, third or fourth
52 classification may set the speed limit or the weight limit or both the speed limit and the
53 weight limit on roads or bridges on any county, township or road district road in the
54 county and, with the approval of the state highways and transportation commission, on
55 any state road or highway not within the limits of any incorporated city, town or village,
56 lower than the uniform maximum speed limit as provided in subsection 2 of this section
57 where the condition of the road or the nature of the area requires a lower speed. **The**
58 **maximum speed limit set by the county commission of any county of the**
59 **second, third, or fourth classification for any road under the commission's**

60 **jurisdiction shall not exceed fifty-five miles per hour if such road is properly**
61 **marked by signs indicating such speed limit. If the county commission does**
62 **not mark the roads with signs indicating the speed limit, the speed limit shall**
63 **be forty-five miles per hour.** The commission shall send copies of any order
64 establishing a speed limit or weight limit on roads and bridges on a county, township or
65 road district road in the county to the chief engineer of the state department of
66 transportation, the superintendent of the state highway patrol and to any township or
67 road district maintaining roads in the county. After the roads have been properly
68 marked by signs indicating the speed limits and weight limits set by the county
69 commission, the speed limits and weight limits shall be of the same effect as the speed
70 limits provided for in subsection 1 of this section and shall be enforced by the state
71 highway patrol and the county sheriff as if such speed limits and weight limits were
72 established by state law.

73 6. All road signs indicating speed limits or weight limits shall be uniform in size,
74 shape, lettering and coloring and shall conform to standards established by the
75 department of transportation.

76 7. The provisions of this section shall not be construed to alter any speed limit
77 set below fifty-five miles per hour by any ordinance of any county, city, town or village
78 of the state adopted before March 13, 1996.

79 8. The speed limits established pursuant to this section shall not apply to the
80 operation of any emergency vehicle as defined in section 304.022.

81 9. A violation of the provisions of this section shall not be construed to relieve
82 the parties in any civil action on any claim or counterclaim from the burden of proving
83 negligence or contributory negligence as the proximate cause of any accident or as the
84 defense to a negligence action.

85 10. Any person violating the provisions of this section is guilty of a class C
86 misdemeanor, unless such person was exceeding the posted speed limit by twenty miles
87 per hour or more then it is a class B misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

43 (3) Upon all highways any vehicle proceeding at less than the normal speed of
44 traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable

45 to the right-hand edge or curb, except as otherwise provided in sections 304.014 to
46 304.026;

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

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

55 6. All vehicles in motion upon a highway having two or more lanes of traffic
56 proceeding in the same direction shall be driven in the right-hand lane except when
57 overtaking and passing another vehicle or when preparing to make a proper left turn or
58 when otherwise directed by traffic markings, signs or signals.

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

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

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

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

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

73 [7.] **8.** Violation of this section shall be deemed an infraction unless such
74 violation causes an immediate threat of an accident, in which case such violation shall
75 be deemed a class C misdemeanor, or unless an accident results from such violation, in
76 which case such violation shall be deemed a class A misdemeanor.

77 **9. As used in subsection 7 of this section, the word "truck" means any**
78 **vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof,**
79 **propelled or drawn by mechanical power and designed for or used in the**
80 **transportation of property upon the highways. The term "truck" also includes**

81 a commercial motor vehicle as defined in section 301.010, RSMo.

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

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

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

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

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

18 4. A low-speed vehicle shall be exempt from the requirements of
19 sections 307.350 to 307.402, RSMo, for purposes of titling and
20 registration. Low-speed vehicles shall comply with the standards in 49 C.F.R.
21 571.500.

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

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

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

32 8. Nothing in this section shall prevent county or municipal
33 governments from adopting more stringent local ordinances governing low-
34 speed vehicle operation if the governing body of the county or municipality
35 determines that such ordinances are necessary in the interest of public
36 safety. The department of transportation may prohibit the operation of low-

37 **speed vehicles on any highway under its jurisdiction if it determines that the**
38 **prohibition is necessary in the interest of public safety.**

304.675. 1. **The governing body of a county or municipality may**
2 **establish a maximum speed limit within a school zone not to exceed twenty**
3 **miles per hour. Such speed limit shall be in force only during those times**
4 **thirty minutes before, during, and thirty minutes after the periods of time**
5 **when students are arriving at a regularly scheduled school session and**
6 **leaving a regularly scheduled school session. As used in this section, the term**
7 **"school zone" means school property on which a school building is located and**
8 **the area adjacent to the school property that is designated by signs showing**
9 **the posted limit. The state highways and transportation commission shall**
10 **approve a twenty mile per hour speed limit in a school zone on state or**
11 **federal highways before the same shall become effective.**

