

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 327

AN ACT

To repeal sections 137.298, 144.062, 191.831, 210.104, 210.107, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 300.330, 300.410, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.341, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.010, 304.015, 304.035, 304.580, 307.100, 307.125, 307.127, 307.177, 307.178, 307.400, 389.610, 390.020, 488.5336, 565.070, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof sixty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 137.298, 144.062, 191.831, 210.104,
2 210.107, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215,
3 238.220, 238.222, 238.235, 238.236, 292.602, 300.330, 300.410,
4 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309,
5 302.341, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755,
6 302.756, 302.760, 302.775, 304.010, 304.015, 304.035, 304.580,
7 307.100, 307.125, 307.127, 307.177, 307.178, 307.400, 389.610,
8 390.020, 488.5336, 565.070, 577.023, 577.041, 577.049, 577.054,
9 and 577.520, RSMo, and section 304.157 as enacted by senate bill

1 no. 17, ninetieth general assembly, are repealed and sixty-four
2 new sections enacted in lieu thereof, to be known as sections
3 137.298, 144.062, 191.831, 226.525, 226.535, 227.120, 238.207,
4 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602,
5 300.330, 300.410, 301.010, 301.026, 301.069, 302.225, 302.272,
6 302.302, 302.304, 302.309, 302.341, 302.540, 302.700, 302.725,
7 302.726, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775,
8 304.010, 304.015, 304.021, 304.029, 304.035, 304.580, 304.675,
9 304.677, 307.100, 307.125, 307.127, 307.177, 307.178, 307.179,
10 307.400, 389.610, 390.020, 488.5336, 537.038, 565.070, 568.055,
11 577.023, 577.041, 577.049, 577.054, 577.520, 1, 2, and 3, to read
12 as follows:

13 137.298. 1. Other provisions of law to the contrary
14 notwithstanding, any city or county may by ordinance include as a
15 charge on bills issued for personal property taxes any
16 outstanding vehicle-related fees and fines, including traffic and
17 parking violations, assessed or issued on any vehicle for which
18 personal property tax is to be paid and, if required by
19 ordinance, such charge shall be collected with and in the same
20 payment as personal property taxes are collected by the
21 [collector of revenue of such] county, city or township. For the
22 purpose of this section, vehicle-related fees and fines shall
23 include, but not necessarily be limited to, traffic violation
24 fines, parking violation fines, towing and vehicle immobilization
25 fees and any late payment penalties and court costs associated
26 with the adjudication or collection of those fines. No personal
27 property tax bill shall be considered paid unless all charges for
28 parking violations and other vehicle-related fees and fines are

1 also paid in full and the [collector of revenue] city or county
2 shall not issue a paid personal property receipt until all such
3 charges are paid.

4 2. Any city or county that levies personal property taxes
5 may establish an intergovernmental revenue collection agreement
6 with other such cities and counties to establish a system to
7 facilitate the collection of delinquent vehicle-related fees and
8 finances through the personal property tax bills; therefore allowing
9 participating jurisdictions to collect vehicle-related fees and
10 finances from their residents even if those vehicle-related fees and
11 finances have been assessed by other jurisdictions. Any vehicle-
12 related fees and fines collected pursuant to this section shall
13 be promptly remitted to the jurisdictions in which the original
14 vehicle-related fees and fines were assessed in accordance with
15 the terms of agreement.

16 144.062. 1. With respect to exempt sales at retail of
17 tangible personal property and materials for the purpose of
18 constructing, repairing or remodeling facilities for: (1) a
19 county, other political subdivision or instrumentality thereof
20 exempt from taxation under subdivision (10) of section 39 of
21 article III of the Constitution of Missouri; or (2) an
22 organization sales to which are exempt from taxation under the
23 provisions of subdivision (19) of subsection 2 of section
24 144.030; or (3) any institution of higher education supported by
25 public funds or any private not-for-profit institution of higher
26 education, exempt from taxation under subdivision (20) of
27 subsection 2 of section 144.030; or (4) any private
28 not-for-profit elementary or secondary school exempt from

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

24 2. When any exempt entity contracts for the purpose of
25 constructing, repairing or remodeling facilities, and purchases
26 of tangible personal property and materials to be incorporated
27 into or consumed in the construction of the project are to be
28 made on a tax-exempt basis, such entity shall furnish to the

1 contractor an exemption certificate authorizing such purchases
2 for the construction, repair or remodeling project. The form and
3 content of such project exemption certificate shall be approved
4 by the director of revenue. The project exemption certificate
5 shall include but not be limited to:

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

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

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

13 (4) The estimated project completion date; and

14 (5) The certificate expiration date.

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

18 3. The contractor shall furnish the certificate prescribed
19 in subsection 2 of this section to all subcontractors, and any
20 contractor purchasing materials shall present such certificate to
21 all material suppliers as authorization to purchase, on behalf of
22 the exempt entity, all tangible personal property and materials
23 to be incorporated into or consumed in the construction of that
24 project and no other on a tax-exempt basis. Such suppliers shall
25 execute to the purchasing contractor invoices bearing the name of
26 the exempt entity and the project identification number. Nothing
27 in this section shall be deemed to exempt the purchase of any
28 construction machinery, equipment or tools used in constructing,

1 repairing or remodeling facilities for the exempt entity. All
2 invoices for all personal property and materials purchased under
3 a project exemption certificate shall be retained by the
4 purchasing contractor for a period of five years and shall be
5 subject to audit by the director of revenue.

6 4. Any excess resalable tangible personal property or
7 materials which were purchased for the project by a contractor
8 under a project exemption certificate but which were not
9 incorporated into or consumed in the construction of the project
10 shall either be returned to the supplier for credit or the
11 appropriate sales or use tax on such excess property or materials
12 shall be reported on a return and paid by such contractor not
13 later than the due date of the contractor's Missouri sales or use
14 tax return following the month in which it was determined that
15 the materials were not to be used in the project.

16 5. No contractor or material supplier shall, upon audit, be
17 required to pay tax on tangible personal property and materials
18 incorporated into or consumed in the construction of the project,
19 due to the failure of the exempt entity to revise the certificate
20 expiration date as necessary to complete any work required by the
21 contract. If it is determined that tax is owed on such property
22 and materials due to the failure of the exempt entity to revise
23 such certificate expiration date, the exempt entity shall be
24 liable for the tax owed.

25 6. If an entity issues exemption certificates for the
26 purchase of tangible personal property and materials which are
27 incorporated into or consumed in the construction of its project
28 and such entity is found not to have had the authority granted by

1 this section to issue such exemption certificates, then such
2 entity shall be liable for the tax owed on such personal property
3 and materials. In addition, if an entity which does have the
4 authority granted by this section to issue exemption certificates
5 issues such certificates for the purchase of tangible personal
6 property and materials which are incorporated into or consumed in
7 the construction of a project, or part of a project, which is
8 found not to be related to such entity's exempt functions and
9 activities, then such entity shall be liable for the tax owed on
10 such personal property and materials.

11 191.831. 1. There is hereby established in the state
12 treasury a "Health Initiatives Fund", to which shall be deposited
13 all revenues designated for the fund under subsection 8 of
14 sections 149.015, RSMo, and subsection 3 of section 149.160,
15 RSMo, and section 167.609, RSMo, and all other funds donated to
16 the fund or otherwise deposited pursuant to law. The state
17 treasurer shall administer the fund. Money in the fund shall be
18 appropriated to provide funding for implementing the new programs
19 and initiatives established by sections 105.711 and 105.721,
20 RSMo. The moneys in the fund may further be used to fund those
21 programs established by sections 191.411, 191.520 and 191.600,
22 sections 208.151 and 208.152, RSMo, and sections 103.178, RSMo,
23 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211,
24 191.231, 191.825 to 191.839, RSMo, 192.013, RSMo, 208.177,
25 208.178, 208.179 and 208.181, RSMo, 211.490, RSMo, 285.240, RSMo,
26 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894, RSMo, 431.064,
27 RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less
28 than fifteen percent of the proceeds deposited to the health

1 initiative fund pursuant to sections 149.015 and 149.160, RSMo,
2 shall be appropriated annually to provide funding for the C-STAR
3 substance abuse rehabilitation program of the department of
4 mental health, or its successor program, and a C-STAR pilot
5 project developed by the director of the division of alcohol and
6 drug abuse and the director of the department of corrections as
7 an alternative to incarceration, as provided in subsections 2, 3,
8 and 4 of this section. Such pilot project shall be known as the
9 "Alt-care" program. In addition, [five percent of the] some of
10 the proceeds deposited to the health initiatives fund pursuant to
11 sections 149.015 and 149.160, RSMo, shall be appropriated
12 annually to the division of alcohol and drug abuse of the
13 department of mental health to be used for [a pilot project to
14 provide access to treatment and rehabilitation services by
15 persons referred to such programs by an alcohol or drug related
16 traffic offender education or rehabilitation program pursuant to
17 sections 302.540, RSMo, 577.049 and 577.520, RSMo] the
18 administration and oversight of the substance abuse traffic
19 offenders program defined in section 302.010, RSMo. The
20 provisions of section 33.080, RSMo, to the contrary
21 notwithstanding, money in the health initiatives fund shall not
22 be transferred at the close of the biennium to the general
23 revenue fund.

24 2. The director of the division of alcohol and drug abuse
25 and the director of the department of corrections shall develop
26 and administer a pilot project to provide a comprehensive
27 substance abuse treatment and rehabilitation program as an
28 alternative to incarceration, hereinafter referred to as

1 "Alt-care". Alt-care shall be funded using money provided under
2 subsection 1 of this section through the Missouri Medicaid
3 program, the C-STAR program of the department of mental health,
4 and the division of alcohol and drug abuse's purchase-of-service
5 system. Alt-care shall offer a flexible combination of clinical
6 services and living arrangements individually adapted to each
7 client and her children. Alt-care shall consist of the following
8 components:

9 (1) Assessment and treatment planning;

10 (2) Community support to provide continuity, monitoring of
11 progress and access to services and resources;

12 (3) Counseling from individual to family therapy;

13 (4) Day treatment services which include accessibility
14 seven days per week, transportation to and from the Alt-care
15 program, weekly drug testing, leisure activities, weekly events
16 for families and companions, job and education preparedness
17 training, peer support and self-help and daily living skills; and

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

20 3. Any female who is pregnant or is the custodial parent of
21 a child or children under the age of twelve years, and who has
22 pleaded guilty to or found guilty of violating the provisions of
23 chapter 195, RSMo, and whose controlled substance abuse was a
24 precipitating or contributing factor in the commission of the
25 offense, and who is placed on probation may be required, as a
26 condition of probation, to participate in Alt-care, if space is
27 available in the pilot project area. Determinations of
28 eligibility for the program, placement, and continued

1 participation shall be made by the division of alcohol and drug
2 abuse, in consultation with the department of corrections.

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

9 226.525. 1. The state highways and transportation
10 commission is directed to erect within the right-of-way of all
11 classes of highways within the state signs and notices pertaining
12 to publicly and privately owned natural wonders and scenic and
13 historical attractions under the following conditions:

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

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

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

28 (4) The state highways and transportation commission may

1 require reimbursement for the cost of erection and maintenance of
2 the official directional signs authorized hereunder when sites or
3 attractions are privately owned by other than the state or
4 political subdivisions. The state highways and transportation
5 commission shall prescribe the size, number and locations of such
6 signs based upon its determination of the travelers' need for
7 directional information.

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

26 3. Regionally accredited post-secondary educational
27 facilities with a current certificate to operate within this
28 state shall be eligible for tourist-oriented directional signs as

1 provided for in subsection 2 of this section.

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

11 2. Regionally accredited post-secondary educational
12 facilities with a current certificate to operate within this
13 state shall be eligible to display signs as provided in this
14 section.

15 227.120. 1. The state highways and transportation
16 commission shall have power to purchase, lease, or condemn, lands
17 in the name of the state of Missouri for the following purposes
18 when necessary for the proper and economical construction and
19 maintenance of state highways:

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

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

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

6 (4) Obtaining road building or road maintenance materials
7 or plants for the manufacture or production of such materials and
8 acquiring the right-of-way thereto; also acquiring the
9 right-of-way to such plants as are privately owned when necessary
10 for the proper and economical construction of the state highway
11 system;

12 (5) Changing gradients in any state highway;

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

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

19 (8) Eliminating grade crossings;

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

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

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

1 highways;

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

6 (13) Acquiring lands for any other purpose necessary for
7 the proper and economical construction of the state highway
8 system for which the commission may have authority granted by
9 law. If condemnation becomes necessary, the commission shall
10 have the power to proceed to condemn such lands in the name of
11 the state of Missouri, in accordance with the provisions of
12 chapter 523, RSMo, insofar as the same is applicable to the said
13 state highways and transportation commission, and the court or
14 jury shall take into consideration the benefits to be derived by
15 the owner, as well as the damage sustained thereby. The state
16 highways and transportation commission also shall have the same
17 authority to enter upon private lands to survey and determine the
18 most advantageous route of any state highway as granted, under
19 section 388.210, RSMo, to railroad corporations.

20 2. In any case in which the commission exercises eminent
21 domain involving a taking of real estate, the court,
22 commissioners, and jury shall consider the restriction of or loss
23 of access to any adjacent highway as an element in assessing the
24 damages. As used in this subsection, "restriction of or loss of
25 access" includes, but is not limited to, the prohibition of
26 making right or left turns into or out of the real estate
27 involved, provided that such access was present before the
28 proposed improvement or taking.

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

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

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

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

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

24 (a) The petition provides that the only funding method for
25 project costs will be a sales tax;

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

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

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

8 4. The petition shall set forth:

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

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

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

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

25 (5) The name of the proposed district;

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

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

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

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

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

19 5. (1) As an alternative to the methods described in
20 subsections 1 and 2 of this section, if two or more local
21 transportation authorities have adopted resolutions calling for
22 the joint establishment of a district, the governing body of any
23 one such local transportation authority may file a petition in
24 the circuit court of any county in which the proposed project is
25 located requesting the creation of a district.

26 (2) The proposed district area shall be contiguous and may
27 contain all or any portion of one or more municipalities and
28 counties. Property separated only by public streets, easements,

1 or rights-of-way or connected by a single public street,
2 easement, or right-of-way shall be considered contiguous.

3 (3) The petition shall set forth:

4 (a) That the petitioner is the governing body of a local
5 transportation authority acting in its official capacity;

6 (b) The name of each local transportation authority within
7 the proposed district. The resolution of the governing body of
8 each local transportation authority calling for the joint
9 establishment of the district shall be attached to the petition;

10 (c) The name and address of each respondent. Respondents
11 must include the commission and each affected local
12 transportation authority within the proposed district, except a
13 petitioning local transportation authority;

14 (d) A specific description of the proposed district
15 boundaries including a map illustrating such boundaries;

16 (e) A general description of each project proposed to be
17 undertaken by the district, including a description of the
18 approximate location of each project;

19 (f) The name of the proposed district;

20 (g) The number of members of the board of directors of the
21 proposed district;

22 (h) A request that the question be submitted to the
23 qualified voters within the limits of the proposed district
24 whether they will establish a transportation development district
25 to develop the projects described in the petition;

26 (i) A proposal for funding the district initially, pursuant
27 to the authority granted in sections 238.200 to 238.275, together
28 with a request that the imposition of the funding proposal be

1 submitted to the qualified voters residing within the limits of
2 the proposed district; provided, however, the funding method of
3 special assessments may also be approved as provided in
4 subsection 1 of section 238.230; and

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

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

26 2. The court shall hear the case without a jury. If the
27 court shall thereafter determine the petition is defective or the
28 proposed district is illegal or unconstitutional, or shall be an

1 undue burden on any owner of property within the district or is
2 unjust and unreasonable, it shall enter its declaratory judgment
3 to that effect and shall refuse to make the certifications
4 requested in the pleadings. If the court determines that any
5 proposed funding method is illegal or unconstitutional, it shall
6 enter its judgment striking that funding method in whole or part.
7 If the court determines the petition is not legally defective and
8 the proposed district and method of funding are neither illegal
9 nor unconstitutional, the court shall enter its judgment to that
10 effect. If the petition was filed by registered voters or by a
11 governing body, the court shall then certify the questions
12 regarding district creation, project development, and proposed
13 funding for voter approval. If the petition was filed by a
14 governing body pursuant to subsection 5 of section 239.207, RSMo,
15 the court shall then certify the single question regarding
16 district creation, project development, and proposed funding for
17 voter approval. If the petition was filed by the owners of
18 record of all of the real property located within the proposed
19 district, the court shall declare the district organized and
20 certify the funding methods stated in the petition for qualified
21 voter approval; provided, however, the funding method of special
22 assessments may also be approved as provided in subsection 1 of
23 section 238.230. In either case, if no objections to the
24 petition are timely filed, the court may make such certifications
25 based upon the pleadings before it without any hearing.

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

1 238.215. 1. If the circuit court certifies the petition
2 for voter approval, it shall call an election pursuant to section
3 238.216.

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

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

18 3. (1) If the petition was filed pursuant to subsection 5
19 of section 238.207 and the district desires to impose a sales tax
20 as the only proposed funding mechanism, at such election for
21 voter approval of the qualified voters, the question shall be
22 submitted in substantially the following form:

23 Shall there be organized in (here specifically describe the
24 proposed district boundaries), within the state of Missouri, a
25 transportation development district, to be known as the
26 "..... Transportation Development District" for the purpose
27 of developing the following transportation project: (here
28 summarize the proposed project or projects) and be authorized to

1 impose a transportation development district-wide sales tax at
2 the rate of(insert amount) for a period of(insert
3 number) years from the date on which such tax is first imposed
4 for the purpose of funding the transportation project or
5 projects?

6 (2) If the petition was filed pursuant to subsection 5 of
7 section 238.207 and the district desires to impose a funding
8 mechanism other than a sales tax, at such election for voter
9 approval of the qualified voters, the question shall be submitted
10 in substantially the form set forth in subsection 2 of this
11 section and the proposed funding mechanism shall require separate
12 voter approval at a subsequent election.

13 [3.] 4. The results of the election shall be entered upon
14 the records of the circuit court of the county in which the
15 petition was filed. Also, a certified copy thereof shall be
16 filed with the county clerk of each county in which a portion of
17 the proposed district lies, who shall cause the same to be spread
18 upon the records of the county commission. If the results show
19 that a majority of the votes cast by the qualified voters were in
20 favor of organizing the transportation development district, the
21 circuit court having jurisdiction of the matter shall declare the
22 district organized and certify the funding methods approved by
23 the qualified voters. If the results show that less than a
24 majority of the votes cast by the qualified voters were in favor
25 of the organization of the district, the circuit court shall
26 declare that the question has failed to pass, and the same
27 question shall not be again submitted for voter approval for two
28 years.

1 5. Notwithstanding the foregoing, if the election was held
2 pursuant to subsection 3 of this section, the results of the
3 election shall be entered upon the records of the circuit court
4 of the county in which the petition was filed. Also, a certified
5 copy thereof shall be filed with the county clerk of each county
6 in which a portion of the proposed district lies. If the results
7 show that a majority of the votes cast by the qualified voters
8 were in favor of the proposition, the circuit court having
9 jurisdiction of the matter shall declare the district organized
10 and the funding methods approved by the qualified voters to be in
11 effect. If the results show that less than a majority of the
12 votes cast by the qualified voters were in favor of the
13 proposition, the circuit court shall declare that the question
14 has failed to pass. A new petition shall be filed pursuant to
15 subsection 5 of section 238.207 prior to the question being again
16 submitted for voter approval.

