

SECOND REGULAR SESSION

# HOUSE BILL NO. 857

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BLACK (Sponsor), DUSENBERG, HARRIS (23),  
MUNZLINGER, DEEKEN, MUCKLER, HOLAND, WHORTON, MYERS, SANDER, BISHOP,  
BIVINS AND YAEGER (Co-sponsors).

Pre-filed December 15, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3407L.011

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### AN ACT

To repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to authority of the state highways and transportation commission, with a conditional effective date and a penalty provision.

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

Section A. Sections 226.010, 226.200, and 226.220, RSMo, are repealed and thirteen  
2 new sections enacted in lieu thereof, to be known as sections 226.010, 226.200, 226.205,  
3 226.220, 226.470, 226.475, 226.480, 226.485, 226.486, 226.487, 226.488, 226.489, and 1, to  
4 read as follows:

226.010. Whenever in sections [226.010] **226.005** to [226.190] **226.270**, sections  
2 **226.500 to 226.910**, or section **226.1115**, or any proceeding thereunder, the following words or  
3 terms are used, they shall be deemed and taken to have the meaning ascribed to them as follows:

4 (1) "Civil subdivision", a county, township, road district or other political subdivision  
5 of the state or quasi public corporation having legal jurisdiction of the construction and  
6 maintenance of public roads;

7 (2) "Commission", the state highways and transportation commission created [under the  
8 provisions of sections 226.010 to 226.190] **pursuant to section 29, article IV, Constitution of**  
9 **Missouri**;

10 (3) "Commissioner", one of the members of the commission;

11 (4) "**Department**", the department of highways and transportation created  
12 **pursuant to section 29, article IV, Constitution of Missouri and which is designated as the**

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

13 **department of transportation pursuant to section 226.005;**

14 **(5) "Director", the director of the department of transportation established**  
15 **pursuant to section 226.040;**

16 **(6) "Engineer", the chief engineer of the highways and transportation commission;**

17 **[(5)] (7) "Hard-surfaced road", a highway surfaced with concrete, comparable types,**  
18 **macadam, properly bound gravel, or the equivalent of properly bound gravel, to be approved by**  
19 **the commission and meeting the federal requirements;**

20 **[(6)] (8) "Municipality" includes a city, town or village;**

21 **[(7)] (9) "State highway", a highway constructed or maintained at the cost of the state,**  
22 **or constructed with the aid of state funds or the United States government funds, or any highway**  
23 **included by authority of law in the state highway system;**

24 **(10) "Toll facility", any facility designed, acquired, constructed, maintained,**  
25 **improved, reconstructed, or operated pursuant to section 30(d), article IV, Constitution of**  
26 **Missouri, and this chapter which is to be paid for in whole or in part from revenues**  
27 **collected from tolls, fees, rents, or other charges imposed for the use of the facility,**  
28 **including bridges, tunnels, grade separations, interchanges, entrance and exit plazas,**  
29 **approaches, access roads, service roads, any interest or easement in real property,**  
30 **highways, toll houses, any administration, storage, or service facilities, parking areas, rest**  
31 **stops, parks, and any other facilities, structures, or appurtenances deemed necessary by**  
32 **the commission for the acquisition, construction, maintenance, improvement,**  
33 **reconstruction, and operation of any such project.**

226.200. 1. There is hereby created **in the state treasury** a "State Highways and  
2 Transportation Department Fund" into which shall be paid or transferred all state revenue derived  
3 from highway users as an incident to their use or right to use the highways of the state, including  
4 all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon,  
5 with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use  
6 thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all  
7 other revenue received or held for expenditure by or under the department of transportation or  
8 the state highways and transportation commission, except:

9 **(1) Money arising from the sale of state road bonds, state road refunding bonds, state**  
10 **toll facility revenue bonds, or state toll facility revenue refunding bonds;**

11 **(2) Money received from the United States government; or**

12 **(3) Money received for some particular use or uses other than for the payment of**  
13 **principal and interest on outstanding state road bonds, state road refunding bonds, state toll**  
14 **facility revenue bonds, or state toll facility revenue refunding bonds.**