12 2. **The governing body of a county or municipality may establish a**
13 **speed limit within a school zone lower than twenty miles per hour if it finds,**
14 **in conjunction with the school board, that a lower limit is needed to promote**
15 **public safety, and the governing body of a county or municipality may extend**
16 **the hours which the school zone speed limit is in force, if it finds, in**
17 **conjunction with the school board, that extended hours for the school zone**
18 **speed limit are needed to promote public safety. The establishment of any**
19 **speed limit within a school zone lower than twenty miles per hour shall be in**
20 **accordance with sections 304.101, 304.120, and 304.130.**

21 3. **Any reduction of speed in cities, towns, or villages shall be designed**
22 **to expedite flow of traffic on such state roads and highways to the extent**
23 **consistent with public safety. The commission may declare any ordinance**
24 **void if it finds that such ordinance is:**

25 (1) **Not primarily designed to expedite traffic flow; and**

26 (2) **Primarily designed to produce revenue for the city, town, or village**
27 **which enacted such ordinance.**

28 **If an ordinance is declared void, the city, town, or village shall have any**
29 **future proposed ordinance approved by the highways and transportation**
30 **commission before such ordinance may take effect.**

304.677. **Notwithstanding any other provisions of the law to the**
2 **contrary, every driver of a motor vehicle shall exercise the highest degree of**
3 **care to avoid colliding with any pedestrian, any person propelling a human**
4 **powered vehicle, or any person operating a motorcycle, and shall give an**
5 **audible signal when necessary, and shall exercise proper precaution upon**

6 **observing any child or any obviously confused, incapacitated, or intoxicated**
7 **person.**

307.100. 1. Any lighted lamp or illuminating device upon a motor vehicle other
2 than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a
3 beam of light of an intensity greater than three hundred candlepower shall be so directed
4 that no part of the beam will strike the level of the roadway on which the vehicle stands
5 at a distance of more than seventy-five feet from the vehicle. Alternately flashing
6 warning signals may be used on school buses when used for school purposes and on
7 motor vehicles when used to transport United States mail from post offices to boxes of
8 addressees thereof and on emergency vehicles as defined in section 304.022, RSMo, and
9 on buses owned or operated by churches, mosques, synagogues, temples or other houses
10 of worship, but are prohibited on other motor vehicles, motorcycles and motor-drawn
11 vehicles except as a means for indicating a right or left turn.

12 **2. Any motor vehicle used for the collection of garbage, refuse, or**
13 **rubbish shall use alternately flashing warning signals while stopped upon a**
14 **street and actually engaged in the collection of garbage, refuse, or rubbish.**

15 **3.** Notwithstanding the provisions of section 307.120, violation of this section is
16 an infraction.

307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor
2 and trailer combination, or other commercial motor vehicle and trailer upon any highway
3 of this state, whether intrastate transportation or interstate transportation,
4 [transporting materials defined and classified as hazardous by the United States
5 Department of Transportation pursuant to Title 49 of the Code of Federal Regulations,]
6 **unless such transportation is conducted in accordance with the hazardous**
7 **material regulations established by the United States Department of**
8 **Transportation pursuant to Title 49, Code of Federal Regulations,** as such
9 regulations have been and may periodically be amended[, unless such vehicle is equipped
10 with the equipment required by and be operated in accordance with safety and
11 hazardous materials regulations for such vehicles as adopted by the United States
12 Department of Transportation].

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

18 **3.** Failure to comply with the requirements of this section may result in the

19 commercial motor vehicle and trailer and driver of such vehicle and trailer being placed
20 out of service. Criteria used for placing drivers and vehicles out of service are the North
21 American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety
22 Alliance and the United States Department of Transportation, as such criteria have been
23 and may periodically be 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**
3 **Federal Regulations, Part 390.5**, either singly or in combination with a trailer, as
4 both vehicles are defined [in section 301.010, RSMo.] **in Title 49, Code of Federal**
5 **Regulations, Part 390.5**, unless such vehicles are equipped and operated as required
6 by Parts 390 through 397, Title 49, Code of Federal Regulations, as such regulations
7 have been and may periodically be amended, whether intrastate transportation or
8 interstate transportation. Members of the Missouri state highway patrol are authorized
9 to enter the cargo area of a commercial motor vehicle or trailer to inspect the contents
10 when reasonable grounds exist to cause belief that the vehicle is transporting hazardous
11 materials as defined by Title 49 of the Code of Federal Regulations. The director of the
12 department of public safety is hereby authorized to further regulate the safety of
13 commercial motor vehicles and trailers as he deems necessary to govern and control their
14 operation on the public highways of this state by promulgating and publishing rules and
15 regulations consistent with this chapter. Any such rules shall, in addition to any other
16 provisions deemed necessary by the director, require:

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

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

22 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of
23 this section shall not apply to any commercial motor vehicle operated in intrastate
24 commerce and licensed for a gross weight of sixty thousand pounds or less when used
25 exclusively for the transportation of solid waste or forty-two thousand pounds or less
26 when the license plate has been designated for farm use by the letter "F" as authorized
27 by the Revised Statutes of Missouri, unless such vehicle is transporting hazardous
28 materials as defined in Title 49, Code of Federal Regulations.