17 238.220. 1. Notwithstanding anything to the contrary
18 contained in section 238.216, if any persons eligible to be
19 registered voters reside within the district the following
20 procedures shall be followed:

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

28 (2) Candidates shall pay the sum of five dollars as a

1 filing fee to the county clerk and shall file with the election
2 authority of such county a statement under oath that he or she
3 possesses all of the qualifications set out in this section for a
4 director. Thereafter, such candidate shall have his or her name
5 placed on the ballot as a candidate for director;

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

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

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

23 (1) Within thirty days after the district has been declared
24 organized, the circuit clerk of the county in which the petition
25 was filed shall, upon giving notice by causing publication to be
26 made once a week for two consecutive weeks in a newspaper of
27 general circulation in the county, the last publication of which
28 shall be at least ten days before the day of the meeting required

1 by this section, call a meeting of the owners of real property
2 within the district at a day and hour specified in a public place
3 in the county in which the petition was filed for the purpose of
4 electing a board of not less than five and not more than fifteen
5 directors, to be composed of owners or representatives of owners
6 of real property in the district; provided that, if all the
7 owners of property in the district joined in the petition for
8 formation of the district, such meeting may be called by order of
9 the court without further publication;

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

16 (3) The one-third of the initial board members receiving
17 the most votes shall be elected to positions having a term of
18 three years. The one-third of initial board members receiving
19 the next highest number of votes shall be elected to positions
20 having a term of two years. The lowest one-third of initial
21 board members receiving sufficient votes shall be elected to
22 positions having a term of one year. Each initial director shall
23 serve the term to which he or she was elected, and until a
24 successor is duly elected and qualified. Successor directors
25 shall be elected in the same manner as the initial directors at a
26 meeting of the real property owners called by the board. Each
27 successor director shall serve a three-year term. The directors
28 shall nominate and elect an interim director to complete any

1 unexpired term of a director caused by resignation or
2 disqualification;

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

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

8 (1) If the district is comprised of four or more local
9 transportation authorities, the board of directors shall consist
10 of the presiding officer of each local transportation authority
11 within the district. If the district is comprised of two or
12 three local transportation authorities, the board of directors
13 shall consist of the presiding officer of each local
14 transportation authority within the district and one person
15 designated by the governing body of each local transportation
16 authority within the district;

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

22 (3) Upon the assumption of office of a new presiding
23 officer of a local transportation authority, such individual
24 shall automatically succeed his predecessor as a member of the
25 board of directors. Upon the removal, resignation or
26 disqualification of a director designated by the governing body
27 of a local transportation authority, such governing body shall
28 designate a successor director.

1 [3.] 4. The commission shall appoint one or more advisors
2 to the board, who shall have no vote but shall have the authority
3 to participate in all board meetings and discussions, whether
4 open or closed, and shall have access to all records of the
5 district and its board of directors.

6 [4.] 5. If the proposed project is not intended to be
7 merged into the state highways and transportation system under
8 the commission's jurisdiction, the local transportation authority
9 that will assume maintenance of the project shall appoint one or
10 more advisors to the board of directors who shall have the same
11 rights as advisors appointed by the commission.

12 6. Any county or counties located wholly or partially
13 within the district which is not a "local transportation
14 authority" pursuant to subdivision (4) of subsection 1 of section
15 238.202, may appoint one or more advisors to the board who shall
16 have the same rights as advisors appointed by the commission.

17 238.222. 1. The board shall possess and exercise all of
18 the district's legislative and executive powers.

19 2. Within thirty days after the election of the initial
20 directors or the selection of the initial directors pursuant to
21 subsection 3 of section 238.220, the board shall meet. The time
22 and place of the first meeting of the board shall be designated
23 by the court that heard the petition upon the court's own
24 initiative or upon the petition of any interested person. At its
25 first meeting and after each election of new board members or the
26 selection of the initial directors pursuant to subsection 3 of
27 section 238.220 the board shall elect a chairman from its
28 members.

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

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

7 5. A simple majority of the board shall constitute a
8 quorum. If a quorum exists, a majority of those voting shall
9 have the authority to act in the name of the board, and approve
10 any board resolution.

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

15 238.235. 1. (1) Any transportation development district
16 may by resolution impose a transportation development district
17 sales tax on all retail sales made in such transportation
18 development district which are subject to taxation pursuant to
19 the provisions of sections 144.010 to 144.525, RSMo, except such
20 transportation development district sales tax shall not apply to
21 the sale or use of motor vehicles, trailers, boats or outboard
22 motors nor to all sales of electricity or electrical current,
23 water and gas, natural or artificial, nor to sales of service to
24 telephone subscribers, either local or long distance. Such
25 transportation development district sales tax may be imposed for
26 any transportation development purpose designated by the
27 transportation development district in its ballot of submission
28 to its qualified voters, except that no resolution enacted

1 pursuant to the authority granted by this section shall be
2 effective unless:

3 (a) The board of directors of the transportation
4 development district submits to the qualified voters of the
5 transportation development district a proposal to authorize the
6 board of directors of the transportation development district to
7 impose [a] or increase the levy of an existing tax pursuant to
8 the provisions of this section; or

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

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

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

26 YES NO

27 If you are in favor of the question, place an "X" in the box
28 opposite "YES". If you are opposed to the question, place an "X"

1 in the box opposite "NO".
2 If a majority of the votes cast on the proposal by the qualified
3 voters voting thereon are in favor of the proposal, then the
4 resolution and any amendments thereto shall be in effect. If a
5 majority of the votes cast by the qualified voters voting are
6 opposed to the proposal, then the board of directors of the
7 transportation development district shall have no power to impose
8 the sales tax authorized by this section unless and until the
9 board of directors of the transportation development district
10 shall again have submitted another proposal to authorize it to
11 impose the sales tax pursuant to the provisions of this section
12 and such proposal is approved by a majority of the qualified
13 voters voting thereon.

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

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

25 (5) In order to permit sellers required to collect and
26 report the sales tax authorized by this section to collect the
27 amount required to be reported and remitted, but not to change
28 the requirements of reporting or remitting tax or to serve as a

1 levy of the tax, and in order to avoid fractions of pennies, the
2 transportation development district may establish appropriate
3 brackets which shall be used in the district imposing a tax
4 pursuant to this section in lieu of those brackets provided in
5 section 144.285, RSMo.

6 (6) All revenue received by a transportation development
7 district from the tax authorized by this section which has been
8 designated for a certain transportation development purpose shall
9 be deposited in a special trust fund and shall be used solely for
10 such designated purpose. Upon the expiration of the period of
11 years approved by the qualified voters pursuant to subdivision
12 (2) of this subsection or if the tax authorized by this section
13 is repealed pursuant to subsection 6 of this section, all funds
14 remaining in the special trust fund shall continue to be used
15 solely for such designated transportation development purpose.
16 Any funds in such special trust fund which are not needed for
17 current expenditures may be invested by the board of directors in
18 accordance with applicable laws relating to the investment of
19 other transportation development district funds.

20 (7) The sales tax may be imposed in increments of
21 one-eighth of one percent, up to a maximum of one percent on the
22 receipts from the sale at retail of all tangible personal
23 property or taxable services at retail within the transportation
24 development district adopting such tax, if such property and
25 services are subject to taxation by the state of Missouri
26 pursuant to the provisions of sections 144.010 to 144.525, RSMo,
27 except such transportation development district sales tax shall
28 not apply to the sale or use of motor vehicles, trailers, boats

1 or outboard motors nor to public utilities. Any transportation
2 development district sales tax imposed pursuant to this section
3 shall be imposed at a rate that shall be uniform throughout the
4 district.

5 2. The resolution imposing the sales tax pursuant to this
6 section shall impose upon all sellers a tax for the privilege of
7 engaging in the business of selling tangible personal property or
8 rendering taxable services at retail to the extent and in the
9 manner provided in sections 144.010 to 144.525, RSMo, and the
10 rules and regulations of the director of revenue issued pursuant
11 thereto; except that the rate of the tax shall be the rate
12 imposed by the resolution as the sales tax and the tax shall be
13 reported and returned to and collected by the transportation
14 development district.

15 3. On and after the effective date of any tax imposed
16 pursuant to this section, the transportation development district
17 shall perform all functions incident to the administration,
18 collection, enforcement, and operation of the tax. The tax
19 imposed pursuant to this section shall be collected and reported
20 upon such forms and under such administrative rules and
21 regulations as may be prescribed by the transportation
22 development district.

23 4. (1) All applicable provisions contained in sections
24 144.010 to 144.525, RSMo, governing the state sales tax, sections
25 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform
26 confidentiality provision, shall apply to the collection of the
27 tax imposed by this section, except as modified in this section.

28 (2) All exemptions granted to agencies of government,

1 organizations, persons and to the sale of certain articles and
2 items of tangible personal property and taxable services pursuant
3 to the provisions of sections 144.010 to 144.525, RSMo, are
4 hereby made applicable to the imposition and collection of the
5 tax imposed by this section.

6 (3) The same sales tax permit, exemption certificate and
7 retail certificate required by sections 144.010 to 144.525, RSMo,
8 for the administration and collection of the state sales tax
9 shall satisfy the requirements of this section, and no additional
10 permit or exemption certificate or retail certificate shall be
11 required; except that the transportation development district may
12 prescribe a form of exemption certificate for an exemption from
13 the tax imposed by this section.

14 (4) All discounts allowed the retailer pursuant to the
15 provisions of the state sales tax laws for the collection of and
16 for payment of taxes pursuant to such laws are hereby allowed and
17 made applicable to any taxes collected pursuant to the provisions
18 of this section.

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

23 (6) For the purpose of a sales tax imposed by a resolution
24 pursuant to this section, all retail sales except retail sales of
25 motor vehicles shall be deemed to be consummated at the place of
26 business of the retailer unless the tangible personal property
27 sold is delivered by the retailer or the retailer's agent to an
28 out-of-state destination or to a common carrier for delivery to

1 an out-of-state destination. In the event a retailer has more
2 than one place of business in this state which participates in
3 the sale, the sale shall be deemed to be consummated at the place
4 of business of the retailer where the initial order for the
5 tangible personal property is taken, even though the order must
6 be forwarded elsewhere for acceptance, approval of credit,
7 shipment or billing. A sale by a retailer's employee shall be
8 deemed to be consummated at the place of business from which the
9 employee works.

10 5. All sales taxes collected by the transportation
11 development district shall be deposited by the transportation
12 development district in a special fund to be expended for the
13 purposes authorized in this section. The transportation
14 development district shall keep accurate records of the amount of
15 money which was collected pursuant to this section, and the
16 records shall be open to the inspection of officers of each
17 transportation development district and the general public.

18 6. (1) No transportation development district imposing a
19 sales tax pursuant to this section may repeal or amend such sales
20 tax unless such repeal or amendment will not impair the
21 district's ability to repay any liabilities which it has
22 incurred, money which it has borrowed or revenue bonds, notes or
23 other obligations which it has issued or which have been issued
24 by the commission or any local transportation authority to
25 finance any project or projects.

26 (2) Whenever the board of directors of any transportation
27 development district in which a transportation development sales
28 tax has been imposed in the manner provided by this section

1 receives a petition, signed by ten percent of the qualified
2 voters calling for an election to repeal such transportation
3 development sales tax, the board of directors shall, if such
4 repeal will not impair the district's ability to repay any
5 liabilities which it has incurred, money which it has borrowed or
6 revenue bonds, notes or other obligations which it has issued or
7 which have been issued by the commission or any local
8 transportation authority to finance any project or projects,
9 submit to the qualified voters of such transportation development
10 district a proposal to repeal the transportation development
11 sales tax imposed pursuant to the provisions of this section. If
12 a majority of the votes cast on the proposal by the qualified
13 voters voting thereon are in favor of the proposal to repeal the
14 transportation development sales tax, then the resolution
15 imposing the transportation development sales tax, along with any
16 amendments thereto, is repealed. If a majority of the votes cast
17 by the qualified voters voting thereon are opposed to the
18 proposal to repeal the transportation development sales tax, then
19 the ordinance or resolution imposing the transportation
20 development sales tax, along with any amendments thereto, shall
21 remain in effect.

22 238.236. 1. This section shall not apply to any tax levied
23 pursuant to section 238.235, and no tax shall be imposed pursuant
24 to the provisions of this section if a tax has been imposed by a
25 transportation development district pursuant to section 238.235.

26 2. In lieu of the taxes allowed pursuant to section
27 238.235, any transportation development district which consists
28 of all of one or more entire counties, all of one or more entire

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

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

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

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

28 Shall the transportation development district of

1(transportation development district's name) impose a
2 transportation development district-wide sales tax at the rate of
3 (insert amount) for a period of (insert
4 number) years from the date on which such tax is first imposed
5 for the purpose of (insert
6 transportation development purpose)?

7 YES NO

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

11 If a majority of the votes cast on the proposal by the qualified
12 voters voting thereon are in favor of the proposal, then the
13 resolution and any amendments thereto shall be in effect. If a
14 majority of the votes cast by the qualified voters voting are
15 opposed to the proposal, then the board of directors of the
16 transportation development district shall have no power to impose
17 the sales tax authorized by this section unless and until the
18 board of directors of the transportation development district
19 shall again have submitted another proposal to authorize it to
20 impose the sales tax pursuant to the provisions of this section
21 and such proposal is approved by a majority of the qualified
22 voters voting thereon.

23 4. Within ten days after the adoption of any resolution in
24 favor of the adoption of a transportation development district
25 sales tax which has been approved by the qualified voters of such
26 transportation development district, the transportation
27 development district shall forward to the director of revenue, by
28 United States registered mail or certified mail, a certified copy

1 of the resolution of its board of directors. The resolution
2 shall reflect the effective date thereof. The sales tax
3 authorized by this section shall become effective on the first
4 day of the second calendar quarter after the director of revenue
5 receives notice of adoption of such tax.

6 5. All revenue received by a transportation development
7 district from the tax authorized by this section which has been
8 designated for a certain transportation development purpose shall
9 be deposited in a special trust fund and shall be used solely for
10 such designated purpose. Upon the expiration of the period of
11 years approved by the qualified voters pursuant to subsection 3
12 of this section or if the tax authorized by this section is
13 repealed pursuant to subsection 12 of this section, all funds
14 remaining in the special trust fund shall continue to be used
15 solely for such designated transportation development purpose.
16 Any funds in such special trust fund which are not needed for
17 current expenditures may be invested by the board of directors in
18 accordance with applicable laws relating to the investment of
19 other transportation development district funds.

20 6. The sales tax may be imposed at a rate of one-eighth of
21 one percent, one-fourth of one percent, three-eighths of one
22 percent, one-half of one percent or one percent on the receipts
23 from the sale at retail of all tangible personal property or
24 taxable services at retail within the transportation development
25 district adopting such tax, if such property and services are
26 subject to taxation by the state of Missouri pursuant to the
27 provisions of sections 144.010 to 144.525, RSMo. Any
28 transportation development district sales tax imposed pursuant to

1 this section shall be imposed at a rate that shall be uniform
2 throughout the district.

3 7. The resolution imposing the sales tax pursuant to this
4 section shall impose upon all sellers a tax for the privilege of
5 engaging in the business of selling tangible personal property or
6 rendering taxable services at retail to the extent and in the
7 manner provided in sections 144.010 to 144.525, RSMo, and the
8 rules and regulations of the director of revenue issued pursuant
9 thereto; except that the rate of the tax shall be the rate
10 imposed by the resolution as the sales tax. The amount reported
11 and returned to the director of revenue by the seller shall be
12 computed on the basis of the combined rate of the tax imposed by
13 sections 144.010 to 144.525, RSMo, and the tax imposed by the
14 [resolutions] resolution as authorized by this section, plus any
15 amounts imposed pursuant to other provisions of law.

16 8. On and after the effective date of any tax imposed
17 pursuant to this section, the director of revenue shall perform
18 all functions incident to the administration, collection,
19 enforcement, and operation of the tax, and the director of
20 revenue shall collect, in addition to all other sales taxes
21 imposed by law, the additional tax authorized pursuant to this
22 section. The tax imposed pursuant to this section and the taxes
23 imposed pursuant to all other laws of the state of Missouri shall
24 be collected together and reported upon such forms and pursuant
25 to such administrative rules and regulations as may be prescribed
26 by the director of revenue.

27 9. All applicable provisions contained in sections 144.010
28 to 144.525, RSMo, governing the state sales tax, sections 32.085

1 and 32.087, RSMo, governing local sales taxes, and section
2 32.057, RSMo, the uniform confidentiality provision, shall apply
3 to the collection of the tax imposed by this section, except as
4 modified in this section.

5 10. All sales taxes collected by the director of revenue
6 pursuant to this section on behalf of any transportation
7 development district, less one percent for the cost of
8 collection, which shall be deposited in the state's general
9 revenue fund after payment of premiums for surety bonds as
10 provided in section 32.087, RSMo, shall be deposited in the state
11 treasury to the credit of the "Transportation Development
12 District Sales Tax Fund", which is hereby created. Moneys in the
13 transportation development district sales tax fund shall not be
14 deemed to be state funds and shall not be commingled with any
15 funds of the state. All interest earned upon the balance in the
16 transportation development district sales tax fund shall be
17 deposited to the credit of the same fund. Any balance in the
18 fund at the end of an appropriation period shall not be
19 transferred to the general revenue fund and the provisions of
20 section 33.080, RSMo, shall not apply to the fund. The director
21 of revenue shall keep accurate records of the amount of money
22 which was collected in each transportation development district
23 imposing a sales tax pursuant to this section, and the records
24 shall be open to the inspection of officers of each
25 transportation development district and the general public. Not
26 later than the tenth day of each month, the director of revenue
27 shall distribute all moneys deposited in such fund during the
28 preceding month to the proper transportation development

1 district.

2 11. The director of revenue may authorize the state
3 treasurer to make refunds from the amounts credited to any
4 transportation development district for erroneous payments and
5 overpayments made, and may redeem dishonored checks and drafts
6 deposited to the credit of such districts. If any transportation
7 development district repeals the tax authorized by this section,
8 the transportation development district shall notify the director
9 of revenue of the action at least ninety days prior to the
10 effective date of the repeal and the director of revenue may
11 order retention, for a period of one year, of two percent of the
12 amount collected after receipt of such notice to cover possible
13 refunds or overpayment of such tax and to redeem dishonored
14 checks and drafts deposited to the credit of such accounts.
15 After one year has elapsed after the effective date of repeal of
16 the tax authorized by this section in such transportation
17 development district, the director of revenue shall remit the
18 balance in the account to the transportation development district
19 and close the account of that transportation development
20 district. The director of revenue shall notify each
21 transportation development district of each instance of any
22 amount refunded or any check redeemed from receipts due the
23 transportation development district.

24 12. (1) No transportation development district imposing a
25 sales tax pursuant to this section may repeal or amend such sales
26 tax unless such repeal or amendment will not impair the
27 district's ability to repay any liabilities which it has
28 incurred, money which it has borrowed or revenue bonds, notes or

1 other obligations which it has issued or which have been issued
2 by the commission or any local transportation authority to
3 finance any project or projects.

4 (2) Whenever the board of directors of any transportation
5 development district in which a transportation development sales
6 tax has been imposed in the manner provided by this section
7 receives a petition, signed by ten percent of the qualified
8 voters of such transportation development district calling for an
9 election to repeal such transportation development sales tax, the
10 board of directors shall, if such repeal will not impair the
11 district's ability to repay any liabilities which it has
12 incurred, money which it has borrowed or revenue bonds, notes or
13 other obligations which it has issued or which have been issued
14 by the commission or any local transportation authority to
15 finance any project or projects, submit to the voters of such
16 transportation development district a proposal to repeal the
17 transportation development sales tax imposed pursuant to the
18 provisions of this section. If a majority of the votes cast on
19 the proposal by the qualified voters voting thereon are in favor
20 of the proposal to repeal the transportation development sales
21 tax, then the resolution imposing the transportation development
22 sales tax, along with any amendments thereto, is repealed. If a
23 majority of the votes cast by the qualified voters voting thereon
24 are opposed to the proposal to repeal the transportation
25 development sales tax, then the [ordinance or] resolution
26 imposing the transportation development sales tax, along with any
27 amendments thereto, shall remain in effect.

28 292.602. 1. The "Missouri Emergency Response Commission",

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

1 portion of the unexpired term created by a vacancy. The governor
2 may remove any appointed member for cause.