15 2. Subject to the limitations of subsection 3 of this section, from [said] **the** fund shall be

16 paid or credited the cost:

17 (1) Of collection of all said state revenue derived from highway users as an incident to  
18 their use or right to use the highways of the state, **except the cost of collection of revenue**  
19 **received from toll facilities;**

20 (2) Of maintaining the state highways and transportation commission;

21 (3) Of maintaining the [state transportation] department **of transportation;**

22 (4) Of any workers' compensation for [state transportation] department **of**  
23 **transportation** employees;

24 (5) Of the share of the [transportation] department **of transportation** in any retirement  
25 program for state employees, only as may be provided by law; and

26 (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

27 3. Beginning in fiscal year 2004, the total amount of appropriations from the state  
28 highways and transportation department fund for all state offices and departments, except for the  
29 highway patrol, and actual costs incurred by the office of administration for or on behalf of the  
30 highway patrol and employees of the department of transportation, shall not exceed the total  
31 amount appropriated for such offices and departments from said fund for fiscal year 2001.  
32 Appropriations to the highway patrol from the state highways and transportation department fund  
33 shall be made in accordance with article IV, section 30(b) of the Missouri Constitution.  
34 Appropriations allocated from the state highways and transportation department fund to the  
35 highway patrol shall only be used by the highway patrol to administer and enforce state motor  
36 vehicle laws or traffic regulations. Beginning July 1, 2007, any activities or functions conducted  
37 by the highway patrol not related to enforcing or administering state motor vehicle laws or traffic  
38 regulations shall not be funded by the state highways and transportation department fund, but  
39 shall be funded from general revenue or any other applicable source. Any current funding from  
40 the **state** highways and transportation department fund used for activities not related to enforcing  
41 state motor vehicle laws or traffic regulations shall expire on June 30, 2007. The state auditor  
42 shall annually audit and examine the appropriations made to the highway patrol to determine  
43 whether such appropriations are actually being used for administering and enforcing state motor  
44 vehicle laws and traffic regulations pursuant to the constitution. The state auditor shall submit  
45 its annual findings to the general assembly by January fifteenth of each year.

46 4. The provisions of subsection 3 of this section shall not apply to appropriations from  
47 the state highways and transportation department fund to the highways and transportation  
48 commission and the [state transportation] department **of transportation** or to appropriations to  
49 the office of administration for department of transportation employee fringe benefits and  
50 OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax  
51 refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds

52 [or] of overpayments or erroneous payments from the state highways and transportation  
53 department fund.

54 5. All interest earned upon the state highways and transportation department fund shall  
55 be deposited in and to the credit of such fund.

56 6. Any balance remaining in [said] **the** fund after payment of [said] **such** costs shall be  
57 transferred to the state road fund.

58 7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any  
59 funds raised as a result of increased taxation pursuant to [sections 142.025 and 142.372] **section**  
60 **143.803**, RSMo, after April 1, 1992, shall not be used for administrative purposes or  
61 administrative expenses of the [transportation] department **of transportation**.

**226.205. 1. There is hereby created in the state treasury the "State Toll Facility  
2 Fund" which shall stand appropriated without any legislative action for the following  
3 purposes, and no other purposes, and into which shall be paid or credited all moneys and  
4 proceeds derived from:**

5 (1) Tolls, fees, rentals, and other charges imposed and collected for the use of all  
6 toll facilities;

7 (2) The sale of state toll facility revenue bonds and state toll facility revenue  
8 refunding bonds;

9 (3) The United States government, which are intended for toll facility purposes or  
10 funding;

11 (4) The state road fund pursuant to section 226.220; and

12 (5) Any other source authorized for expenditure on state toll facility projects.

13 2. From the state toll facility revenue fund shall be paid or credited the following  
14 costs:

15 (1) First, the costs of issuing state toll facility revenue bonds and refunding bonds,  
16 the costs for feasibility studies and the costs for acquisition, construction, improvement,  
17 and reconstruction of toll facility projects authorized by the general assembly pursuant to  
18 section 226.475;

19 (2) Second, the cost of collection of revenue received from the toll facilities, and the  
20 cost of operation and maintenance of the toll facilities; and

21 (3) Third, to pay the principal of and interest on any outstanding state toll facility  
22 revenue bonds and refunding bonds issued and the costs for issuing state toll facility  
23 revenue bonds and refunding bonds.