29 2. Notwithstanding the provisions of subsection 1 of this section to the contrary,
30 Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical
31 requirements of drivers shall not be applicable to drivers in intrastate commerce,

32 provided such drivers were licensed by this state as chauffeurs to operate commercial
33 motor vehicles on May 13, 1988. Persons who are otherwise qualified and licensed to
34 operate a commercial motor vehicle in this state may operate such vehicle intrastate at
35 the age of eighteen years or older, except that any person transporting hazardous
36 material must be at least twenty-one years of age.

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

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

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

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

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

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

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

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

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

66 8. No rule or portion of a rule promulgated under the authority of this chapter
67 shall become effective unless it has been promulgated pursuant to the provisions of

68 section 536.024, RSMo.

488.5336. 1. A surcharge of [two] **three** dollars may be assessed as costs in each
2 criminal case involving violations of any county ordinance or a violation of any criminal
3 or traffic laws of the state, including infractions, or violations of municipal ordinances,
4 provided that no such fee shall be collected in any proceeding in any court when the
5 proceeding or defendant has been dismissed by the court or when costs are to be paid by
6 the state, county or municipality. For violations of the general criminal laws of the state
7 or county ordinances, no such surcharge shall be collected unless it is authorized by the
8 county government where the violation occurred. For violations of municipal ordinances,
9 no such surcharge shall be collected unless it is authorized by the municipal government
10 where the violation occurred. If imposed by a municipality, such surcharges shall be
11 collected by the clerk of the municipal court responsible for collecting court costs and
12 fines and shall be transmitted monthly to the treasurer of the municipality where the
13 violation occurred in cases of violations of municipal ordinances. If imposed by a county,
14 such surcharges shall be collected and disbursed as provided in sections 488.010 to
15 488.020. Such surcharges shall be payable to the treasurer of the county where the
16 violation occurred in the case of violations of the general criminal laws of the state or
17 county ordinances. Without regard to whether the aforementioned surcharge is assessed,
18 a surcharge in the amount of [one dollar] **two dollars** shall be assessed as provided in
19 this section, and shall be collected and disbursed as provided in sections 488.010 to
20 488.020 and payable to the state treasury to the credit of the peace officer standards and
21 training commission fund created in section 590.178, RSMo. Such surcharges shall be
22 in addition to the court costs and fees and limits on such court costs and fees established
23 by section 66.110, RSMo, and section 479.260, RSMo.

24 2. Each county and municipality shall use all funds received under this section
25 only to pay for the training required as provided in sections 590.100 to 590.180, RSMo,
26 or for the training of county coroners and their deputies provided that any excess funds
27 not allocated to pay for such training may be used to pay for additional training of peace
28 officers or for training of other law enforcement personnel employed or appointed by the
29 county or municipality. No county or municipality shall retain more than one thousand
30 five hundred dollars of such funds for each certified law enforcement officer, candidate
31 for certification employed by that agency or a coroner and the coroner's deputies. Any
32 excess funds shall be transmitted quarterly to the general revenue fund of the county or
33 municipality treasury which assessed the costs.

537.038. 1. No person, while operating a motor vehicle, shall
2 **intentionally, recklessly, or negligently collide with a pedestrian, cyclist, or**

3 **motorcyclist and thereby cause personal injury to the pedestrian or cyclist.**
4 **2. Such person who operates a motor vehicle and intentionally,**
5 **recklessly, or negligently collides with a pedestrian, cyclist, or motorcyclist**
6 **and thereby causes personal injury to the pedestrian or cyclist shall be guilty**
7 **of a class A misdemeanor and shall be liable for liquidated compensatory**
8 **damages of five hundred dollars or actual damages, whichever is greater, plus**
9 **reasonable attorney's fees and court costs, unless the court or jury determines**
10 **that the motorist was not at fault.**

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

2 **(1) "Motor vehicle", any automobile, truck, truck-tractor, or any motor**
3 **bus or motor-propelled vehicle not exclusively operated or driven on fixed**
4 **rails or tracks;**

5 **(2) "Unattended child" means a child who is not accompanied by**
6 **another person who is at least fourteen years of age.**