3 2. All members of the commission shall serve without
4 compensation for their duties, but shall be reimbursed for
5 necessary travel and other expenses incurred in the performance
6 of their official duties.

7 3. The Missouri emergency response commission in
8 conjunction with the department shall:

9 (1) Carry out those responsibilities designated under
10 sections 292.600 to 292.625 and implement sections 292.600 to
11 292.625 and the Emergency Planning and Community Right-to-Know
12 Act of 1986, Public Law 99-499, as amended, and all rules and
13 regulations promulgated pursuant thereto, herein to be known as
14 the Federal Act;

15 (2) Designate local emergency planning districts to
16 facilitate preparation and implementation of emergency plans,
17 appoint members of a local emergency planning committee for each
18 local emergency planning district, support and coordinate the
19 activities of such committees, review the emergency plans
20 submitted by local emergency planning committees, and make
21 recommendations to the local emergency planning committees
22 regarding those plans;

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

27 (4) Accept, receive and administer grants or other funds or
28 gifts from public and private agencies, including the federal

1 government, for the purpose of carrying out the functions and
2 responsibilities enumerated in sections 292.600 to 292.625;

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

9 (6) Provide training to local emergency planning committees
10 and other local officials to accomplish the purposes and
11 objectives of the Federal Act and the provisions of sections
12 292.600 to 292.625. The department of public safety will
13 coordinate the provisions of such training and periodically
14 report to the commission on training activities;

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

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

22 (9) Develop a data management system to store and retrieve
23 information submitted under the provisions of sections 292.600 to
24 292.625 and the Federal Act. The commission and the department
25 will provide assistance to local emergency planning committees
26 and fire departments, fire protection districts, volunteer fire
27 protection services and others to make this information readily
28 available to them for planning and emergency response purposes.

1 300.330. The driver of a motor vehicle shall not drive
2 within any sidewalk area except as a permanent or temporary
3 driveway. A bicycle lane shall not be obstructed by a parked or
4 standing motor vehicle or other stationary object. A motor
5 vehicle may be driven in a bicycle lane only for the purpose of a
6 lawful maneuver to cross the lane or provide for safe travel.
7 Where a bicycle lane is present, a driver making a lawful
8 maneuver must first merge into the bicycle lane after yielding to
9 any traffic that may be present.

10 300.410. Notwithstanding the foregoing provisions of
11 sections 300.155 to 300.410, every driver of a vehicle shall
12 exercise the highest degree of care to avoid colliding with any
13 pedestrian [upon any roadway and shall give warning by sounding
14 the horn when necessary], any person propelling a human powered
15 vehicle, or any person operating a motorcycle, and shall exercise
16 proper precaution upon observing any child or any confused or
17 incapacitated person upon a roadway.

18 301.010. As used in this chapter and sections 304.010 to
19 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
20 307.175, RSMo, the following terms mean:

21 (1) "All-terrain vehicle", any motorized vehicle
22 manufactured and used exclusively for off-highway use which is
23 fifty inches or less in width, with an unladen dry weight of six
24 hundred pounds or less, traveling on three, four or more low
25 pressure tires, with a seat designed to be straddled by the
26 operator, and handlebars for steering control;

27 (2) "Automobile transporter", any vehicle combination
28 designed and used specifically for the transport of assembled

1 motor vehicles;

2 (3) "Axle load", the total load transmitted to the road by
3 all wheels whose centers are included between two parallel
4 transverse vertical planes forty inches apart, extending across
5 the full width of the vehicle;

6 (4) "Boat transporter", any vehicle combination designed
7 and used specifically to transport assembled boats and boat
8 hulls;

9 (5) "Body shop", a business that repairs physical damage on
10 motor vehicles that are not owned by the shop or its officers or
11 employees by mending, straightening, replacing body parts, or
12 painting;

13 (6) "Bus", a motor vehicle primarily for the transportation
14 of a driver and eight or more passengers but not including
15 shuttle buses;

16 (7) "Commercial motor vehicle", a motor vehicle designed or
17 regularly used for carrying freight and merchandise, or more than
18 eight passengers but not including vanpools or shuttle buses;

19 (8) "Cotton trailer", a trailer designed and used
20 exclusively for transporting cotton at speeds less than forty
21 miles per hour from field to field or from field to market and
22 return;

23 (9) "Dealer", any person, firm, corporation, association,
24 agent or subagent engaged in the sale or exchange of new, used or
25 reconstructed motor vehicles or trailers;

26 (10) "Director" or "director of revenue", the director of
27 the department of revenue;

28 (11) "Driveaway operation", the movement of a motor vehicle

1 or trailer by any person or motor carrier other than a dealer
2 over any public highway, under its own power singly, or in a
3 fixed combination of two or more vehicles, for the purpose of
4 delivery for sale [or], for delivery either before or after sale,
5 or for the purpose of transporting vehicles in transit from one
6 place to another by driveaway or towaway methods;

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

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

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

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

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

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

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

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

27 (20) "Improved highway", a highway which has been paved
28 with gravel, macadam, concrete, brick or asphalt, or surfaced in

1 such a manner that it shall have a hard, smooth surface;

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

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

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

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

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

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

1 (25) "Local commercial motor vehicle", a commercial motor
2 vehicle whose operations are confined solely to a municipality
3 and that area extending not more than fifty miles therefrom, or a
4 commercial motor vehicle whose property-carrying operations are
5 confined solely to the transportation of property owned by any
6 person who is the owner or operator of such vehicle to or from a
7 farm owned by such person or under the person's control by virtue
8 of a landlord and tenant lease; provided that any such property
9 transported to any such farm is for use in the operation of such
10 farm;

11 (26) "Local log truck", a commercial motor vehicle which is
12 registered pursuant to this chapter to operate as a motor vehicle
13 on the public highways of this state, used exclusively in this
14 state, used to transport harvested forest products, operated
15 solely at a forested site and in an area extending not more than
16 a fifty-mile radius from such site, carries a load with
17 dimensions not in excess of twenty-five cubic yards per two axles
18 with dual wheels, and is not operated on the national system of
19 interstate and defense highways described in Title 23, Section
20 103(e) of the United States Code, does not have more than four
21 axles and does not pull a trailer which has more than two axles.
22 A local log truck may not exceed the limits required by law,
23 however, if the truck does exceed such limits as determined by
24 the inspecting officer, then notwithstanding any other provisions
25 of law to the contrary, such truck shall be subject to the weight
26 limits required by such sections as licensed for eighty thousand
27 pounds;

28 (27) "Local transit bus", a bus whose operations are

1 confined wholly within a municipal corporation, or wholly within
2 a municipal corporation and a commercial zone, as defined in
3 section 390.020, RSMo, adjacent thereto, forming a part of a
4 public transportation system within such municipal corporation
5 and such municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

28 (34) "Motor vehicle primarily for business use", any

1 vehicle other than a recreational motor vehicle, motorcycle,
2 motortricycle, or any commercial motor vehicle licensed for over
3 twelve thousand pounds:

4 (a) Offered for hire or lease; or

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

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

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

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

19 (38) "Municipality", any city, town or village, whether
20 incorporated or not;

21 (39) "Nonresident", a resident of a state or country other
22 than the state of Missouri;

23 (40) "Non-USA-std motor vehicle", a motor vehicle not
24 originally manufactured in compliance with United States
25 emissions or safety standards;

26 (41) "Operator", any person who operates or drives a motor
27 vehicle;

28 (42) "Owner", any person, firm, corporation or association,

1 who holds the legal title to a vehicle or in the event a vehicle
2 is the subject of an agreement for the conditional sale or lease
3 thereof with the right of purchase upon performance of the
4 conditions stated in the agreement and with an immediate right of
5 possession vested in the conditional vendee or lessee, or in the
6 event a mortgagor of a vehicle is entitled to possession, then
7 such conditional vendee or lessee or mortgagor shall be deemed
8 the owner for the purpose of this law;

9 (43) "Public garage", a place of business where motor
10 vehicles are housed, stored, repaired, reconstructed or repainted
11 for persons other than the owners or operators of such place of
12 business;

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

16 (45) "Reconstructed motor vehicle", a vehicle that is
17 altered from its original construction by the addition or
18 substitution of two or more new or used major component parts,
19 excluding motor vehicles made from all new parts, and new
20 multistage manufactured vehicles;

21 (46) "Recreational motor vehicle", any motor vehicle
22 designed, constructed or substantially modified so that it may be
23 used and is used for the purposes of temporary housing quarters,
24 including therein sleeping and eating facilities which are either
25 permanently attached to the motor vehicle or attached to a unit
26 which is securely attached to the motor vehicle. Nothing herein
27 shall prevent any motor vehicle from being registered as a
28 commercial motor vehicle if the motor vehicle could otherwise be

1 so registered;

2 (47) "Rollback or car carrier", any vehicle specifically
3 designed to transport wrecked, disabled or otherwise inoperable
4 vehicles, when the transportation is directly connected to a
5 wrecker or towing service;

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

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

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

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

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

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

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

1 includes kit vehicles;

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

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

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

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

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

26 (60) "Truck-tractor semitrailer-semitrailer", a combination
27 vehicle in which the two trailing units are connected with a
28 B-train assembly which is a rigid frame extension attached to the

1 rear frame of a first semitrailer which allows for a fifth-wheel
2 connection point for the second semitrailer and has one less
3 articulation point than the conventional "A dolly" connected
4 truck-tractor semitrailer-trailer combination;

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

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

16 (63) "Vanpool", any van or other motor vehicle used or
17 maintained by any person, group, firm, corporation, association,
18 city, county or state agency, or any member thereof, for the
19 transportation of not less than eight nor more than forty-eight
20 employees, per motor vehicle, to and from their place of
21 employment; however, a vanpool shall not be included in the
22 definition of the term "bus" or "commercial motor vehicle" as
23 defined by subdivisions (6) and (7) of this section, nor shall a
24 vanpool driver be deemed a "chauffeur" as that term is defined by
25 section 302.010, RSMo; nor shall use of a vanpool vehicle for
26 ride-sharing arrangements, recreational, personal, or maintenance
27 uses constitute an unlicensed use of the motor vehicle, unless
28 used for monetary profit other than for use in a ride-sharing

1 arrangement;

2 (64) "Vehicle", any mechanical device on wheels, designed
3 primarily for use, or used, on highways, except motorized
4 bicycles, vehicles propelled or drawn by horses or human power,
5 or vehicles used exclusively on fixed rails or tracks, or cotton
6 trailers or motorized wheelchairs operated by handicapped
7 persons;

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

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

19 301.026. 1. No state registration license to operate any
20 motor vehicle in this state shall be issued or renewed so long as
21 the owner of that motor vehicle owes vehicle-related fees or
22 finances to a county, city or township within the state, that
23 liability is delinquent as determined by the county, city or
24 township, and the vehicle owner has not paid the liability or
25 appeared in court or designated administrative adjudication
26 agency to contest the vehicle-related fees and fines. For the
27 purpose of this section, vehicle-related fees and fines shall
28 include, but not necessarily be limited to, traffic violation

1 finances, parking violation fines, towing and vehicle immobilization
2 fees, and any late payment penalties and court costs associated
3 with the adjudication or collection of those fines.

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

17 3. Thereafter, if the vehicle owner fails to pay such
18 vehicle-related fees and fines to the county, city or township
19 within thirty days, the county, city, or township may notify the
20 director of revenue of such failure. Such notification shall be
21 on forms approved by the department of revenue and shall list the
22 vehicle owner's full name and address, and the year, make, model,
23 and vehicle identification number of such motor vehicle. In
24 addition, the department of revenue may, before renewing the
25 registration of any motor vehicle, check the driver's license
26 record(s) of all registered owners for notification that the
27 licensee has failed to pay a lawfully-imposed vehicle-related fee
28 or fine within the time prescribed herein.

1 4. Upon receipt of this notification, the director of
2 revenue may provide notice of suspension of motor vehicle
3 registration to the vehicle owner at the vehicle owner's last
4 address shown on the records of the department of revenue. The
5 director of revenue shall suspend registration and prohibit
6 registration renewal on that vehicle, and all other vehicles
7 owned by the vehicle owner, until the department of revenue
8 receives notification from the county, city, or township that the
9 vehicle owner has paid the vehicle related fees and fines in full
10 or otherwise satisfied his or her obligations regarding the
11 delinquent vehicle-related fees and fines. Upon the county,
12 city, or township furnishing such notification, and the vehicle
13 owner paying reinstatement fee designated by the department of
14 revenue, the motor vehicle registration shall be reinstated.

15 5. If the vehicle owner's check is returned for
16 insufficient funds, the county, city, or township may assess and
17 collect, in addition to any other penalty or interest that may be
18 owed, a reasonable penalty approved by the governing body of the
19 county, city or township. The county, city, or township may
20 refuse to accept any check or other similar order in payment of
21 any fine or fee currently owed plus penalty or interest from a
22 person who previously attempted to pay such amount with a check
23 or order that was returned to the county, city, or township
24 unless the remittance is in the form of a cashier's check,
25 certified check or money order. If a person does not comply with
26 the provisions of this section, no state registration license
27 shall be issued or renewed.

28 6. In the event a motor vehicle registration is suspended

1 for nonpayment of vehicle related fines or fees, the owner so
2 aggrieved may appeal to the designated administrative
3 adjudication agency of the county where the violation occurred
4 or, if there is no such administrative adjudication agency, the
5 circuit court where the violation occurred, for review of such
6 suspension at any time within thirty days after notice of motor
7 vehicle registration suspension. Upon such appeal, the cause
8 shall be heard de novo in the manner provided by chapter 536,
9 RSMo, for the review of administrative decisions. The circuit
10 court or administrative adjudication agency may order the
11 director to reinstate such registration, sustain the suspension
12 of registration by the director or set aside or modify such
13 suspension. Appeals from the judgment of the circuit court or
14 administrative adjudication agency may be taken as in civil
15 cases. The prosecuting attorney of the county where such appeal
16 is taken shall appear in behalf of the director, and prosecute or
17 defend, as the case may require.

18 7. The director of revenue shall make necessary rules and
19 regulations for the enforcement of this section, and shall design
20 all necessary forms. All notifications among state and local
21 jurisdictions may be made electronically. Any rule or portion of
22 a rule, as that term is defined in section 536.010, RSMo, that is
23 created under the authority delegated in this section shall
24 become effective only if it complies with and is subject to all
25 of the provisions of chapter 536, RSMo, and, if applicable,
26 section 536.028, RSMo. This section and chapter 536, RSMo, are
27 nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536, RSMo, to review, to delay the

1 effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2003,
4 shall be invalid and void.

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

19 302.225. 1. Every court having jurisdiction over offenses
20 committed under sections 302.010 to 302.780, or any other law of
21 this state, or county or municipal ordinance, regulating the
22 operation of vehicles on highways or any other offense in which
23 the commission of such offense involves the use of a motor
24 vehicle, including felony convictions, shall, within [ten] seven
25 days thereafter, forward to the [Missouri state highway patrol,
26 or at the written direction of the Missouri state highway patrol,
27 to the] department of revenue, in a manner approved by the
28 director of the department of public safety a record of any plea

1 or finding of guilty of any person in the court for a violation
2 of sections 302.010 to 302.780 or for any moving traffic
3 violation under the laws of this state or county or municipal
4 ordinances. The record related to offenses involving alcohol,
5 controlled substances, or drugs shall be entered in the Missouri
6 uniform law enforcement system records. The director of revenue
7 shall enter the conviction information into the appropriate
8 computer systems and transmit the conviction information as
9 required in 49 CFR, part 384, or as amended by the Secretary of
10 the United States Department of Transportation. The record of
11 all convictions involving the assessment of points as provided in
12 section 302.302 and convictions involving a commercial motor
13 vehicle as defined in section 302.700 furnished by a court to the
14 [highway patrol and not to the] department of revenue shall be
15 forwarded by the [highway patrol] department of revenue within
16 fifteen days of receipt to the [director of revenue] Missouri
17 state highway patrol.

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

27 3. No [municipal judge or] municipal administrative
28 official shall have power to revoke any license.

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

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

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

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

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

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

1 successfully pass a written skills examination as prescribed by
2 the director of revenue in consultation with the department of
3 elementary and secondary education. If the applicant is at least
4 seventy years of age, the school bus permit shall be renewed
5 annually, and the applicant shall successfully pass the
6 examination prescribed in subdivision (4) of subsection 1 of this
7 section prior to receiving the renewed permit. The director may
8 waive the written skills examination on renewal of a school bus
9 permit upon verification of the applicant's successful completion
10 within the preceding twelve months of a training program which
11 has been approved by the director in consultation with the
12 department of elementary and secondary education and which is at
13 least eight hours in duration with special instruction in school
14 bus driving.

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

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

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

26 (1) Whose driving record shows that such applicant's
27 privilege to operate a motor vehicle has been suspended, revoked
28 or disqualified or whose driving record shows a history of moving

1 vehicle violations;

2 (2) Who has pled guilty to or been found guilty of any
3 felony or misdemeanor for violation of drug regulations as
4 defined in chapter 195, RSMo; of any felony for an offense
5 against the person as defined by chapter 565, RSMo, or any other
6 offense against the person involving the endangerment of a child
7 as prescribed by law; of any misdemeanor or felony for a sexual
8 offense as defined by chapter 566, RSMo; of any misdemeanor or
9 felony for prostitution as defined by chapter 567, RSMo; of any
10 misdemeanor or felony for an offense against the family as
11 defined in chapter 568, RSMo; of any felony or misdemeanor for a
12 weapons offense as defined by chapter 571, RSMo; of any
13 misdemeanor or felony for pornography or related offense as
14 defined by chapter 573, RSMo; or of any similar crime in any
15 federal, state, municipal or other court of similar jurisdiction
16 of which the director has knowledge;

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

23 6. The [department of social services or the] Missouri
24 highway patrol[, whichever has access to applicable records,]
25 shall provide a record of clearance or denial of clearance for
26 any applicant for a school bus permit for the convictions
27 specified in subdivisions (2) and (3) of subsection 5 of this
28 section. The Missouri highway patrol in providing the record of

1 clearance or denial of clearance for any such applicant is
2 authorized to obtain from the Federal Bureau of Investigation any
3 information which might aid the Missouri highway patrol in
4 providing such record of clearance or denial of clearance. The
5 [department of social services or the] Missouri highway patrol
6 shall provide the record of clearance or denial of clearance
7 within thirty days of the date requested, relying on information
8 available at that time, except that the [department of social
9 services or the] Missouri highway patrol shall provide any
10 information subsequently discovered to the department of revenue.

11 7. Beginning January 1, 2004, the applicant shall submit
12 two sets of fingerprints. One set of fingerprints shall be used
13 by the highway patrol in order to search the criminal history
14 repository and the second set shall be forwarded to the Federal
15 Bureau of Investigation for searching the federal criminal
16 history files.

17 8. The applicant shall pay the fee for the state criminal
18 history information pursuant to section 43.530, RSMo, and pay the
19 appropriate fee determined by the Federal Bureau of Investigation
20 for the federal criminal history record when he or she applies
21 for the school bus permit pursuant to this section. The director
22 shall distribute the fees collected for the state and federal
23 criminal histories to the highway patrol.

24 9. The director may adopt any rules and regulations
25 necessary to carry out the provisions of this section. Any rule
26 or portion of a rule, as that term is defined in section 536.010,
27 RSMo, that is created under the authority delegated in this
28 section shall become effective only if it complies with and is

1 subject to all of the provisions of chapter 536, RSMo, and, if
2 applicable, section 536.028, RSMo. This section and chapter 536,
3 RSMo, are nonseverable and if any of the powers vested with the
4 general assembly pursuant to chapter 536, RSMo, to review, to
5 delay the effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 2003,
8 shall be invalid and void.