24 3. If the revenues in the state toll facility fund are insufficient to pay the authorized  
25 costs of subsection 2 of this section, the commission shall transfer amounts periodically as  
26 necessary from the state road fund pursuant to section 226.220, to keep the state toll facility

27 **fund solvent. Such transfers shall be repaid to the state road fund in the time and manner**  
28 **as determined by the commission.**

29 **4. The commission shall continue to collect tolls, fees, rents, and other charges on**  
30 **all toll facilities it operates until all costs related to toll facilities authorized by the general**  
31 **assembly pursuant to section 226.475, the principal and interest payments on all**  
32 **outstanding state toll facility revenue bonds and refunding bonds, and all transfers from**  
33 **the state road fund for such toll facilities have been repaid. Any balance in the state toll**  
34 **facility fund in excess of the amount needed to pay the costs outlined in subsection 2 of this**  
35 **section shall then be paid or transferred to the state road fund.**

36 **5. All interest earned upon the sums within the accounts in the state toll facility**  
37 **fund shall be deposited within and to the credit of such accounts.**

38 **6. The commission may direct the establishment of separate reserve funds and**  
39 **escrow accounts, and may direct the transfer of moneys between the various funds set forth**  
40 **in this chapter. The commission may prescribe the terms for contracting with a corporate**  
41 **trustee for the administration of any fund or account.**

42 **7. Notwithstanding the provisions in subsection 1 of this section, the commission**  
43 **is authorized to collect, accept, and receive as trustee the moneys and proceeds derived**  
44 **from the tolls, fees, rents, and other charges imposed on users of the toll facility, the sale**  
45 **of state toll facility revenue bonds and refunding bonds, the United States government, the**  
46 **state road fund, and from any other source to be expended toward the costs of toll facilities**  
47 **authorized by the general assembly in section 226.475, and the payment of principal and**  
48 **interest on any outstanding state toll facility revenue bonds and revenue refunding bonds.**  
49 **The commission is authorized to administer these moneys and proceeds by deposit in**  
50 **various banks or trust companies throughout the state.**

226.220. 1. There is [hereby] created [and set up] in section 30(b), article IV,  
2 **Constitution of Missouri and hereby established in the state treasury the "State Road Fund"**  
3 which shall receive all moneys and credits from

4 (1) The sale of state road bonds;

5 (2) The United States government [and] intended for highway purposes **other than a toll**  
6 **facility;**

7 (3) **The state highways and transportation department fund as provided in section**  
8 **226.200;**

9 (4) **The state toll facility fund, but only at the time and in the manner provided in**  
10 **section 226.205;**

11 (5) The state road bond and interest sinking fund as provided in section 226.210; and

12 [(4)] (6) Any other source if they are held for expenditure by or under the department of

13 transportation or the state highways and transportation commission **for highway purposes other**  
14 **than a toll facility**, and if they are not required by [section 226.200] **law** to be transferred to [the  
15 state highway department] **any other** fund.

16 2. The **following** costs and expenses **shall be** withdrawn from the state treasury and  
17 **paid from the state road fund upon warrants and vouchers preapproved and certified for**  
18 **payment by the commissioner of administration and by the commission, acting through**  
19 **such of its employees as may be designated by it:**

20 (1) For locating, relocating, establishing, acquiring, reimbursing for, constructing,  
21 improving and maintaining state highways in the systems specified in article IV, [section]  
22 **sections 30(b) and 30(d)**, [of the] **Constitution of Missouri;**

23 (2) For acquiring materials, equipment and buildings; and

24 (3) For other purposes and contingencies relating and appertaining to the construction  
25 and maintenance of [said] **such** highways [shall be paid from the state road fund upon warrants  
26 drawn by the state auditor, based upon bills of particulars and vouchers preapproved and certified  
27 for payment by the commissioner of administration and by the state highways and transportation  
28 commission acting through such of their employees as may be designated by them].