7 **2. A person responsible for a child who is eight years of age or younger**
8 **shall not leave that child in a motor vehicle without being supervised in the**
9 **motor vehicle by a person who is**
10 **at least fourteen years of age if:**

11 **(1) The conditions present a risk to the child's health or safety; or**

12 **(2) The engine of the motor vehicle is running or the keys to the motor**
13 **vehicle are anywhere in the passenger compartment of the vehicle.**

14 **3. Any person who violates any provisions of this section shall be**
15 **subject to a penalty as follows:**

16 **(1) A person who violates any provision of this section shall be subject**
17 **to an infraction with a fine of one hundred dollars for the first offense;**

18 **(2) A person who violates any provision of this section shall be subject**
19 **to an infraction with a fine of two hundred dollars for a second or subsequent**
20 **violation.**

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

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

10 defendant was represented by or waived the right to an attorney in writing;

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

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

16 (b) A person who has pleaded guilty to or has been found guilty of involuntary
17 manslaughter pursuant to subsection 1 of section 565.024, RSMo, assault in the second
18 degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of
19 a law enforcement officer in the second degree pursuant to subdivision (3) of subsection
20 1 of section 565.082, RSMo; and

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

25 2. Any person who pleads guilty to or is found guilty of a violation of section
26 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a
27 class A misdemeanor.

28 3. Any person who pleads guilty to or is found guilty of a violation of section
29 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty
30 of a class D felony.

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

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

44 (1) The indictment or information, original or amended, or the information in lieu
45 of an indictment pleads all essential facts warranting a finding that the defendant is a

46 prior offender or persistent offender; and

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

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

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

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

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

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

59 10. Nothing in this section shall prevent the use of presentence investigations
60 or commitments.

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

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

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

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

2 [304.157. 1. If a person abandons property, as defined in section
3 304.001, on any real property owned by another without the consent of the
owner or person in possession of the property, at the request of the person

4 in possession of the real property, any member of the state highway patrol,
5 state water patrol, sheriff, or other law enforcement officer within his
6 jurisdiction may authorize a towing company to remove such abandoned
7 property from the property in the following circumstances:

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

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

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

21 (1) There is displayed, in plain view at all entrances to the
22 property, a sign not less than seventeen by twenty-two inches in size, with
23 lettering not less than one inch in height, prohibiting public parking and
24 indicating that unauthorized abandoned property or property improperly
25 parked in a restricted or assigned area will be removed at the owner's
26 expense, disclosing the maximum fee for all charges related to towing and
27 storage, and containing the telephone number of the local traffic law
28 enforcement agency where information can be obtained; or a
29 twenty-four-hour staffed emergency information telephone number, other
30 than the number of a towing company, by which the owner of the
31 abandoned property or improperly parked property may call to receive
32 information regarding the location of such owner's property; or

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

39 (3) The abandoned property is left unattended on private property,

40 and the owner, lessee or agent of the real property in lawful possession of
41 real property has notified the appropriate law enforcement agency, and
42 ten days have elapsed since that notification.

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

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

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

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

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

58 (5) The date the report is completed;

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

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

63 (8) The signature of the towing operator;

64 (9) The name of the law enforcement agency notified of the
65 abandoned property.

66 The department of revenue may design and make available to police
67 agencies throughout the state a uniform "Authorization to Tow" form. The
68 form shall contain lines for time, date, location, descriptive information of
69 the vehicle, reason for towing, the tow operator and company and
70 signature of authorizing officer. The cost of the forms shall be determined
71 by the department of revenue. The completed form shall be issued by the
72 authorizing officer to the tow operator for that company's records as proof
73 of authorization to tow a particular vehicle.

74 4. The law enforcement agency receiving such abandoned property
75 report must record the date the abandoned property report is filed with

76 such agency and within five days of such filing make an inquiry into the
77 national crime information center and any statewide Missouri law
78 enforcement computer system to determine if the abandoned property has
79 been reported as stolen. The law enforcement agency shall enter the
80 information pertaining to the towed property into the statewide
81 enforcement computer system. The department of revenue may design
82 and sell to towing companies informational brochures outlining owner or
83 lessee of real property obligations pursuant to this section.

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

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

94 7. The law enforcement agency receiving notification that
95 abandoned property has been towed by a towing company shall record the
96 date the property was towed and shall forward a copy of the abandoned
97 property report to the director of revenue.

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

Section B. Because immediate action is necessary to ensure just compensation
2 for the restriction or loss of property rights for owners of real estate, the repeal and
3 reenactment of section 227.120 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to
5 be an emergency act within the meaning of the constitution, and the repeal and
6 reenactment of section 227.120 of this act shall be in full force and effect upon its
7 passage and approval.