9 302.302. 1. The director of revenue shall put into effect
10 a point system for the suspension and revocation of licenses.
11 Points shall be assessed only after a conviction or forfeiture of
12 collateral. The initial point value is as follows:

13 (1) Any moving violation of a state law or county or
14 municipal or federal traffic ordinance or regulation not listed
15 in this section, other than a violation of vehicle equipment
16 provisions or a court-ordered supervision as provided in section
17 302.303 2 points
18 (except any violation of municipal stop sign ordinance where no
19 accident is involved 1 point)

20 (2) Speeding
21 In violation of a state law 3 points
22 In violation of a county or municipal ordinance 2 points

23 (3) Leaving the scene of an accident in violation of
24 section 577.060, RSMo 12 points
25 In violation of any county or municipal
26 ordinance 6 points

27 (4) Careless and imprudent driving
28 in violation of subsection 4 of section 304.016,

1 RSMo 4 points

2 In violation of subsection 4 of section 304.016,

3 RSMo, by a person under the age of eighteen

4 years of age 8 points

5 In violation of a county or municipal ordinance 2 points

6 (5) Operating without a valid license in violation of

7 subdivision (1) or (2) of subsection 1 of section 302.020:

8 (a) For the first conviction 2 points

9 (b) For the second conviction 4 points

10 (c) For the third conviction 6 points

11 (6) Operating with a suspended or

12 revoked license prior to restoration of operating

13 privileges 12 points

14 (7) Obtaining a license by

15 misrepresentation 12 points

16 (8) For the first conviction of driving

17 while in an intoxicated condition or under the

18 influence of controlled substances or drugs 8 points

19 (9) For the second or subsequent conviction

20 of any of the following offenses however

21 combined: driving while in an intoxicated

22 condition, driving under the influence of

23 controlled substances or drugs or driving with

24 a blood alcohol content of eight-hundredths of one

25 percent or more by weight 12 points

26 (10) For the first conviction for driving

27 with blood alcohol content eight-hundredths of

28 one percent or more by weight

1 In violation of state law 8 points

2 In violation of a county or municipal ordinance

3 or federal law or regulation 8 points

4 (11) Any felony involving the use of a

5 motor vehicle 12 points

6 (12) Knowingly permitting unlicensed

7 operator to operate a motor vehicle 4 points

8 (13) For a conviction for failure to maintain

9 financial responsibility pursuant to county

10 or municipal ordinance or pursuant to

11 section 303.025, RSMo 4 points

12 (14) Exceeding the posted speed limit by

13 twenty miles per hour or more by a person under

14 the age of eighteen:

15 (a) For the first conviction 8 points

16 (b) For the second or subsequent conviction 12 points

17 (15) For a conviction for colliding

18 with a pedestrian, bicyclist, or

19 motorcyclist thereby causing personal injury

20 to the pedestrian, bicyclist, or motorcyclist

21 pursuant to section 565.070, RSMo:

22 (a) For the first conviction 4 points

23 (b) For the second and subsequent

24 conviction 6 points

25 2. The director shall, as provided in subdivision (5) of

26 subsection 1 of this section, assess an operator points for a

27 conviction pursuant to subdivision (1) or (2) of subsection 1 of

28 section 302.020, when the director issues such operator a license

1 or permit pursuant to the provisions of sections 302.010 to
2 302.340.

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

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

17 5. The director of revenue shall put into effect a system
18 for staying the assessment of points against an operator. The
19 system shall provide that the satisfactory completion of a
20 driver-improvement program or, in the case of violations
21 committed while operating a motorcycle, a motorcycle-rider
22 training course approved by the director of the department of
23 public safety, by an operator, when so ordered and verified by
24 any court having jurisdiction over any law of this state or
25 county or municipal ordinance, regulating motor vehicles, other
26 than a violation committed in a commercial motor vehicle as
27 defined in section 302.700 or a violation committed by an
28 individual who has been issued a commercial driver's license or

1 is required to obtain a commercial driver's license in this state
2 or any other state, shall be accepted by the director in lieu of
3 the assessment of points for a violation pursuant to subdivision
4 (1), (2) or (4) of subsection 1 of this section or pursuant to
5 subsection 3 of this section. For the purposes of this
6 subsection, the driver-improvement program shall meet or exceed
7 the standards of the National Safety Council's eight-hour
8 "Defensive Driving Course" or, in the case of a violation which
9 occurred during the operation of a motorcycle, the program shall
10 meet the standards established by the director of the department
11 of public safety pursuant to sections 302.133 to 302.138. The
12 completion of a driver-improvement program or a motorcycle-rider
13 training course shall not be accepted in lieu of points more than
14 one time in any thirty-six-month period and shall be completed
15 within sixty days of the date of conviction in order to be
16 accepted in lieu of the assessment of points. Every court having
17 jurisdiction pursuant to the provisions of this subsection shall,
18 within fifteen days after completion of the driver-improvement
19 program or motorcycle-rider training course by an operator,
20 forward a record of the completion to the director, all other
21 provisions of the law to the contrary notwithstanding. The
22 director shall establish procedures for record keeping and the
23 administration of this subsection.

24 302.304. 1. The director shall notify by ordinary mail any
25 operator of the point value charged against the operator's record
26 when the record shows four or more points have been accumulated
27 in a twelve-month period.

28 2. In an action to suspend or revoke a license or driving

1 privilege under this section points shall be accumulated on the
2 date of conviction. No case file of any conviction for a driving
3 violation for which points may be assessed pursuant to section
4 302.302 may be closed until such time as a copy of the record of
5 such conviction is forwarded to the department of revenue.

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

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

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

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

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

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

28 5. The period of suspension of the driver's license and

1 driving privilege of any person under the provisions of
2 subdivision (8) of subsection 1 of section 302.302 or who has
3 accumulated sufficient points together with a conviction under
4 subdivision (10) of subsection 1 of section 302.302 shall be
5 thirty days, followed by a sixty-day period of restricted driving
6 privilege as defined in section 302.010. Upon completion of such
7 period of restricted driving privilege, upon compliance with
8 other requirements of law and upon filing of proof of financial
9 responsibility with the department of revenue, in accordance with
10 chapter 303, RSMo, the license and driving privilege shall be
11 reinstated.

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

15 7. The director shall revoke the license and driving
16 privilege of any person when the person's driving record shows
17 such person has accumulated twelve points in twelve months or
18 eighteen points in twenty-four months or twenty-four points in
19 thirty-six months. The revocation period of any person whose
20 license and driving privilege have been revoked under the
21 provisions of sections 302.010 to 302.540 and who has filed proof
22 of financial responsibility with the department of revenue in
23 accordance with chapter 303, RSMo, and is otherwise eligible,
24 shall be terminated by a notice from the director of revenue
25 after one year from the effective date of the revocation. Unless
26 proof of financial responsibility is filed with the department of
27 revenue, except as provided in subsection 2 of section 302.541,
28 the revocation shall remain in effect for a period of two years

1 from its effective date. If the person fails to maintain proof
2 of financial responsibility in accordance with chapter 303, RSMo,
3 the person's license and driving privilege shall be rerevoked.
4 Any person whose license and driving privilege have been revoked
5 under the provisions of sections 302.010 to 302.540 shall, upon
6 receipt of the notice of termination of the revocation from the
7 director, pass the complete driver examination and apply for a
8 new license before again operating a motor vehicle upon the
9 highways of this state.

10 8. If, prior to conviction for an offense that would
11 require suspension or revocation of a person's license under the
12 provisions of this section, the person's total points accumulated
13 are reduced, pursuant to the provisions of section 302.306, below
14 the number of points required for suspension or revocation
15 pursuant to the provisions of this section, then the person's
16 license shall not be suspended or revoked until the necessary
17 points are again obtained and accumulated.

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

22 10. Upon the issuance of a reinstatement or termination
23 notice after a suspension or revocation of any person's license
24 and driving privilege under the provisions of sections 302.010 to
25 302.540, the accumulated point value shall be reduced to four
26 points, except that the points of any person serving as a member
27 of the armed forces of the United States outside the limits of
28 the United States during a period of suspension or revocation

1 shall be reduced to zero upon the date of the reinstatement or
2 termination of notice. It shall be the responsibility of such
3 member of the armed forces to submit copies of official orders to
4 the director of revenue to substantiate such overseas service.
5 Any other provision of sections 302.010 to 302.540 to the
6 contrary notwithstanding, the effective date of the four points
7 remaining on the record upon reinstatement or termination shall
8 be the date of the reinstatement or termination notice.

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

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

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

25 14. No person who has had a license to operate a motor
26 vehicle suspended or revoked as a result of an assessment of
27 points for a violation under subdivision (8), (9) or (10) of
28 subsection 1 of section 302.302 shall have that license

1 reinstated until such person has participated in and successfully
2 completed a substance abuse traffic offender program defined in
3 section 302.010, or a program determined to be comparable by the
4 department of mental health. Assignment recommendations, based
5 upon the needs assessment as described in subdivision (22) of
6 section 302.010, shall be delivered in writing to the person with
7 written notice that the person is entitled to have such
8 assignment recommendations reviewed by the court if the person
9 objects to the recommendations. The person may file a motion in
10 the associate division of the circuit court of the county in
11 which such assignment was given, on a printed form provided by
12 the state courts administrator, to have the court hear and
13 determine such motion pursuant to the provisions of chapter 517,
14 RSMo. The motion shall name the person or entity making the
15 needs assessment as the respondent and a copy of the motion shall
16 be served upon the respondent in any manner allowed by law. Upon
17 hearing the motion, the court may modify or waive any assignment
18 recommendation that the court determines to be unwarranted based
19 upon a review of the needs assessment, the person's driving
20 record, the circumstances surrounding the offense, and the
21 likelihood of the person committing a like offense in the future,
22 except that the court may modify but may not waive the assignment
23 to an education or rehabilitation program of a person determined
24 to be a prior or persistent offender as defined in section
25 577.023, RSMo, or of a person determined to have operated a motor
26 vehicle with fifteen-hundredths of one percent or more by weight
27 in such person's blood. Compliance with the court determination
28 of the motion shall satisfy the provisions of this section for

1 the purpose of reinstating such person's license to operate a
2 motor vehicle. The respondent's personal appearance at any
3 hearing conducted pursuant to this subsection shall not be
4 necessary unless directed by the court.

5 15. The fees for the program authorized in subsection 14 of
6 this section, or a portion thereof to be determined by the
7 department of mental health, shall be paid by the person enrolled
8 in the program. Any person who is enrolled in the program shall
9 pay, in addition to any fee charged for the program, a
10 supplemental fee [of sixty dollars] in an amount to be determined
11 by the department of mental health, but not to exceed two hundred
12 dollars, for the purposes of funding the substance abuse traffic
13 offender program defined in section 302.010, or a program
14 determined to be comparable by the department of mental health.
15 The administrator of the program shall remit to the division of
16 alcohol and drug abuse of the department of mental health on or
17 before the fifteenth day of each month the supplemental fee for
18 all persons enrolled in the program, less two percent for
19 administrative costs. Interest shall be charged on any unpaid
20 balance of the supplemental fees due the division of alcohol and
21 drug abuse pursuant to this section and shall accrue at a rate
22 not to exceed the annual rate established pursuant to section
23 32.065, RSMo, plus three percentage points. The supplemental
24 fees and any interest received by the department of mental health
25 pursuant to this section shall be deposited in the mental health
26 earnings fund which is created in section 630.053, RSMo.

27 16. Any administrator who fails to remit to the division of
28 alcohol and drug abuse of the department of mental health the

1 supplemental fees and interest for all persons enrolled in the
2 program pursuant to this section shall be subject to a penalty
3 equal to the amount of interest accrued on the supplemental fees
4 due the division pursuant to this section. If the supplemental
5 fees, interest, and penalties are not remitted to the division of
6 alcohol and drug abuse of the department of mental health within
7 six months of the due date, the attorney general of the state of
8 Missouri shall initiate appropriate action for the collection of
9 such fees and interest accrued. The court shall assess attorney
10 fees and court costs against any delinquent program.

11 302.309. 1. Whenever any license is suspended pursuant to
12 sections 302.302 to 302.309, the director of revenue shall return
13 the license to the operator immediately upon the termination of
14 the period of suspension and upon compliance with the
15 requirements of chapter 303, RSMo.

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

19 3. (1) All circuit courts or the director of revenue shall
20 have jurisdiction to hear applications and make eligibility
21 determinations granting limited driving privileges. Any
22 application may be made in writing to the director of revenue and
23 the person's reasons for requesting the limited driving privilege
24 shall be made therein.

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

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

- 1 (b) Seeking medical treatment for such operator;
2 (c) Attending school or other institution of higher
3 education;
4 (d) Attending alcohol or drug treatment programs; or
5 (e) Any other circumstance the court or director finds
6 would create an undue hardship on the operator;

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

13 (3) An operator may make application to the proper court in
14 the county in which such operator resides or in the county in
15 which is located the operator's principal place of business or
16 employment. Any application for a limited driving privilege made
17 to a circuit court shall name the director as a party defendant
18 and shall be served upon the director prior to the grant of any
19 limited privilege, and shall be accompanied by a copy of the
20 applicant's driving record as certified by the director. Any
21 applicant for a limited driving privilege shall have on file with
22 the department of revenue proof of financial responsibility as
23 required by chapter 303, RSMo. Any application by a person who
24 transports persons or property as classified in section 302.015
25 may be accompanied by proof of financial responsibility as
26 required by chapter 303, RSMo, but if proof of financial
27 responsibility does not accompany the application, or if the
28 applicant does not have on file with the department of revenue

1 proof of financial responsibility, the court or the director has
2 discretion to grant the limited driving privilege to the person
3 solely for the purpose of operating a vehicle whose owner has
4 complied with chapter 303, RSMo, for that vehicle, and the
5 limited driving privilege must state such restriction. When
6 operating such vehicle under such restriction the person shall
7 carry proof that the owner has complied with chapter 303, RSMo,
8 for that vehicle.

9 (4) The court order or the director's grant of the limited
10 driving privilege shall indicate the termination date of the
11 privilege, which shall be not later than the end of the period of
12 suspension or revocation. A copy of any court order shall be
13 sent by the clerk of the court to the director, and a copy shall
14 be given to the driver which shall be carried by the driver
15 whenever such driver operates a motor vehicle. The director of
16 revenue upon granting a limited driving privilege shall give a
17 copy of the limited driving privilege to the applicant. The
18 applicant shall carry a copy of the limited driving privilege
19 while operating a motor vehicle. A conviction which results in
20 the assessment of points pursuant to section 302.302, other than
21 a violation of a municipal stop sign ordinance where no accident
22 is involved, against a driver who is operating a vehicle pursuant
23 to a limited driving privilege terminates the privilege, as of
24 the date the points are assessed to the person's driving record.
25 If the date of arrest is prior to the issuance of the limited
26 driving privilege, the privilege shall not be terminated. The
27 director shall notify by ordinary mail the driver whose privilege
28 is so terminated.

1 (5) Except as provided in subdivision (6) of this
2 subsection, no person is eligible to receive a limited driving
3 privilege who at the time of application for a limited driving
4 privilege has previously been granted such a privilege within the
5 immediately preceding five years, or whose license has been
6 suspended or revoked for the following reasons:

7 (a) A conviction of violating the provisions of section
8 577.010 or 577.012, RSMo, or any similar provision of any federal
9 or state law, or a municipal or county law where the judge in
10 such case was an attorney and the defendant was represented by or
11 waived the right to an attorney in writing, until the person has
12 completed the first thirty days of a suspension or revocation
13 imposed pursuant to this chapter;

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

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

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

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

28 (f) Violation more than once of the provisions of section

1 577.041, RSMo, or a similar implied consent law of any other
2 state; or

3 (g) [Disqualification of a commercial driver's license
4 pursuant to sections 302.700 to 302.780, however, nothing in this
5 subsection shall prevent a person holding a commercial driver's
6 license who is suspended or revoked as a result of an action
7 occurring while not driving a commercial motor vehicle or driving
8 for pay, but while driving in an individual capacity as an
9 operator of a personal vehicle from applying for a limited
10 driving privilege to operate a commercial vehicle, if otherwise
11 eligible for such limited privilege; or

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

18 (6) No person who possesses a commercial driver's license
19 shall receive a limited driving privilege issued for the purpose
20 of operating a commercial motor vehicle if such person's driving
21 privilege is suspended, revoked, canceled, denied, or
22 disqualified. Nothing in this section shall prohibit the
23 issuance of a limited driving privilege for the purpose of
24 operating a noncommercial motor vehicle provided that pursuant to
25 the provisions of this section, the applicant is not otherwise
26 ineligible for a limited driving privilege.

27 (7) (a) Provided that pursuant to the provisions of this
28 section, the applicant is not otherwise ineligible for a limited

1 driving privilege, a circuit court or the director may, in the
2 manner prescribed in this subsection, allow a person who has had
3 such person's license to operate a motor vehicle revoked where
4 that person cannot obtain a new license for a period of ten
5 years, as prescribed in subdivision (9) of section 302.060, to
6 apply for a limited driving privilege pursuant to this subsection
7 if such person has served at least three years of such
8 disqualification or revocation. Such person shall present
9 evidence satisfactory to the court or the director that such
10 person has not been convicted of any offense related to alcohol,
11 controlled substances or drugs during the preceding three years
12 and that the person's habits and conduct show that the person no
13 longer poses a threat to the public safety of this state.

14 (b) Provided that pursuant to the provisions of this
15 section, the applicant is not otherwise ineligible for a limited
16 driving privilege or convicted of involuntary manslaughter while
17 operating a motor vehicle in an intoxicated condition, a circuit
18 court or the director may, in the manner prescribed in this
19 subsection, allow a person who has had such person's license to
20 operate a motor vehicle revoked where that person cannot obtain a
21 new license for a period of five years because of two convictions
22 of driving while intoxicated, as prescribed in subdivision (10)
23 of section 302.060, to apply for a limited driving privilege
24 pursuant to this subsection if such person has served at least
25 two years of such disqualification or revocation. Such person
26 shall present evidence satisfactory to the court or the director
27 that such person has not been convicted of any offense related to
28 alcohol, controlled substances or drugs during the preceding two

1 years and that the person's habits and conduct show that the
2 person no longer poses a threat to the public safety of this
3 state. Any person who is denied a license permanently in this
4 state because of an alcohol-related conviction subsequent to a
5 restoration of such person's driving privileges pursuant to
6 subdivision (9) of section 302.060 shall not be eligible for
7 limited driving privilege pursuant to the provisions of this
8 subdivision.

9 4. Any person who has received notice of denial of a
10 request of limited driving privilege by the director of revenue
11 may make a request for a review of the director's determination
12 in the circuit court of the county in which the person resides or
13 the county in which is located the person's principal place of
14 business or employment within thirty days of the date of mailing
15 of the notice of denial. Such review shall be based upon the
16 records of the department of revenue and other competent evidence
17 and shall be limited to a review of whether the applicant was
18 statutorily entitled to the limited driving privilege.

19 5. The director of revenue shall promulgate rules and
20 regulations necessary to carry out the provisions of this
21 section. Any rule or portion of a rule, as that term is defined
22 in section 536.010, RSMo, that is created under the authority
23 delegated in this section shall become effective only if it
24 complies with and is subject to all of the provisions of chapter
25 536, RSMo, and, if applicable, section 536.028, RSMo. This
26 section and chapter 536, RSMo, are nonseverable and if any of the
27 powers vested with the general assembly pursuant to chapter 536,
28 RSMo, to review, to delay the effective date or to disapprove and

1 annul a rule are subsequently held unconstitutional, then the
2 grant of rulemaking authority and any rule proposed or adopted
3 after August 28, 2001, shall be invalid and void.