29 3. **Payments or transfers may be made by the commission from the state road fund**  
30 **to the state toll facility fund for the purposes and in the time and manner provided in**  
31 **sections 30(b) and 30(d) of article IV, Constitution of Missouri, and in section 226.205.**

32 (1) No payments or transfers shall ever be made from the state road fund except for an  
33 expenditure made

34 [(1)] (2) Under the supervision and direction of the state highways and transportation  
35 commission; and

36 [(2)] (3) For a purpose set out in [subparagraph] **subdivisions** (1), (2), (3), (4), or (5) of  
37 **subsection 1 of section 30(b), article IV, [of the] Constitution of Missouri.**

38 4. **All interest earned upon the moneys in the state road fund shall be deposited**  
39 **within and to the credit of the state road fund.**

**226.470. 1. The commission may:**

2 (1) **Conduct feasibility studies for toll facilities;**

3 (2) **Finance, acquire, construct, maintain, improve, reconstruct and operate toll**  
4 **facilities authorized by the general assembly pursuant to section 226.475, on the state**  
5 **highway system, either alone or in conjunction with any person or business entity, or any**  
6 **federal, state, or local governmental agency or authority within and along the borders of**  
7 **this state, across the borders of this state and another state, and across a river or stream**  
8 **comprising the boundary or a portion of the boundary between this state and another**  
9 **state;**

10           **(3) Fix, revise, and collect tolls, fees, rents, and other charges for the use of toll**  
11 **facilities authorized by the general assembly;**

12           **(4) Contract with any person or business entity, or any federal, state, or local**  
13 **governmental agency or authority for the installation and maintenance of utility lines,**  
14 **pipes, conduits, towers, railroads, mass transit facilities, and other facilities upon property**  
15 **acquired for the construction, operation, and maintenance of toll facilities. The**  
16 **commission is authorized to charge, without supervision or approval of the general**  
17 **assembly, any department, commission, board, bureau, or agency of the state, rents, fees,**  
18 **or other charges for the installation, maintenance and use of the utility lines, pipes,**  
19 **conduits, towers, railroads, mass transit facilities, and other facilities provided such**  
20 **facilities are located outside of the commission's approved utility corridor location;**

21           **(5) Contract as necessary or desirable with any person or business entity, or any**  
22 **federal, state, or local governmental agency or authority, and charge rents or fees for the**  
23 **construction, operation, and maintenance of facilities for lodging, food service, and vehicle**  
24 **service upon property acquired for a toll facility. Such contracts shall be entered into after**  
25 **public advertisement and the receipt of sealed bids, and the contract shall be awarded to**  
26 **the bidder which the commission determines has submitted the bid most advantageous to**  
27 **the commission. The commission shall require the contractor to furnish such bonds as it**  
28 **deems necessary to assure compliance with the terms of the contract;**

29           **(6) Issue state toll facility revenue bonds to finance any toll facility project**  
30 **authorized by the general assembly. Such bonds shall not be an obligation of the state and**  
31 **may be issued without the consent of the general assembly or any other department,**  
32 **commission, board, bureau, or agency of the state and the commission may refund any**  
33 **outstanding state toll facility revenue bonds at any time by the issuance of state toll facility**  
34 **revenue refunding bonds without the consent of the general assembly or any other**  
35 **department, commission, board, bureau, or agency of the state in any amount the**  
36 **commission may deem necessary, but shall not exceed the amount sufficient to refund the**  
37 **principal of the state toll facility revenue bonds to be refunded plus any unpaid interest**  
38 **thereon and any premiums, commissions, service fees, reserve funds, and other expenses**  
39 **necessary to be paid in connection with the refunding and the issuance of such state toll**  
40 **facility revenue refunding bonds. Any such refunding may be effected whether the state**  
41 **toll facility revenue bonds to be refunded are subject to redemption, or thereafter shall**  
42 **mature or be subject to redemption. The proceeds from the sale of the state toll facility**  
43 **revenue refunding bonds may be applied to the payment of the state toll facility revenue**  
44 **bonds being refunded, or the state toll facility revenue refunding bonds may be exchanged**  
45 **for the state toll facility revenue bonds being refunded. The state toll facility revenue**