4 302.341. If a Missouri resident charged with a moving
5 traffic violation or parking violation of this state or any
6 county or [municipality] city or township of this state fails to
7 dispose of the charges of which he is accused through authorized
8 prepayment of vehicle-related fees or [fine] fines [and court
9 costs] and fails to appear on the return date or at any
10 subsequent date to which the case has been continued, or without
11 good cause fails to pay any [fine or court costs] vehicle-related
12 fees or fines assessed against him for any such violation within
13 the period of time specified or in such installments as approved
14 by the court or as otherwise provided by law, any court or
15 designated administrative agency having jurisdiction over the
16 charges shall within ten days of the failure to comply inform the
17 defendant by ordinary mail at the last address shown on the court
18 records that the court will order the director of revenue to
19 suspend the defendant's driving privileges if the charges are not
20 disposed of and fully paid within thirty days from the date of
21 mailing. For the purpose of this section, vehicle-related fees
22 and fines shall include, but not necessarily be limited to,
23 traffic violation fines, parking violation fines, towing and
24 vehicle immobilization fees and any late payment penalties and
25 court costs associated with the adjudication or collection of
26 those fines. Thereafter, if the defendant fails to timely act to
27 dispose of the charges and fully pay any applicable fines and
28 court costs, the court or designated administrative agency shall

1 notify the director of revenue of such failure and of the pending
2 charges against the defendant. Upon receipt of this
3 notification, the director shall suspend the license of the
4 driver, effective immediately, and provide notice of the
5 suspension to the driver at the last address for the driver shown
6 on the records of the department of revenue. Such suspension
7 shall remain in effect until the court or designated
8 administrative agency with the subject pending charge requests
9 setting aside the noncompliance suspension pending final
10 disposition, or satisfactory evidence of disposition of pending
11 charges and payment of fine and court costs, if applicable, is
12 furnished to the director by the individual. Upon proof of
13 disposition of charges and payment of fine and court costs, if
14 applicable, and payment of the reinstatement fee as set forth in
15 section 302.304, the director shall reinstate the license. The
16 filing of financial responsibility with the bureau of safety
17 responsibility, department of revenue, shall not be required as a
18 condition of reinstatement of a driver's license suspended solely
19 under the provisions of this section. If any city, town or
20 village receives more than forty-five percent of its total annual
21 revenue from fines for traffic violations occurring on state
22 highways, all revenues from such violations in excess of
23 forty-five percent of the total annual revenue of the city, town
24 or village shall be sent to the director of the department of
25 revenue and shall be distributed annually to the schools of the
26 county in the same manner that proceeds of all penalties,
27 forfeitures and fines collected for any breach of the penal laws
28 of the state are distributed. For the purpose of this section

1 the words "state highways" shall mean any state or federal
2 highway, including any such highway continuing through the
3 boundaries of a city, town or village with a designated street
4 name other than the state highway number.

5 302.540. 1. No person who has had a license to operate a
6 motor vehicle suspended or revoked under the provisions of
7 sections 302.500 to 302.540 shall have that license reinstated
8 until such person has participated in and successfully completed
9 a substance abuse traffic offender program defined in section
10 302.010, or a program determined to be comparable by the
11 department of mental health. Assignment recommendations, based
12 upon the needs assessment as described in subdivision (22) of
13 section 302.010, shall be delivered in writing to the person with
14 written notice that the person is entitled to have such
15 assignment recommendations reviewed by the court if the person
16 objects to the recommendations. The person may file a motion in
17 the associate division of the circuit court of the county in
18 which such assignment was given, on a printed form provided by
19 the state courts administrator, to have the court hear and
20 determine such motion pursuant to the provisions of chapter 517,
21 RSMo. The motion shall name the person or entity making the
22 needs assessment as the respondent and a copy of the motion shall
23 be served upon the respondent in any manner allowed by law. Upon
24 hearing the motion, the court may modify or waive any assignment
25 recommendation that the court determines to be unwarranted based
26 upon a review of the needs assessment, the person's driving
27 record, the circumstances surrounding the offense, and the
28 likelihood of the person committing a like offense in the future,

1 except that the court may modify but may not waive the assignment
2 to an education or rehabilitation program of a person determined
3 to be a prior or persistent offender as defined in section
4 577.023, RSMo, or of a person determined to have operated a motor
5 vehicle with fifteen-hundredths of one percent or more by weight
6 in such person's blood. Compliance with the court determination
7 of the motion shall satisfy the provisions of this section for
8 the purpose of reinstating such person's license to operate a
9 motor vehicle. The respondent's personal appearance at any
10 hearing conducted pursuant to this subsection shall not be
11 necessary unless directed by the court.

12 2. The fees for the program authorized in subsection 1 of
13 this section, or a portion thereof to be determined by the
14 division of alcohol and drug abuse of the department of mental
15 health, shall be paid by the person enrolled in the program. Any
16 person who is enrolled in the program shall pay, in addition to
17 any fee charged for the program, a supplemental fee [of sixty
18 dollars] in an amount to be determined by the department of
19 mental health, but not to exceed two hundred dollars, for the
20 purposes of funding the substance abuse traffic offender program
21 defined in section 302.010, or a program determined to be
22 comparable by the department of mental health. The administrator
23 of the program shall remit to the division of alcohol and drug
24 abuse of the department of mental health on or before the
25 fifteenth day of each month the supplemental fee for all persons
26 enrolled in the program, less two percent for administrative
27 costs. Interest shall be charged on any unpaid balance of the
28 supplemental fees due the division of alcohol and drug abuse

1 pursuant to this section and shall accrue at a rate not to exceed
2 the annual rate established pursuant to the provision of section
3 32.065, RSMo, plus three percentage points. The supplemental
4 fees and any interest received by the department of mental health
5 pursuant to this section shall be deposited in the mental health
6 earnings fund which is created in section 630.053, RSMo.

7 3. Any administrator who fails to remit to the division of
8 alcohol and drug abuse of the department of mental health the
9 supplemental fees and interest for all persons enrolled in the
10 program pursuant to this section shall be subject to a penalty
11 equal to the amount of interest accrued on the supplemental fees
12 due the division pursuant to this section. If the supplemental
13 fees, interest, and penalties are not remitted to the division of
14 alcohol and drug abuse of the department of mental health within
15 six months of the due date, the attorney general of the state of
16 Missouri shall initiate appropriate action for the collection of
17 said fees and interest accrued. The court shall assess attorney
18 fees and court costs against any delinquent program.

19 [3.] 4. Court-ordered participation in a substance abuse
20 traffic offender program, pursuant to section 577.049, RSMo,
21 shall satisfy the requirements of this section if the court
22 action arose out of the same occurrence that resulted in a
23 person's license being administratively suspended or revoked.

24 [4.] 5. The division of alcohol and drug abuse of the
25 department of mental health may create a treatment demonstration
26 project within existing appropriations and shall develop and
27 certify a program to provide education or rehabilitation services
28 for individuals determined by the division to be serious or

1 repeat offenders. The program shall qualify as a substance abuse
2 traffic offender program. As used in this subsection, a "serious
3 or repeat offender" is one who was determined to have a blood
4 alcohol content of fifteen-hundredths of one percent or more by
5 weight while operating a motor vehicle or a prior or persistent
6 offender as defined in section 577.023, RSMo.

7 302.700. 1. Sections 302.700 to 302.780 may be cited as
8 the "Uniform Commercial Driver's License Act".

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

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

14 (2) "Alcohol concentration", the number of grams of alcohol
15 per one hundred milliliters of blood or the number of grams of
16 alcohol per two hundred ten liters of breath or the number of
17 grams of alcohol per sixty-seven milliliters of urine;

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

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

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

28 (6) "Commercial motor vehicle", a motor vehicle designed or

1 used to transport passengers or property:

2 (a) If the vehicle has a gross combination weight rating of
3 twenty-six thousand one or more pounds inclusive of a towed unit
4 which has a gross vehicle weight rating of ten thousand one
5 pounds or more;

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

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

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

14 (7) "Controlled substance", any substance so classified
15 under section 102(6) of the Controlled Substances Act (21 U.S.C.
16 802(6)), and includes all substances listed in schedules I
17 through V of 21 CFR part 1308, as they may be revised from time
18 to time;

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

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

1 (10) "Disqualification", [a withdrawal of the privilege to
2 drive a commercial motor vehicle] any of the following three
3 actions:

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

6 (b) Any withdrawal of a person's privileges to drive a
7 commercial motor vehicle by a state as the result of a violation
8 of federal, state, county, municipal, or local law relating to
9 motor vehicle traffic control or violations committed through the
10 operation of motor vehicles, other than parking, vehicle weight,
11 or vehicle defect violations;

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

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

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

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

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

27 (b) Driving a commercial or noncommercial motor vehicle
28 while intoxicated in violation of any federal or state law, or in

1 violation of a county or municipal ordinance;

2 (c) Driving a commercial or noncommercial motor vehicle
3 with excessive blood alcohol content in violation of any federal
4 or state law, or in violation of a county or municipal ordinance;

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

8 (e) Having any state, county or municipal alcohol-related
9 enforcement contact, as defined in subsection 3 of section
10 302.525; provided that any suspension or revocation pursuant to
11 section 302.505, committed in a noncommercial vehicle shall have
12 been committed by the person with an alcohol-concentration of at
13 least eight-hundredths of one percent or more and if committed in
14 a commercial motor vehicle, a concentration of four-hundredths of
15 one percent or more;

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

19 (a) Driving a commercial or noncommercial motor vehicle
20 while under the influence of any substance so classified under
21 section 102(6) of the Controlled Substances Act (21 U.S.C.
22 802(6)), including any substance listed in schedules I through V
23 of 21 CFR part 1308, as they may be revised from time to time;

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

27 (c) Refusing to submit to a chemical test in violation of
28 section 577.041, RSMo, section 302.750, any federal or state law,

1 or a county or municipal ordinance;

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

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

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

19 ~~[(17)]~~ (18) "Felony", any offense under state or federal
20 law that is punishable by death or imprisonment for a term
21 exceeding one year;

22 (19) "Gross combination weight rating" or "GCWR", the value
23 specified by the manufacturer as the loaded weight of a
24 combination (articulated) vehicle. In the absence of a value
25 specified by the manufacturer, GCWR shall be determined by adding
26 the GVWR of the power unit and the total weight of the towed unit
27 and any load thereon;

28 ~~[(18)]~~ (20) "Gross vehicle weight rating" or "GVWR", the

1 value specified by the manufacturer [or manufacturers] as the
2 [maximum] loaded weight of a single [or a combination] vehicle[,
3 or registered gross weight, whichever is greater. The GVWR of a
4 combination vehicle, commonly referred to as the "gross
5 combination weight rating" or "GCWR", is the GVWR of the power
6 unit plus the GVWR of the towed unit or units];

7 [(19)] (21) "Hazardous materials", hazardous materials as
8 specified in section 103 of the Hazardous Materials
9 Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,
10 including but not limited to ammonium nitrate, phosphate,
11 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special
12 fuel shall not be considered hazardous materials when transported
13 by a farm vehicle provided all other provisions of this
14 definition are followed;

15 (22) "Imminent hazard", the existence of a condition that
16 presents a substantial likelihood that death, serious illness,
17 severe personal injury, or a substantial endangerment to health,
18 property, or the environment may occur before the reasonably
19 foreseeable completion date of a formal proceeding begins to
20 lessen the risk of that death, illness, injury or endangerment;

21 [(20)] (23) "Motor vehicle", any self-propelled vehicle
22 not operated exclusively upon tracks;

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

26 [(21)] (25) "Out of service", a temporary prohibition
27 against the operation of a commercial motor vehicle by a
28 particular driver, or the operation of a particular commercial

1 motor vehicle, or the operation of a particular motor carrier;

2 [(22)] (26) "Out-of-service order", a declaration by the
3 Federal Highway Administration, or any authorized enforcement
4 officer of a federal, state, Commonwealth of Puerto Rico,
5 Canadian, Mexican or any local jurisdiction, that a driver, or a
6 commercial motor vehicle, or a motor carrier operation, is out of
7 service;

8 (27) "School bus", a commercial motor vehicle used to
9 transport preprimary, primary, or secondary school students from
10 home to school, from school to home, or to and from school
11 sponsored events. School bus does not include a bus used as a
12 common carrier as defined by the secretary;

13 [(23)] (28) "Secretary", the Secretary of Transportation
14 of the United States;

15 [(24)] (29) "Serious traffic violation", driving a
16 commercial motor vehicle in such a manner that the driver
17 receives a conviction for the following offenses or driving a
18 noncommercial motor vehicle when the driver receives a conviction
19 for the following offenses and the conviction results in the
20 suspension or revocation of the driver's license or noncommercial
21 motor vehicle driving privilege:

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

24 (b) Careless, reckless or imprudent driving which includes,
25 but shall not be limited to, any violation of section 304.016,
26 RSMo, any violation of section 304.010, RSMo, or any other
27 violation of state law, or any county or municipal ordinance
28 while driving a commercial motor vehicle in a willful or wanton

1 disregard for the safety of persons or property, or improper or
2 erratic traffic lane changes, or following the vehicle ahead too
3 closely, but shall not include careless and imprudent driving by
4 excessive speed;

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

9 (d) Driving a commercial motor vehicle without obtaining a
10 commercial driver's license;

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

18 (f) Driving a commercial motor vehicle without the proper
19 commercial driver's license class or endorsement for the specific
20 vehicle group being operated or for the passengers or type of
21 cargo being transported; or

22 [(d)] (g) Any other violation of a state law or county or
23 municipal ordinance regulating the operation of motor vehicles,
24 other than a parking violation, as prescribed by the secretary by
25 regulation;

26 [(25)] (30) "State", a state, [territory or possession] of
27 the United States, including the District of Columbia, [the
28 Commonwealth of Puerto Rico, Mexico, and any province of Canada]

1 as defined in 49 CFR, part 383, and as may be amended by the
2 secretary;

3 [(26)] (31) "United States", the fifty states and the
4 District of Columbia.

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

1 conviction the director shall [~~revoke~~] disqualify such person's
2 privilege to drive a commercial motor vehicle [~~for a period of~~
3 two years] pursuant to section 302.755.

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

11 2. Any person convicted of driving a commercial motor
12 vehicle while revoked is guilty of a class A misdemeanor. Any
13 person with no prior alcohol-related enforcement contacts as
14 defined in section 302.525, convicted a fourth or subsequent time
15 of driving a commercial motor vehicle while revoked or a county
16 or municipal ordinance of driving a commercial motor vehicle
17 while suspended or revoked where the judge in such case was an
18 attorney and the defendant was represented by or waived the right
19 to an attorney in writing, and where the prior three driving a
20 commercial motor vehicle while revoked offenses occurred within
21 ten years of the date of occurrence of the present offense and
22 where the person received and served a sentence of ten days or
23 more on such previous offenses; and any person with a prior
24 alcohol-related enforcement contact as defined in section
25 302.525, convicted a third or subsequent time of driving a
26 commercial motor vehicle while revoked or a county or municipal
27 ordinance of driving a commercial motor vehicle while suspended
28 or revoked where the judge in such case was an attorney and the

1 defendant was represented by or waived the right to an attorney
2 in writing, and where the prior two driving a commercial motor
3 vehicle while revoked offenses occurred within ten years of the
4 date of occurrence of the present offense and where the person
5 received and served a sentence of ten days or more on such
6 previous offenses is guilty of a class D felony. No court shall
7 suspend the imposition of sentence as to such a person nor
8 sentence such person to pay a fine in lieu of a term of
9 imprisonment, nor shall such person be eligible for parole or
10 probation until he has served a minimum of forty-eight
11 consecutive hours of imprisonment, unless as a condition of such
12 parole or probation, such person performs at least ten days
13 involving at least forty hours of community service under the
14 supervision of the court in those jurisdictions which have a
15 recognized program for community service. Driving a commercial
16 motor vehicle while revoked is a class D felony on the second or
17 subsequent conviction pursuant to section 577.010, RSMo, or a
18 fourth or subsequent conviction for any other offense.

19 302.735. 1. The application for a commercial driver's
20 license shall include, but not be limited to, the applicant's
21 legal name, mailing and residence address, if different, a
22 physical description of the person, including sex, height, weight
23 and eye color, the person's Social Security number, date of birth
24 and any other information deemed appropriate by the director.
25 The application shall also require the applicant to provide the
26 names of all states where the applicant has been previously
27 licensed to drive any type of motor vehicle during the preceding
28 ten years.

1 2. The application for a commercial driver's license or
2 renewal shall be accompanied by the payment of a fee of forty
3 dollars. The fee for a duplicate commercial driver's license
4 shall be twenty dollars. A commercial driver's license shall
5 expire on the applicant's birthday in the sixth year after
6 issuance and must be renewed on or before the date of expiration.
7 The director shall have the authority to stagger the issuance or
8 renewal of commercial driver's license applicants over a six-year
9 period. When a person changes such person's name an application
10 for a duplicate license shall be made to the director of revenue.
11 When a person changes such person's mailing address or residence
12 the applicant shall notify the director of revenue of said
13 change, however, no application for a duplicate license is
14 required. To all applicants for a commercial license or renewal
15 who are between eighteen and twenty-one years of age and seventy
16 years of age and older, the application shall be accompanied by a
17 fee of twenty dollars. A commercial license issued pursuant to
18 an applicant less than twenty-one years of age and seventy years
19 of age and older shall expire on the applicant's birthday in the
20 third year after issuance.

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

1 for issuance of such license comparable to those in this state.

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

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

23 2. Before issuing a commercial driver's license, the
24 director shall obtain driving record information from sources
25 including, but not limited to, the national driver's register
26 [or] the commercial driver's license information system [of], and
27 any state driver's licensing system in which the person has been
28 licensed; except that the director shall only be required to

1 obtain the complete driving record from each state the person has
2 ever been licensed in when such person is issued an initial
3 commercial driver's license or renews his or her commercial
4 driver's license for the first time. The director shall maintain
5 a notation in the driving record system of the date when he or
6 she has obtained the driving records from all states which the
7 person has been licensed.

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

14 4. The commercial driver's license shall indicate the class
15 of vehicle the person may drive and any applicable endorsements
16 or restrictions. Commercial driver's license classifications,
17 endorsements and restrictions shall be in compliance with the
18 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
19 Law 99-570) and those prescribed by the director. The commercial
20 driver's license driving record shall contain a complete history
21 of the driver, including information and convictions from
22 previous states of licensure.

23 302.755. 1. A person is disqualified from driving a
24 commercial motor vehicle for a period of not less than one year
25 if convicted of a first violation of:

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

28 (2) Driving a commercial motor vehicle which causes a

1 fatality through the negligent operation of the commercial motor
2 vehicle, including but not limited to the crimes of vehicular
3 manslaughter, homicide by motor vehicle and negligent homicide;

4 (3) Driving a commercial motor vehicle while revoked
5 pursuant to section 302.726;

6 [(2)] (4) Leaving the scene of an accident involving a
7 commercial or noncommercial motor vehicle operated by the person;

8 [(3)] (5) Using a commercial or noncommercial motor
9 vehicle in the commission of any felony, as defined in section
10 302.700, except a felony as provided in subsection 4 of this
11 section.

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

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

23 4. Any person is disqualified from driving a commercial
24 motor vehicle for life who uses a commercial or noncommercial
25 motor vehicle in the commission of any felony involving the
26 manufacture, distribution, or dispensing of a controlled
27 substance, or possession with intent to manufacture, distribute,
28 or dispense a controlled substance.

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

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

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

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

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

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

25 11. Any person convicted of a first violation of an
26 out-of-service order while transporting hazardous materials or
27 while operating a motor vehicle designed to transport more than
28 fifteen passengers, including the driver, is disqualified for a

1 period of one hundred eighty days.

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

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

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

17 15. Any person disqualified from operating a commercial
18 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section
19 shall have such commercial driver's license canceled, and upon
20 conclusion of the period of disqualification shall take the
21 written and driving tests and meet all other requirements of
22 sections 302.700 to 302.780. Such disqualification and
23 cancellation shall not be withdrawn by the director until such
24 person reapplies for a commercial driver's license in this or any
25 other state after meeting all requirements of sections 302.700 to
26 302.780.

27 16. The director shall disqualify a driver upon receipt of
28 notification that the secretary has determined a driver to be an

1 imminent hazard pursuant to 49 CFR, part 383.52. Due process of
2 a disqualification determined by the secretary pursuant to this
3 section shall be held in accordance with regulations promulgated
4 by the secretary. The period of disqualification determined by
5 the secretary pursuant to this section shall be served
6 concurrently to any other period of disqualification which may be
7 imposed by the director pursuant to this section. Both
8 disqualifications shall appear on the driving record of the
9 driver.

10 302.756. 1. Notwithstanding any other provision of law to
11 the contrary, any driver who violates or fails to comply with an
12 out-of-service order is subject to a civil penalty of [one
13 thousand dollars] not to exceed an amount as determined by the
14 secretary pursuant to 49 CFR, part 383, or as amended by the
15 secretary, in addition to disqualification as provided by law.
16 Any civil penalty established in this section shall not become
17 effective and enforced until October 1, 1996.

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

22 3. The [general] chief counsel to the [division of motor
23 carrier and railroad safety within the department of economic
24 development] state highways and transportation commission shall
25 bring an action in accordance with the procedures under section
26 390.156, RSMo, to recover a civil penalty under this section
27 against a driver who violates or fails to comply with an
28 out-of-service order, or against an employer who violates an

1 out-of-service order or knowingly requires or permits a driver to
2 violate or fail to comply with an out-of-service order, or both.

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

9 302.760. Within ten days after conviction, suspension,
10 revocation, cancellation or disqualification of any nonresident
11 holder of a commercial driver's license or any nonresident who is
12 required to possess a commercial driver's license for any
13 violation committed in a [commercial motor] vehicle of state law
14 or any county or municipal ordinance regulating the operation of
15 motor vehicles, other than parking violations, the director shall
16 notify the driver's licensing authority in the licensing state of
17 such action in the manner as prescribed in 49 CFR, part 384, or
18 as amended by the secretary.

19 302.775. The provisions of sections 302.700 to 302.780
20 shall not apply to:

21 (1) Any person driving a farm vehicle as defined in section
22 302.700;

23 (2) Any active duty military personnel, members of the
24 reserves and national guard on active duty, including personnel
25 on full-time national guard duty, personnel on part-time training
26 and national guard military technicians, while driving military
27 vehicles for military purposes;

28 (3) Any person who drives emergency or fire equipment

1 necessary to the preservation of life or property [or], the
2 execution of emergency governmental functions under emergency
3 conditions or the execution of official department or agency
4 business;

5 (4) Any person driving or pulling a recreational vehicle,
6 as defined in sections 301.010 and 700.010, RSMo, for personal
7 use; and

8 (5) Any other class of persons exempted by rule or
9 regulation of the director, which rule or regulation is in
10 compliance with the Commercial Motor Vehicle Safety Act of 1986
11 and any amendments or regulations drafted to that act.

12 304.010. 1. As used in this section, the following terms
13 mean:

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

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

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

27 (4) "Urbanized area", an area of fifty thousand population
28 at a density at or greater than one thousand persons per square

1 mile.

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

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

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

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

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

15 (5) All other roads provided for in subdivision (4) of this
16 subsection shall not include any state two-lane road which is
17 identified by letter. Such lettered roads shall not exceed
18 fifty-five miles per hour unless set at a higher speed as
19 established by the department of transportation, except that no
20 speed limit shall be set higher than sixty miles per hour;

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

24 3. On any state road or highway where the speed limit is
25 not set pursuant to a local ordinance, the highways and
26 transportation commission may set a speed limit higher or lower
27 than the uniform maximum speed limit provided in subsection 2 of
28 this section, if a higher or lower speed limit is recommended by

1 the department of transportation. The department of public
2 safety, where it believes for safety reasons, or to expedite the
3 flow of traffic a higher or lower speed limit is warranted, may
4 request the department of transportation to raise or lower such
5 speed limit, except that no speed limit shall be set higher than
6 seventy miles per hour.

7 4. Notwithstanding the provisions of section 304.120 or any
8 other provision of law to the contrary, cities, towns and
9 villages may regulate the speed of vehicles on state roads and
10 highways within such cities', towns' or villages' corporate
11 limits by ordinance with the approval of the state highways and
12 transportation commission. Any reduction of speed in cities,
13 towns or villages shall be designed to expedite the flow of
14 traffic on such state roads and highways to the extent consistent
15 with public safety. The commission may declare any ordinance
16 void if it finds that such ordinance is:

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

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

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

23 5. The county commission of any county of the second, third
24 or fourth classification may set the speed limit or the weight
25 limit or both the speed limit and the weight limit on roads or
26 bridges on any county, township or road district road in the
27 county and, with the approval of the state highways and
28 transportation commission, on any state road or highway not

1 within the limits of any incorporated city, town or village,
2 lower than the uniform maximum speed limit as provided in
3 subsection 2 of this section where the condition of the road or
4 the nature of the area requires a lower speed. The maximum speed
5 limit set by the county commission of any county of the second,
6 third, or fourth classification for any road under the
7 commission's jurisdiction shall not exceed fifty-five miles per
8 hour if such road is properly marked by signs indicating such
9 speed limit. If the county commission does not mark the roads
10 with signs indicating the speed limit, the speed limit shall be
11 forty-five miles per hour. The commission shall send copies of
12 any order establishing a speed limit or weight limit on roads and
13 bridges on a county, township or road district road in the county
14 to the chief engineer of the state department of transportation,
15 the superintendent of the state highway patrol and to any
16 township or road district maintaining roads in the county. After
17 the roads have been properly marked by signs indicating the speed
18 limits and weight limits set by the county commission, the speed
19 limits and weight limits shall be of the same effect as the speed
20 limits provided for in subsection 1 of this section and shall be
21 enforced by the state highway patrol and the county sheriff as if
22 such speed limits and weight limits were established by state
23 law.

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

28 7. The provisions of this section shall not be construed to

1 alter any speed limit set below fifty-five miles per hour by any
2 ordinance of any county, city, town or village of the state
3 adopted before March 13, 1996.

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

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

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

16 304.015. 1. All vehicles not in motion shall be placed
17 with their right side as near the right-hand side of the highway
18 as practicable, except on streets of municipalities where
19 vehicles are obliged to move in one direction only or parking of
20 motor vehicles is regulated by ordinance.

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

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

27 (2) When placing a vehicle in position for and when such
28 vehicle is lawfully making a left turn in compliance with the

1 provisions of sections 304.014 to 304.026 or traffic regulations
2 thereunder or of municipalities;

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

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

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

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

27 5. Whenever any roadway has been divided into three or more
28 clearly marked lanes for traffic, the following rules in addition

1 to all others consistent herewith shall apply:

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

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

14 (3) Upon all highways any vehicle proceeding at less than
15 the normal speed of traffic thereon shall be driven in the
16 right-hand lane for traffic or as close as practicable to the
17 right-hand edge or curb, except as otherwise provided in sections
18 304.014 to 304.026;

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

25 (5) Drivers of vehicles proceeding in opposite directions
26 shall pass each other to the right, and except when a roadway has
27 been divided into traffic lanes, each driver shall give to the
28 other at least one-half of the main traveled portion of the

1 roadway whenever possible.

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

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

13 (1) It is reasonably necessary for the operator of the
14 truck to respond to emergency conditions;

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

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

21 (4) The right half of a roadway is closed to traffic while
22 under construction or repair.

23 [7.] 8. Violation of this section shall be deemed an
24 infraction unless such violation causes an immediate threat of an
25 accident, in which case such violation shall be deemed a class C
26 misdemeanor, or unless an accident results from such violation,
27 in which case such violation shall be deemed a class A
28 misdemeanor.

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

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

16 304.029. 1. Notwithstanding any other law to the contrary,
17 a low-speed vehicle may be operated upon a highway in the state
18 if it meets the requirements of this section. Every person
19 operating a low-speed vehicle shall be granted all the rights and
20 shall be subject to all the duties applicable to the driver of
21 any other motor vehicle except as to the special regulations in
22 this section and except as to those provisions which by their
23 nature can have no application.

24 2. The operator of a low-speed vehicle shall observe all
25 traffic laws and local ordinances regarding the rules of the
26 road. A low-speed vehicle shall not be operated on a street or a
27 highway with a posted speed limit greater than thirty-five miles
28 per hour. The provisions of this subsection shall not prohibit a

1 low-speed vehicle from crossing a street or highway with a posted
2 speed limit greater than thirty-five miles per hour.

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

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

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

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

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

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

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

25 8. Nothing in this section shall prevent county or
26 municipal governments from adopting more stringent local
27 ordinances governing low-speed vehicle operation if the governing
28 body of the county or municipality determines that such

1 ordinances are necessary in the interest of public safety. The
2 department of transportation may prohibit the operation of low-
3 speed vehicles on any highway under its jurisdiction if it
4 determines that the prohibition is necessary in the interest of
5 public safety.

6 304.035. 1. When any person driving a vehicle approaches a
7 railroad grade crossing, the driver of the vehicle shall operate
8 the vehicle in a manner so he will be able to stop, and he shall
9 stop the vehicle not less than fifteen feet and not more than
10 fifty feet from the nearest rail of the railroad track and shall
11 not proceed until he can safely do so if:

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

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

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

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

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

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

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

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

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

14 304.580. 1. As used in this section, the term
15 "construction zone" or "work zone" means any area upon or around
16 any highway as defined in section 302.010, RSMo, which is visibly
17 marked by the department of transportation or a contractor
18 performing work for the department of transportation as an area
19 where construction, maintenance, or other work is temporarily
20 occurring. The term "work zone" or "construction zone" also
21 includes the lanes of highway leading up to the area upon which
22 an activity described in this subsection is being performed,
23 beginning at the point where appropriate signs directing motor
24 vehicles to merge from one lane into another lane are posted.

25 2. Upon a conviction or a plea of guilty by any person for
26 a moving violation as defined in section 302.010, RSMo, or any
27 offense listed in section 302.302, RSMo, the court shall assess a
28 fine of thirty-five dollars in addition to any other fine

1 authorized to be imposed by law, if the offense occurred within a
2 construction zone or a work zone.

3 3. Upon a conviction or plea of guilty by any person for a
4 speeding violation pursuant to either section 304.009 or 304.010,
5 or a passing violation pursuant to subsection 6 of this section,
6 the court shall assess a fine of two hundred fifty dollars in
7 addition to any other fine authorized by law, if the offense
8 occurred within a construction zone or a work zone and at the
9 time the speeding or passing violation occurred there was any
10 person in such zone who was there to perform duties related to
11 the reason for which the area was designated a construction zone
12 or work zone. However, no person assessed an additional fine
13 pursuant to this subsection shall also be assessed an additional
14 fine pursuant to subsection 2 of this section, and no person
15 shall be assessed an additional fine pursuant to this subsection
16 if no signs have been posted pursuant to subsection 4 of this
17 section.

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

25 5. During any day in which no person is present in a
26 construction zone or work zone established pursuant to subsection
27 3 of this section to perform duties related to the purpose of the
28 zone, the sign warning of additional penalties shall not be

1 visible to motorists. During any period [of two hours or more]
2 in which no person is present in such zone on a day in which
3 persons have been or will be present to perform duties related to
4 the reason for which the area was designated as a construction
5 zone or work zone, the sign warning of additional penalties shall
6 not be visible to motorists. The department of transportation or
7 contractor performing work for the department of transportation
8 shall be responsible for compliance with provisions of this
9 subsection. Nothing in this subsection shall prohibit warning or
10 traffic control signs necessary for public safety in the
11 construction or work zone being visible to motorists at all
12 times.

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

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

25 304.675. 1. The governing body of a county or municipality
26 may establish a maximum speed limit within a school zone not to
27 exceed twenty miles per hour. Such speed limit shall be in force
28 only during those times thirty minutes before, during, and thirty

1 minutes after the periods of time when students are arriving at a
2 regularly scheduled school session and leaving a regularly
3 scheduled school session. As used in this section, the term
4 "school zone" means school property on which a school building is
5 located and the area adjacent to the school property that is
6 designated by signs showing the posted limit. The state highways
7 and transportation commission shall approve a twenty mile per
8 hour speed limit in a school zone on state or federal highways
9 before the same shall become effective.

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

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

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

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

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

5 304.677. Notwithstanding any other provisions of the law to
6 the contrary, every driver of a motor vehicle shall exercise the
7 highest degree of care to avoid colliding with any pedestrian,
8 any person propelling a human powered vehicle, or any person
9 operating a motorcycle, and shall give an audible signal when
10 necessary, and shall exercise proper precaution upon observing
11 any child or any obviously confused, incapacitated, or
12 intoxicated person.

13 307.100. 1. Any lighted lamp or illuminating device upon a
14 motor vehicle other than headlamps, spotlamps, front direction
15 signals or auxiliary lamps which projects a beam of light of an
16 intensity greater than three hundred candlepower shall be so
17 directed that no part of the beam will strike the level of the
18 roadway on which the vehicle stands at a distance of more than
19 seventy-five feet from the vehicle. Alternately flashing warning
20 signals may be used on school buses when used for school purposes
21 and on motor vehicles when used to transport United States mail
22 from post offices to boxes of addressees thereof and on emergency
23 vehicles as defined in section 304.022, RSMo, and on buses owned
24 or operated by churches, mosques, synagogues, temples or other
25 houses of worship, but are prohibited on other motor vehicles,
26 motorcycles and motor-drawn vehicles except as a means for
27 indicating a right or left turn.

28 2. Any motor vehicle used for the collection of garbage,

1 refuse, or rubbish shall use alternately flashing warning signals
2 while stopped upon a street and actually engaged in the
3 collection of garbage, refuse, or rubbish.

4 3. Notwithstanding the provisions of section 307.120,
5 violation of this section is an infraction.

6 307.125. 1. Any person who shall place or drive or cause
7 to be placed or driven, upon or along any state or supplementary
8 state highway of this state any animal-driven vehicle whatsoever,
9 whether in motion or at rest, shall after sunset to one-half hour
10 before sunrise have attached to every such vehicle at the rear
11 thereof a red taillight or a red reflecting device of not less
12 than three inches in diameter of effective area or its equivalent
13 in area. When such device shall consist of reflecting buttons
14 there shall be no less than seven of such buttons covering an
15 area equal to a circle with a three-inch diameter. The total
16 subtended effective angle of reflection of every such device
17 shall be no less than sixty degrees and the spread and efficiency
18 of the reflected light shall be sufficient for the reflected
19 light to be visible to the driver of any motor vehicle
20 approaching such animal-drawn vehicle from the rear of a distance
21 of not less than five hundred feet.

22 2. In addition, any person who operates any such
23 animal-driven vehicle during the hours between sunset and
24 one-half hour before sunrise shall have at least one light
25 flashing at all times the vehicle is on any highway of this
26 state. Such light or lights shall be amber in the front and red
27 in the back and shall be placed on the left side of the vehicle
28 at a height of no more than six feet from the ground and shall be

1 visible from the front and the back of the vehicle at a distance
2 of at least five hundred feet. Any person violating the
3 provisions of this section shall be guilty of a class C
4 misdemeanor.

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

10 4. Any rule or portion of a rule, as that term is defined
11 in section 536.010, RSMo, that is created under the authority
12 delegated in this section shall become effective only if it
13 complies with and is subject to all of the provisions of chapter
14 536, RSMo, and, if applicable, section 536.028, RSMo. This
15 section and chapter 536, RSMo, are nonseverable and if any of the
16 powers vested with the general assembly pursuant to chapter 536,
17 RSMo, to review, to delay the effective date, or to disapprove
18 and annul a rule are subsequently held unconstitutional, then the
19 grant of rulemaking authority and any rule proposed or adopted
20 after August 28, 2003, shall be invalid and void.

21 307.127. 1. No person shall operate on any public highway
22 of this state any slow-moving vehicle or equipment after sunset
23 to one-half hour before sunrise, any animal-drawn vehicle, or any
24 other machinery, designed for use or normally operated at speeds
25 less than twenty-five miles per hour, including all road
26 construction or maintenance machinery except when engaged in
27 actual construction or maintenance work either guarded by a
28 flagman or clearly visible warning signs, which normally travels

1 or is normally used at a speed of less than twenty-five miles per
2 hour unless there is displayed on the rear thereof an emblem as
3 described in, and displayed as provided in subsection 2 in this
4 section. The requirement of such emblem shall be in addition to
5 any lighting devices required by section 307.115.

6 2. The emblem required by subsection 1 of this section
7 shall be of substantial construction, and shall be a basedown
8 equilateral triangle of fluorescent yellow-orange film or
9 equivalent quality paint with a base of not less than fourteen
10 inches and an altitude of not less than twelve inches. Such
11 triangle shall be bordered with reflective red strips having a
12 minimum width of one and three-fourths inches, with the vertices
13 of the overall triangle truncated such that the remaining
14 altitude shall be a minimum of fourteen inches. Such emblem
15 shall be mounted on the rear of such vehicle near the horizontal
16 geometric center of the rearmost vehicle at a height of not less
17 than four feet above the roadway, and shall be maintained in a
18 clean, reflective condition. The provisions of this section
19 shall not apply to any vehicle or equipment being operated on a
20 gravel or dirt surfaced public highway.

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

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

28 5. Any person operating an animal-drawn vehicle on any

1 public highway of this state may, in lieu of displaying the
2 emblem required by subsections 1 and 2 of this section, equip the
3 animal-drawn vehicle with reflective material complying with
4 rules and regulations promulgated by the director of the
5 department of public safety. The reflective material shall be
6 visible from a distance of not less than five hundred feet to the
7 rear when illuminated by the lower beams of vehicle headlights.
8 Any rule or portion of a rule, as that term is defined in section
9 536.010, RSMo, that is created under the authority delegated in
10 this section shall become effective only if it complies with and
11 is subject to all of the provisions of chapter 536, RSMo, and, if
12 applicable, section 536.028, RSMo. This section and chapter 536,
13 RSMo, are nonseverable and if any of the powers vested with the
14 general assembly pursuant to chapter 536, RSMo, to review, to
15 delay the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after August 28, 2003,
18 shall be invalid and void.

19 307.177. 1. It is unlawful for any person to operate any
20 bus, truck, truck-tractor and trailer combination, or other
21 commercial motor vehicle and trailer upon any highway of this
22 state, whether intrastate transportation or interstate
23 transportation, [transporting materials defined and classified as
24 hazardous by the United States Department of Transportation
25 pursuant to Title 49 of the Code of Federal Regulations,] unless
26 such transportation is conducted in accordance with the hazardous
27 material regulations established by the United States Department
28 of Transportation pursuant to Title 49, Code of Federal

1 Regulations, as such regulations have been and may periodically
2 be amended[, unless such vehicle is equipped with the equipment
3 required by and be operated in accordance with safety and
4 hazardous materials regulations for such vehicles as adopted by
5 the United States Department of Transportation].

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

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

20 307.178. 1. As used in this section, the term "passenger
21 car" means every motor vehicle designed for carrying ten persons
22 or less and used for the transportation of persons; except that,
23 the term "passenger car" shall not include motorcycles, motorized
24 bicycles, motor tricycles and trucks with a licensed gross weight
25 of twelve thousand pounds or more.

26 2. Each driver, except persons employed by the United
27 States Postal Service while performing duties for that federal
28 agency which require the operator to service postal boxes from

1 their vehicles, or which require frequent entry into and exit
2 from their vehicles, and front seat passenger of a passenger car
3 manufactured after January 1, 1968, operated on a street or
4 highway in this state, and persons less than eighteen years of
5 age operating or riding in a truck, as defined in section
6 301.010, RSMo, on a street or highway of this state shall wear a
7 properly adjusted and fastened safety belt that meets federal
8 National Highway, Transportation and Safety Act requirements[;
9 except that, a child less than four years of age shall be
10 protected as required] or as provided in section [210.104, RSMo]
11 307.179. No person shall be stopped, inspected, or detained
12 solely to determine compliance with this subsection. The
13 provisions of this section shall not be applicable to persons who
14 have a medical reason for failing to have a seat belt fastened
15 about their body, nor shall the provisions of this section be
16 applicable to persons while operating or riding a motor vehicle
17 being used in agricultural work-related activities.
18 Noncompliance with this subsection shall not constitute probable
19 cause for violation of any other provision of law.

20 3. Each driver of a motor vehicle transporting a child four
21 years of age or more[, but less than sixteen years of age,] shall
22 secure the child in a properly adjusted and fastened [safety
23 belt] restraint pursuant to section 307.179.

24 4. In any action to recover damages arising out of the
25 ownership, common maintenance or operation of a motor vehicle,
26 failure to wear a safety belt in violation of this section shall
27 not be considered evidence of comparative negligence. Failure to
28 wear a safety belt in violation of this section may be admitted

1 to mitigate damages, but only under the following circumstances:

2 (1) Parties seeking to introduce evidence of the failure to
3 wear a safety belt in violation of this section must first
4 introduce expert evidence proving that a failure to wear a safety
5 belt contributed to the injuries claimed by plaintiff;

6 (2) If the evidence supports such a finding, the trier of
7 fact may find that the plaintiff's failure to wear a safety belt
8 in violation of this section contributed to the plaintiff's
9 claimed injuries, and may reduce the amount of the plaintiff's
10 recovery by an amount not to exceed one percent of the damages
11 awarded after any reductions for comparative negligence.

12 5. Each driver who violates the provisions of subsection 2
13 or [3] 7 of this section is guilty of an infraction for which a
14 fine not to exceed ten dollars may be imposed. All other
15 provisions of law and court rules to the contrary
16 notwithstanding, no court costs shall be imposed on any person
17 due to a violation of this section. In no case shall points be
18 assessed against any person, pursuant to section 302.302, RSMo,
19 for a violation of this section.

20 6. The department of public safety shall initiate and
21 develop a program of public information to develop understanding
22 of, and ensure compliance with, the provisions of this section.
23 The department of public safety shall evaluate the effectiveness
24 of this section and shall include a report of its findings in the
25 annual evaluation report on its highway safety plan that it
26 submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

27 7. If there are more persons than there are seat belts in
28 the enclosed area of a motor vehicle, then the [driver and]

1 passengers [are not in violation of this section] who are unable
2 to wear seat belts, shall sit in the area behind the front seat
3 of the motor vehicle unless the motor vehicle is designed only
4 for a front-seated area. This subsection shall not apply to
5 passengers who are accompanying a driver of a motor vehicle who
6 is licensed pursuant to section 302.178, RSMo.

7 307.179. 1. As used in this section, the following terms
8 shall mean:

9 (1) "Child booster seat", a seating system which meets the
10 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.
11 571.213, as amended, that is designed to elevate a child to
12 properly sit in a federally approved safety belt system;

13 (2) "Child passenger restraint system", a seating system
14 which meets the Federal Motor Vehicle Safety Standards set forth
15 in 49 C.F.R. 571.213, as amended, and which is either permanently
16 affixed to a motor vehicle or is affixed to such vehicle by a
17 safety belt or a universal attachment system;

18 (3) "Driver", a person who is in actual physical control of
19 a motor vehicle.

20 2. Every person transporting a child under the age of
21 sixteen years shall be responsible, when transporting such child
22 in a motor vehicle operated by that person on the streets or
23 highways of this state, for providing for the protection of such
24 child as follows:

25 (1) Children less than four years of age, regardless of
26 weight, or children weighing less than forty pounds, regardless
27 of age, shall be secured in a child passenger restraint system
28 appropriate for that child;

1 (2) Children four through five years of age or weighing at
2 least forty pounds but less than sixty pounds shall be secured in
3 a child passenger restraint system or booster seat appropriate
4 for that child;

5 (3) Children at least six years of age, or at least sixty
6 pounds, shall be secured by a vehicle safety belt, child
7 passenger restraint system, or booster seat.

8 3. Any person who violates this section is guilty of an
9 infraction and, upon conviction, may be punished by a fine of not
10 more than twenty-five dollars and court costs. In no case shall
11 points be assessed against any person, pursuant to section
12 302.302, RSMo, for violation of this section. If a person
13 receives a citation for violating this section, the charges shall
14 be dismissed or withdrawn if the person prior to or at his or her
15 hearing provides evidence of acquisition of a child passenger
16 restraint system or child booster seat which is satisfactory to
17 the court or the party responsible for prosecuting the person's
18 citation.

19 4. The provisions of this section shall not apply to any
20 public carrier for hire or to school buses as defined in section
21 301.010, RSMo, unless such school bus has been equipped with
22 safety belts or is required to be equipped with safety belts
23 pursuant to federal motor vehicle safety standards.

24 5. The department of public safety shall initiate and
25 develop a program of public information to develop understanding
26 of, and ensure compliance with the provisions of this section.
27 The department of public safety may promulgate rules and
28 regulations for the enforcement of this section. Any rule or

1 portion of a rule, as that term is defined in section 536.010,
2 RSMo, that is created under the authority delegated in this
3 section shall become effective only if it complies with and is
4 subject to all of the provisions of chapter 536, RSMo, and, if
5 applicable, section 536.028, RSMo. This section and chapter 536,
6 RSMo, are nonseverable and if any of the powers vested with the
7 general assembly pursuant to chapter 536, RSMo, to review, to
8 delay the effective date or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking
10 authority and any rule proposed or adopted after August 28, 2003,
11 shall be invalid and void.

12 307.400. 1. It is unlawful for any person to operate any
13 commercial motor vehicle [licensed for more than twelve thousand
14 pounds] as defined in Title 49, Code of Federal Regulations, Part
15 390.5, either singly or in combination with a trailer, as both
16 vehicles are defined [in section 301.010, RSMo,] in Title 49,
17 Code of Federal Regulations, Part 390.5, unless such vehicles are
18 equipped and operated as required by Parts 390 through 397, Title
19 49, Code of Federal Regulations, as such regulations have been
20 and may periodically be amended, whether intrastate
21 transportation or interstate transportation. Members of the
22 Missouri state highway patrol are authorized to enter the cargo
23 area of a commercial motor vehicle or trailer to inspect the
24 contents when reasonable grounds exist to cause belief that the
25 vehicle is transporting hazardous materials as defined by Title
26 49 of the Code of Federal Regulations. The director of the
27 department of public safety is hereby authorized to further
28 regulate the safety of commercial motor vehicles and trailers as

1 he deems necessary to govern and control their operation on the
2 public highways of this state by promulgating and publishing
3 rules and regulations consistent with this chapter. Any such
4 rules shall, in addition to any other provisions deemed necessary
5 by the director, require:

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

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

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

22 2. Notwithstanding the provisions of subsection 1 of this
23 section to the contrary, Part 391, Subpart E, Title 49, Code of
24 Federal Regulations, relating to the physical requirements of
25 drivers shall not be applicable to drivers in intrastate
26 commerce, provided such drivers were licensed by this state as
27 chauffeurs to operate commercial motor vehicles on May 13, 1988.
28 Persons who are otherwise qualified and licensed to operate a

1 commercial motor vehicle in this state may operate such vehicle
2 intrastate at the age of eighteen years or older, except that any
3 person transporting hazardous material must be at least
4 twenty-one years of age.

5 3. Commercial motor vehicles and drivers of such vehicles
6 may be placed out of service if the vehicles are not equipped and
7 operated according to the requirements of this section. Criteria
8 used for placing vehicles and drivers out of service are the
9 North American Uniform Out-of-Service Criteria adopted by the
10 Commercial Vehicle Safety Alliance and the United States
11 Department of Transportation, as such criteria have been and may
12 periodically be amended.

13 4. Notwithstanding the provisions of subsection 1 of this
14 section to the contrary, Part 395, Title 49, Code of Federal
15 Regulations, relating to the hours of drivers, shall not apply to
16 any vehicle owned or operated by any public utility, rural
17 electric cooperative or other public service organization, or to
18 the driver of such vehicle, while providing restoration of
19 essential utility services during emergencies and operating
20 intrastate. For the purposes of this subsection, the term
21 "essential utility services" means electric, gas, water,
22 telephone and sewer services.

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

27 (1) Is limited to an area within a one hundred air mile
28 radius from the source of the commodities or the distribution

1 point for the farm supplies; and

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

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

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

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

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

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

21 389.610. 1. No public road, highway or street shall be
22 constructed across the track of any railroad corporation, nor
23 shall the track of any railroad corporation be constructed across
24 a public road, highway or street, nor shall the track of any
25 railroad corporation be constructed across the track of any other
26 railroad or street railroad corporation at grade nor shall the
27 track of a street railroad corporation be constructed across the
28 tracks of a railroad corporation at grade, without having first

1 secured the permission of the state highways and transportation
2 commission, except that this subsection shall not apply to the
3 replacement of lawfully existing tracks. The commission shall
4 have the right to refuse its permission or to grant it upon such
5 terms and conditions as it may prescribe.

6 2. Every railroad corporation shall construct and maintain
7 good and sufficient crossings and crosswalks where its railroad
8 crosses public roads, highways, streets or sidewalks now or
9 hereafter to be opened.

10 3. The state highways and transportation commission shall
11 make and enforce reasonable rules and regulations pertaining to
12 the construction and maintenance of all public grade crossings.
13 These rules and regulations shall establish minimum standards
14 for:

15 (1) The materials to be used in the crossing surface;

16 (2) The length and width of the crossing;

17 (3) The approach grades;

18 (4) The party or parties responsible for maintenance of the
19 approaches and the crossing surfaces.

20 4. The state highways and transportation commission shall
21 have the exclusive power to determine and prescribe the manner,
22 including the particular point of crossing, and the terms of
23 installation, operation, maintenance, apportionment of expenses,
24 use and warning devices of each crossing of a public road, street
25 or highway by a railroad or street railroad, and of one railroad
26 or street railroad by another railroad or street railroad. In
27 order to facilitate such determinations, the state highways and
28 transportation commission may adopt pertinent provisions of The

1 Manual on Uniform Traffic Control Devices for Streets and
2 Highways or other national standards.

3 5. The state highways and transportation commission shall
4 have the exclusive power to alter or abolish any crossing, at
5 grade or otherwise, of a railroad or street railroad by a public
6 road, highway or street whenever the state highways and
7 transportation commission finds that public necessity will not be
8 adversely affected and public safety will be promoted by so
9 altering or abolishing such crossing, and to require, where, in
10 its judgment it would be practicable, a separation of grades at
11 any crossing heretofore or hereafter established, and to
12 prescribe the terms upon which such separation shall be made.
13 When a road authority lawfully closes or vacates a roadway which
14 provided access to a railroad crossing, the state highways and
15 transportation commission shall issue an order authorizing
16 removal of the crossing by the railroad within thirty days of
17 being notified of such action by the roadway authority or
18 railroad.

19 6. The state highways and transportation commission shall
20 have the exclusive power to prescribe the proportion in which the
21 expense of the construction, installation, alteration or
22 abolition of such crossings, the separation of grades, and the
23 continued maintenance thereof, shall be divided between the
24 railroad, street railroad, and the state, county, municipality or
25 other public authority in interest. In the event that a
26 determination is made that grade crossing warning devices be
27 installed at a railroad grade crossing, a minimum of ten percent
28 of the total cost of the devices, including the cost of

1 installation, shall be paid with federal funds available for
2 grade crossing improvement projects.

3 7. Any agreement entered into after October 13, 1963,
4 between a railroad or street railroad and the state, county,
5 municipality or other public authority in interest, as to the
6 apportionment of any cost mentioned in this section shall be
7 final and binding upon the filing with the state highways and
8 transportation commission of an executed copy of such agreement.
9 If such parties are unable to agree upon the apportionment of the
10 cost, the state highways and transportation commission shall
11 apportion the cost among the parties according to the benefits
12 accruing to each. In determining such benefits, the state
13 highways and transportation commission shall consider all
14 relevant factors including volume, speed and type of vehicular
15 traffic, volume, speed and type of train traffic, and advantages
16 to the public and to such railroad or street railroad resulting
17 from the elimination of delays and the reduction of hazard at the
18 crossing.

19 8. Upon application of any person, firm or corporation, the
20 state highways and transportation commission shall determine if
21 an existing private crossing has become or a proposed private
22 crossing will become utilized by the public to the extent that it
23 is necessary to protect or promote the public safety. The state
24 highways and transportation commission shall consider all
25 relevant factors including but not limited to volume, speed, and
26 type of vehicular traffic, and volume, speed, and type of train
27 traffic. If it be determined that it is necessary to protect and
28 promote the public safety, the state highways and transportation

1 commission shall prescribe the nature and type of crossing
2 protection or warning device for such crossing, the cost of which
3 shall be apportioned by the state highways and transportation
4 commission among the parties according to the benefits accruing
5 to each. In the event such crossing protection or warning device
6 as prescribed by the state highways and transportation commission
7 is not installed, maintained or operated, the crossing shall be
8 closed to the public.

9 9. The exclusive power of the state highways and
10 transportation commission pursuant to this section shall be
11 subject to review, determination, and prescription by the
12 administrative hearing commission, upon application to ~~that~~ the
13 administrative hearing commission by any interested party in
14 accordance with section 621.040, RSMo. Upon filing of an
15 application pursuant to this subsection, the administrative
16 hearing commission is vested with the exclusive power of the
17 state highways and transportation commission otherwise provided
18 in this section, with reference to matters reviewed, determined
19 or prescribed by the administrative hearing commission.

20 10. Unless prescribed in this section, the state highways
21 and transportation commission shall not impose any notification
22 requirements on any local road authority or any railroad
23 pertaining to a diagnostic review or an application for the
24 installation of grade crossing warning devices or pertaining to
25 the closure of grade crossings. Provided however, the state
26 highways and transportation commission may set reasonable
27 deadlines for compliance with its own procedures and may
28 determine that the failure of any party, person, or entity,

1 including any subdivision of this state, to respond to or object
2 within those deadlines is deemed to be consent by such party,
3 person, or entity to any action pertaining to the matter for
4 which the deadline was established.

5 390.020. As used in this chapter, unless the context
6 clearly requires otherwise, the words and terms mean:

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

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

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

25 (4) "Commercial zone", unless otherwise increased pursuant
26 to the provisions of subdivision (4) of section 390.041, any
27 municipality within this state together with that territory
28 either within or without the state of Missouri, extending one

1 mile beyond the corporate limits of such municipality and one
2 additional mile for each fifty thousand inhabitants or portion
3 thereof; however, any commercial zone of a city not within a
4 county shall extend eighteen miles beyond that city's corporate
5 limits and shall also extend throughout any first class charter
6 county which adjoins that zone;

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

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

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

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

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

26 (10) "Driveaway operator", any motor carrier who moves any
27 commercial motor vehicle or assembled automobile singly under its
28 own power or in any other combination of two or more vehicles

1 under the power of one of said vehicles upon any public highway
2 for the purpose of delivery for sale or for delivery either
3 before or after sale, or for the purpose of transporting vehicles
4 in transit from one place to another by driveaway or towaway
5 methods;

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

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

21 (13) "Interstate commerce", commerce between a point in
22 this state and a point outside this state, or between points
23 outside this state when such commerce moves through this state
24 whether such commerce moves wholly by motor vehicle or partly by
25 motor vehicle and partly by any other regulated means of
26 transportation where the commodity does not come to rest or
27 change its identity during the movement;

28 (14) "Intrastate commerce", commerce moving wholly between

1 points within this state, whether such commerce moves wholly by
2 motor vehicle or partly by motor vehicle and partly by any other
3 means of transportation;

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

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

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

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

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

28 (20) "Party", any person admitted as a party to a division

1 proceeding or seeking and entitled as a matter of right to
2 admission to a division proceeding;

3 (21) "Permit", a permit issued under the provisions of this
4 chapter to a contract carrier to engage in intrastate or
5 interstate commerce or to a common carrier to engage in
6 interstate commerce;

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

13 (23) "Private carrier", any person engaged in the
14 transportation of property or passengers by motor vehicle upon
15 public highways, but not as a common or contract carrier by motor
16 vehicle; and includes any person who transports property by motor
17 vehicle where such transportation is incidental to or in
18 furtherance of his commercial enterprises;

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

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

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

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

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

10 488.5336. 1. A surcharge of [two] three dollars may be
11 assessed as costs in each criminal case involving violations of
12 any county ordinance or a violation of any criminal or traffic
13 laws of the state, including infractions, or violations of
14 municipal ordinances, provided that no such fee shall be
15 collected in any proceeding in any court when the proceeding or
16 defendant has been dismissed by the court or when costs are to be
17 paid by the state, county or municipality. For violations of the
18 general criminal laws of the state or county ordinances, no such
19 surcharge shall be collected unless it is authorized by the
20 county government where the violation occurred. For violations
21 of municipal ordinances, no such surcharge shall be collected
22 unless it is authorized by the municipal government where the
23 violation occurred. If imposed by a municipality, such
24 surcharges shall be collected by the clerk of the municipal court
25 responsible for collecting court costs and fines and shall be
26 transmitted monthly to the treasurer of the municipality where
27 the violation occurred in cases of violations of municipal
28 ordinances. If imposed by a county, such surcharges shall be

1 collected and disbursed as provided in sections 488.010 to
2 488.020. Such surcharges shall be payable to the treasurer of
3 the county where the violation occurred in the case of violations
4 of the general criminal laws of the state or county ordinances.
5 Without regard to whether the aforementioned surcharge is
6 assessed, a surcharge in the amount of [one dollar] two dollars
7 shall be assessed as provided in this section, and shall be
8 collected and disbursed as provided in sections 488.010 to
9 488.020 and payable to the state treasury to the credit of the
10 peace officer standards and training commission fund created in
11 section 590.178, RSMo. Such surcharges shall be in addition to
12 the court costs and fees and limits on such court costs and fees
13 established by section 66.110, RSMo, and section 479.260, RSMo.

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

28 537.038. Every driver of a motor vehicle shall exercise the

1 highest degree of care to avoid colliding with any pedestrian,
2 cyclist, or motorcyclist and thereby causing bodily injury or
3 death to a pedestrian, cyclist, or motorcyclist.

4 565.070. 1. A person commits the crime of assault in the
5 third degree if:

6 (1) The person attempts to cause or recklessly causes
7 physical injury to another person; or

8 (2) With criminal negligence the person causes physical
9 injury to another person by means of a deadly weapon; or

10 (3) The person purposely places another person in
11 apprehension of immediate physical injury; or

12 (4) The person recklessly engages in conduct which creates
13 a grave risk of death or serious physical injury to another
14 person; or

15 (5) The person knowingly causes physical contact with
16 another person knowing the other person will regard the contact
17 as offensive or provocative; or

18 (6) The person knowingly causes physical contact with an
19 incapacitated person, as defined in section 475.010, RSMo, which
20 a reasonable person, who is not incapacitated, would consider
21 offensive or provocative; or

22 (7) The person knowingly collides with a pedestrian,
23 cyclist, or motorcyclist and thereby causes bodily injury of
24 death to the pedestrian, cyclist, or motorcyclist.

25 2. Except as provided in subsections 3 and 4 of this
26 section, assault in the third degree is a class A misdemeanor.

27 3. A person who violates the provisions of subdivision (3)
28 or (5) of subsection 1 of this section is guilty of a class C

1 misdemeanor.

2 4. A person who has pled guilty to or been found guilty of
3 the crime of assault in the third degree more than two times
4 against any family or household member as defined in section
5 455.010, RSMo, is guilty of a class D felony for the third or any
6 subsequent commission of the crime of assault in the third degree
7 when a class A misdemeanor. The offenses described in this
8 subsection may be against the same family or household member or
9 against different family or household members.

10 568.055. 1. As used in this section, the following terms
11 mean:

12 (1) "Motor vehicle", any automobile, truck, truck-tractor,
13 or any motor bus or motor-propelled vehicle not exclusively
14 operated or driven on fixed rails or tracks;

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

17 2. A person responsible for a child who is eight years of
18 age or younger shall not leave that child in a motor vehicle
19 without being supervised in the motor vehicle by a person who is
20 at least fourteen years of age if:

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

23 (2) The engine of the motor vehicle is running or the keys
24 to the motor vehicle are anywhere in the passenger compartment of
25 the vehicle.

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

28 (1) A person who violates any provision of this section

1 shall be subject to an infraction with a fine of one hundred
2 dollars for the first offense;

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

6 577.023. 1. For purposes of this section, unless the
7 context clearly indicates otherwise:

8 (1) An "intoxication-related traffic offense" is driving
9 while intoxicated, driving with excessive blood alcohol content,
10 involuntary manslaughter pursuant to subdivision (2) of
11 subsection 1 of section 565.024, RSMo, assault in the second
12 degree pursuant to subdivision (4) of subsection 1 of section
13 565.060, RSMo, assault of a law enforcement officer in the second
14 degree pursuant to subdivision (3) of subsection 1 of section
15 565.082, RSMo, or driving under the influence of alcohol or drugs
16 in violation of state law or a county or municipal ordinance,
17 where the judge in such case was an attorney and the defendant
18 was represented by or waived the right to an attorney in writing;

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

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

25 (b) A person who has pleaded guilty to or has been found
26 guilty of involuntary manslaughter pursuant to subsection 1 of
27 section 565.024, RSMo, assault in the second degree pursuant to
28 subdivision (4) of subsection 1 of section 565.060, RSMo, assault

1 of a law enforcement officer in the second degree pursuant to
2 subdivision (3) of subsection 1 of section 565.082, RSMo; and

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

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

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

14 4. No state, county, or municipal court shall suspend the
15 imposition of sentence as to a prior or persistent offender under
16 this section nor sentence such person to pay a fine in lieu of a
17 term of imprisonment, section 557.011, RSMo, to the contrary
18 notwithstanding. No prior offender shall be eligible for parole
19 or probation until he has served a minimum of five days
20 imprisonment, unless as a condition of such parole or probation
21 such person performs at least thirty days of community service
22 under the supervision of the court in those jurisdictions which
23 have a recognized program for community service. No persistent
24 offender shall be eligible for parole or probation until he or
25 she has served a minimum of ten days imprisonment, unless as a
26 condition of such parole or probation such person performs at
27 least sixty days of community service under the supervision of
28 the court.

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

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

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

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

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

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

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

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

22 10. Nothing in this section shall prevent the use of
23 presentence investigations or commitments.

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

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

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

5 14. Evidence of prior convictions shall be heard and
6 determined by the trial court out of the hearing of the jury
7 prior to the submission of the case to the jury, and shall
8 include but not be limited to evidence of convictions received by
9 a search of the records of the Missouri uniform law enforcement
10 system maintained by the Missouri state highway patrol. After
11 hearing the evidence, the court shall enter its findings thereon.
12 A conviction of a violation of a municipal or county ordinance in
13 a county or municipal court for driving while intoxicated or a
14 conviction or a plea of guilty or a finding of guilty followed by
15 a suspended imposition of sentence, suspended execution of
16 sentence, probation or parole or any combination thereof in a
17 state court shall be treated as a prior conviction.

18 577.041. 1. If a person under arrest, or who has been
19 stopped pursuant to subdivision (2) or (3) of subsection 1 of
20 section 577.020, refuses upon the request of the officer to
21 submit to any test allowed pursuant to section 577.020, then none
22 shall be given and evidence of the refusal shall be admissible in
23 a proceeding pursuant to section 565.024 or 565.060, RSMo, or
24 section 577.010 or 577.012. The request of the officer shall
25 include the reasons of the officer for requesting the person to
26 submit to a test and also shall inform the person that evidence
27 of refusal to take the test may be used against such person and
28 that the person's license shall be immediately revoked upon

1 refusal to take the test. If a person when requested to submit
2 to any test allowed pursuant to section 577.020 requests to speak
3 to an attorney, the person shall be granted twenty minutes in
4 which to attempt to contact an attorney. If upon the completion
5 of the twenty-minute period the person continues to refuse to
6 submit to any test, it shall be deemed a refusal. In this event,
7 the officer shall, on behalf of the director of revenue, serve
8 the notice of license revocation personally upon the person and
9 shall take possession of any license to operate a motor vehicle
10 issued by this state which is held by that person. The officer
11 shall issue a temporary permit, on behalf of the director of
12 revenue, which is valid for fifteen days and shall also give the
13 person a notice of such person's right to file a petition for
14 review to contest the license revocation.

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

17 (1) That the officer has:

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

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

25 (c) Reasonable grounds to believe that the person stopped,
26 being under the age of twenty-one years, was committing a
27 violation of the traffic laws of the state, or political
28 subdivision of the state, and such officer has reasonable grounds

1 to believe, after making such stop, that the person had a blood
2 alcohol content of two-hundredths of one percent or greater;

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

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

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

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

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

14 3. Upon receipt of the officer's report, the director shall
15 revoke the license of the person refusing to take the test for a
16 period of one year; or if the person is a nonresident, such
17 person's operating permit or privilege shall be revoked for one
18 year; or if the person is a resident without a license or permit
19 to operate a motor vehicle in this state, an order shall be
20 issued denying the person the issuance of a license or permit for
21 a period of one year.

22 4. If a person's license has been revoked because of the
23 person's refusal to submit to a chemical test, such person may
24 petition for a hearing before a circuit or associate circuit
25 court in the county in which the arrest or stop occurred. The
26 person may request such court to issue an order staying the
27 revocation until such time as the petition for review can be
28 heard. If the court, in its discretion, grants such stay, it

1 shall enter the order upon a form prescribed by the director of
2 revenue and shall send a copy of such order to the director.
3 Such order shall serve as proof of the privilege to operate a
4 motor vehicle in this state and the director shall maintain
5 possession of the person's license to operate a motor vehicle
6 until termination of any revocation pursuant to this section.
7 Upon the person's request the clerk of the court shall notify the
8 prosecuting attorney of the county and the prosecutor shall
9 appear at the hearing on behalf of the director of revenue. At
10 the hearing the court shall determine only:

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

12 (2) Whether or not the officer had:

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

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

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

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

28 5. If the court determines any issue not to be in the

1 affirmative, the court shall order the director to reinstate the
2 license or permit to drive.

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

5 7. No person who has had a license to operate a motor
6 vehicle suspended or revoked pursuant to the provisions of this
7 section shall have that license reinstated until such person has
8 participated in and successfully completed a substance abuse
9 traffic offender program defined in section 577.001, or a program
10 determined to be comparable by the department of mental health or
11 the court. Assignment recommendations, based upon the needs
12 assessment as described in subdivision (22) of section 302.010,
13 RSMo, shall be delivered in writing to the person with written
14 notice that the person is entitled to have such assignment
15 recommendations reviewed by the court if the person objects to
16 the recommendations. The person may file a motion in the
17 associate division of the circuit court of the county in which
18 such assignment was given, on a printed form provided by the
19 state courts administrator, to have the court hear and determine
20 such motion pursuant to the provisions of chapter 517, RSMo. The
21 motion shall name the person or entity making the needs
22 assessment as the respondent and a copy of the motion shall be
23 served upon the respondent in any manner allowed by law. Upon
24 hearing the motion, the court may modify or waive any assignment
25 recommendation that the court determines to be unwarranted based
26 upon a review of the needs assessment, the person's driving
27 record, the circumstances surrounding the offense, and the
28 likelihood of the person committing a like offense in the future,

1 except that the court may modify but may not waive the assignment
2 to an education or rehabilitation program of a person determined
3 to be a prior or persistent offender as defined in section
4 577.023, or of a person determined to have operated a motor
5 vehicle with fifteen-hundredths of one percent or more by weight
6 in such person's blood. Compliance with the court determination
7 of the motion shall satisfy the provisions of this section for
8 the purpose of reinstating such person's license to operate a
9 motor vehicle. The respondent's personal appearance at any
10 hearing conducted pursuant to this subsection shall not be
11 necessary unless directed by the court.

12 8. The fees for the substance abuse traffic offender
13 program, or a portion thereof to be determined by the division of
14 alcohol and drug abuse of the department of mental health, shall
15 be paid by the person enrolled in the program. Any person who is
16 enrolled in the program shall pay, in addition to any fee charged
17 for the program, a supplemental fee [of sixty dollars] in an
18 amount to be determined by the department of mental health, but
19 not to exceed two hundred dollars, for the purposes of funding
20 the substance abuse traffic offender program defined in section
21 302.010, or a program determined to be comparable by the
22 department of mental health. The administrator of the program
23 shall remit to the division of alcohol and drug abuse of the
24 department of mental health on or before the fifteenth day of
25 each month the supplemental fee for all persons enrolled in the
26 program, less two percent for administrative costs. Interest
27 shall be charged on any unpaid balance of the supplemental fees
28 due the division of alcohol and drug abuse pursuant to this

1 section and shall accrue at a rate not to exceed the annual rate
2 established pursuant to section 32.065, RSMo, plus three
3 percentage points. The supplemental fees and any interest
4 received by the department of mental health pursuant to this
5 section shall be deposited in the mental health earnings fund
6 which is created in section 630.053, RSMo.

7 9. Any administrator who fails to remit to the division of
8 alcohol and drug abuse of the department of mental health the
9 supplemental fees and interest for all persons enrolled in the
10 program pursuant to this section shall be subject to a penalty
11 equal to the amount of interest accrued on the supplemental fees
12 due the division pursuant to this section. If the supplemental
13 fees, interest, and penalties are not remitted to the division of
14 alcohol and drug abuse of the department of mental health within
15 six months of the due date, the attorney general of the state of
16 Missouri shall initiate appropriate action for the collection of
17 such fees and interest accrued. The court shall assess attorney
18 fees and court costs against any delinquent program.

19 577.049. 1. Upon a plea of guilty or a finding of guilty
20 for an offense of violating the provisions of section 577.010 or
21 577.012 or violations of county or municipal ordinances involving
22 alcohol or drug related traffic offenses, the court shall order
23 the person to participate in and successfully complete a
24 substance abuse traffic offender program defined in section
25 577.001.

26 2. The fees for the substance abuse traffic offender
27 program, or a portion thereof, to be determined by the division
28 of alcohol and drug abuse of the department of mental health,

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

20 3. Any administrator who fails to remit to the division of
21 alcohol and drug abuse of the department of mental health the
22 supplemental fees and interest for all persons enrolled in the
23 program pursuant to this section shall be subject to a penalty
24 equal to the amount of interest accrued on the supplemental fees
25 due the division pursuant to this section. If the supplemental
26 fees, interest, and penalties are not remitted to the division of
27 alcohol and drug abuse of the department of mental health within
28 six months of the due date, the attorney general of the state of

1 Missouri shall initiate appropriate action for the collection of
2 said fees and interest accrued. The court shall assess attorney
3 fees and court costs against any delinquent program.

4 577.054. 1. After a period of not less than ten years, an
5 individual who has pleaded guilty or has been convicted for a
6 first alcohol-related driving offense which is a misdemeanor or a
7 county or city ordinance violation and which is not a conviction
8 for driving a commercial motor vehicle while under the influence
9 of alcohol and who since such date has not been convicted of any
10 other alcohol-related driving offense may apply to the court in
11 which he pled guilty or was sentenced for an order to expunge
12 from all official records all recordations of his arrest, plea,
13 trial or conviction. If the court determines, after hearing,
14 that such person has not been convicted of any alcohol-related
15 driving offense in the ten years prior to the date of the
16 application for expungement, and has no other alcohol-related
17 enforcement contacts as defined in section 302.525, RSMo, during
18 that ten-year period, the court shall enter an order of
19 expungement. The effect of such order shall be to restore such
20 person to the status he occupied prior to such arrest, plea or
21 conviction and as if such event had never taken place. No person
22 as to whom such order has been entered shall be held thereafter
23 under any provision of any law to be guilty of perjury or
24 otherwise giving a false statement by reason of his failure to
25 recite or acknowledge such arrest, plea, trial, conviction or
26 expungement in response to any inquiry made of him for any
27 purpose whatsoever and no such inquiry shall be made for
28 information relating to an expungement under this section. A

1 person shall only be entitled to one expungement pursuant to this
2 section. Nothing contained in this section shall prevent the
3 director from maintaining such records as to ensure that an
4 individual receives only one expungement pursuant to this section
5 for the purpose of informing the proper authorities of the
6 contents of any record maintained pursuant to this section.

7 2. The provisions of this section shall not apply to any
8 individual who has been issued a commercial driver's license or
9 is required to possess a commercial driver's license issued by
10 this state or any other state.

11 577.520. 1. No person who has had his license suspended or
12 revoked under the provisions of sections 577.500 and 577.505
13 shall have that license reinstated until he has paid a
14 twenty-dollar reinstatement fee and has successfully completed a
15 substance abuse traffic offender program as defined in section
16 577.001.

17 2. The fees for the substance abuse traffic offender
18 program, or a portion thereof to be determined by the division of
19 alcohol and drug abuse of the department of mental health, shall
20 be paid by the person enrolled in the program. Any person who is
21 enrolled in the program shall pay, in addition to any fee charged
22 for the program, a supplemental fee [of sixty dollars] in an
23 amount to be determined by the department of mental health, but
24 not to exceed two hundred dollars, for the purposes of funding
25 the substance abuse traffic offender program defined in section
26 302.010, RSMo, or a program determined to be comparable by the
27 department of mental health. The administrator of the program
28 shall remit to the division of alcohol and drug abuse of the

1 department of mental health on or before the fifteenth of each
2 month the supplemental fees for all persons enrolled in the
3 program, less two percent for administrative costs. Interest
4 shall be charged on any unpaid balance of the supplemental fees
5 due the division of alcohol and drug abuse pursuant to this
6 section and shall accrue at a rate not to exceed the annual rates
7 established pursuant to the provision of section 32.065, RSMo,
8 plus three percentage points. The supplemental fees and any
9 interest received by the department of mental health pursuant to
10 this section shall be deposited in the mental health earnings
11 fund which is created in section 630.053, RSMo.

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

24 Section 1. 1. Notwithstanding any provisions of section
25 302.272, RSMo, to the contrary, any individual who operates a
26 school bus as that term is defined in 49 CFR, Part 383, Section
27 383.5, shall meet the requirements for and be issued a school bus
28 endorsement as required by the secretary pursuant to 49 CFR, Part

1 383, Section 383.123.

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

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

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

23 [210.104. 1. Every person transporting a child
24 under the age of four years shall be responsible, when
25 transporting such child in a motor vehicle operated by
26 that person on the streets or highways of this state,
27 for providing for the protection of such child. Such
28 child shall be protected by a child passenger restraint
29 system approved by the department of public safety.

30 2. Any person who violates this section is guilty
31 of an infraction and, upon conviction, may be punished
32 by a fine of not more than twenty-five dollars and
33 court costs.

1 3. The provisions of sections 210.104 to 210.107
2 shall not apply to any public carrier for hire.]
3

4 [210.107. The department of public safety shall
5 initiate and develop a program of public information to
6 develop understanding of, and ensure compliance with
7 the provisions of sections 210.104 to 210.107. The
8 department of public safety shall, within thirty days
9 of September 28, 1983, promulgate standards for the
10 performance, design, and installation of passenger
11 restraint systems for children under four years of age
12 in accordance with federal motor vehicle safety
13 standards and shall approve those systems which meet
14 such standards. No rule or portion of a rule
15 promulgated under the authority of sections 210.104 to
16 210.107 shall become effective unless it has been
17 promulgated pursuant to the provisions of section
18 536.024, RSMo.]
19

20 [304.157. 1. If a person abandons property, as
21 defined in section 304.001, on any real property owned
22 by another without the consent of the owner or person
23 in possession of the property, at the request of the
24 person in possession of the real property, any member
25 of the state highway patrol, state water patrol,
26 sheriff, or other law enforcement officer within his
27 jurisdiction may authorize a towing company to remove
28 such abandoned property from the property in the
29 following circumstances:

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

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

36 2. The owner of real property or lessee or
37 property or security manager in lawful possession of
38 the real property may authorize a towing company to
39 remove abandoned property or property parked in a
40 restricted or assigned area without authorization by a
41 law enforcement officer only when the owner, lessee or
42 property or security manager of the real property is
43 present. A property or security manager must be a
44 full-time employee of a business entity. An
45 authorization to tow under this subsection may be made
46 only under any of the following circumstances:

47 (1) There is displayed, in plain view at all
48 entrances to the property, a sign not less than
49 seventeen by twenty-two inches in size, with lettering
50 not less than one inch in height, prohibiting public
51 parking and indicating that unauthorized abandoned

1 property or property improperly parked in a restricted
2 or assigned area will be removed at the owner's
3 expense, disclosing the maximum fee for all charges
4 related to towing and storage, and containing the
5 telephone number of the local traffic law enforcement
6 agency where information can be obtained; or a
7 twenty-four-hour staffed emergency information
8 telephone number, other than the number of a towing
9 company, by which the owner of the abandoned property
10 or improperly parked property may call to receive
11 information regarding the location of such owner's
12 property; or

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

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

26 3. Pursuant to this section, any owner or lessee
27 in lawful possession of real property that requests a
28 towing company to tow abandoned property without
29 authorization from a law enforcement officer shall
30 within one hour of the tow file an abandoned property
31 report with the appropriate law enforcement agency
32 where the property is located. The report shall
33 contain the following:

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

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

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

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

44 (5) The date the report is completed;

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

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

49 (8) The signature of the towing operator;

50 (9) The name of the law enforcement agency
51 notified of the abandoned property.

1 The department of revenue may design and make available
2 to police agencies throughout the state a uniform
3 "Authorization to Tow" form. The form shall contain
4 lines for time, date, location, descriptive information
5 of the vehicle, reason for towing, the tow operator and
6 company and signature of authorizing officer. The cost
7 of the forms shall be determined by the department of
8 revenue. The completed form shall be issued by the
9 authorizing officer to the tow operator for that
10 company's records as proof of authorization to tow a
11 particular vehicle.

12 4. The law enforcement agency receiving such
13 abandoned property report must record the date the
14 abandoned property report is filed with such agency and
15 within five days of such filing make an inquiry into
16 the national crime information center and any statewide
17 Missouri law enforcement computer system to determine
18 if the abandoned property has been reported as stolen.
19 The law enforcement agency shall enter the information
20 pertaining to the towed property into the statewide
21 enforcement computer system. The department of revenue
22 may design and sell to towing companies informational
23 brochures outlining owner or lessee of real property
24 obligations pursuant to this section.

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

31 6. Any towing company which tows abandoned
32 property without authorization from a law enforcement
33 officer pursuant to subdivision (1) of subsection 2 of
34 this section shall within one hour of the tow report
35 the event and the circumstances to the local law
36 enforcement agency where the abandoned property report
37 was filed.

38 7. The law enforcement agency receiving
39 notification that abandoned property has been towed by
40 a towing company shall record the date the property was
41 towed and shall forward a copy of the abandoned
42 property report to the director of revenue.

43 8. If any owner or lessee of real property
44 authorizes the removal of abandoned property pursuant
45 to subsection 2 of this section and such property is so
46 removed and no sign is displayed prior to such removal
47 as required pursuant to subsection 2 of this section,
48 then the owner or lessee shall be deemed guilty of a
49 class C misdemeanor.]

50
51 Section B. Because immediate action is necessary to ensure

1 just compensation for the restriction or loss of property rights
2 for owners of real estate, the repeal and reenactment of sections
3 191.831, 227.120, 302.304, 302.540, 577.041, 577.049, and 577.520
4 of this act is deemed necessary for the immediate preservation of
5 the public health, welfare, peace, and safety, and is hereby
6 declared to be an emergency act within the meaning of the
7 constitution, and the repeal and reenactment of sections 191.831,
8 227.120, 302.304, 302.540, 577.041, 577.049, and 577.520 of this
9 act shall be in full force and effect upon its passage and
10 approval.

11 Section C. The repeal and reenactment of sections 302.225,
12 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755,
13 302.756, 302.760, and 577.054, and the enactment of sections
14 302.726, 1, 2, and 3 of section A of this act shall become
15 effective September 30, 2005.

16 Section D. The enactment of section 307.179, the repeal and
17 reenactment of section 307.178, and the repeal of sections
18 210.104 and 210.107 of section A of this act shall become
19 effective January 1, 2004.