46 refunding bonds may be issued regardless of whether the state toll facility revenue bonds  
47 proposed to be refunded shall be payable on the same date or different dates or shall be  
48 due serially or otherwise. The commission shall offer such bonds at public sale or  
49 negotiated sale. The bonds shall be for a period of not less than ten years and not more  
50 than forty years from their date of issue and shall bear interest at a rate or rates not  
51 exceeding the rate permitted by law. The proceeds of the sale or sales of any bonds shall  
52 be paid into the state toll facility fund to be expended for the purpose specified pursuant  
53 to the provisions of section 226.205. Bonds issued pursuant to this subdivision shall not be  
54 deemed to constitute a debt or liability of the state or a pledge of the full faith and credit  
55 of the state, and the principal and interest on such bonds shall be payable solely from the  
56 state toll facility fund pursuant to section 226.205. Bonds issued pursuant to this  
57 subdivision, the interest thereon, or any proceeds from such bonds, shall be exempt from  
58 taxation in the state of Missouri for all purposes except for the state estate tax.

59       2. Any person or business entity, or any federal, state, or local governmental agency  
60 or authority, which fails to pay any toll, fee, rent, or other charge established by the  
61 commission pursuant to this section shall be guilty of an infraction for each violation and,  
62 upon conviction thereof, shall be punished pursuant to section 226.488.

63       3. Prior to the commencement of any toll facility project, the commission shall  
64 obtain a study or studies of the proposed toll facility project by one or more qualified  
65 independent consultants. If the commission determines, based upon the study or studies,  
66 that the proposed toll facility project is in the best interest of the state, the commission shall  
67 then be required to obtain approval of the toll facility project by the general assembly.

226.475. 1. The general assembly authorizes the following state toll facility  
2 projects:

3       (1) The entire portion of Interstate 70 commencing at the boundaries between the  
4 state of Missouri and the state of Illinois located within a city not within a county and  
5 proceeding westward and terminating when such interstate reaches the boundaries of the  
6 state of Kansas and the state of Missouri in any home rule city with more than four  
7 hundred thousand inhabitants and located in more than one county;

8       (2) A new bridge to be constructed, operated, and maintained at and across the  
9 boundaries of the state of Missouri and the state of Illinois and located within a city not  
10 within a county; provided that any existing bridges already constructed, operated, and  
11 maintained at and across the boundaries of the state of Missouri and the state of Illinois  
12 and located within a city not within a county may also be tolled by the commission and  
13 such revenues derived from such tolls be utilized to assure the financial feasibility of the  
14 construction, operation and maintenance of the new toll bridge;



15           **(3) The portion of state highway 71 which is located in any county of the third**  
16 **classification without a township form of government and with more than twenty-one**  
17 **thousand six hundred but less than twenty-one thousand seven hundred inhabitants;**

18           **(4) The new Paseo Bridge located in any home rule city with more than four**  
19 **hundred thousand inhabitants and located in more than one county;**

20           **(5) The entire portion of Interstate 44 commencing within a city not within a county**  
21 **and proceeding westward and terminating when such interstate reaches the boundaries of**  
22 **the state of Oklahoma and the state of Missouri in any county of the first classification with**  
23 **more than one hundred four thousand six hundred but less than one hundred four**  
24 **thousand seven hundred inhabitants; and**

25           **(6) A bridge to be constructed or reconstructed, operated, and maintained at and**  
26 **across the Mississippi River between the boundaries of this state in a county of the third**  
27 **classification without a township form of government and with more than thirteen**  
28 **thousand four hundred but less than thirteen thousand five hundred inhabitants and either**  
29 **the state of Illinois or the state of Kentucky or both such states; provided that any existing**  
30 **bridge already constructed, operated, and maintained at and across the Mississippi River**  
31 **between the boundaries of this state in a county of the third classification without a**  
32 **township form of government and with more than thirteen thousand four hundred but less**  
33 **than thirteen thousand five hundred inhabitants and the state of Illinois may also be tolled**  
34 **by the commission and the revenues derived from such tolls be utilized to assure the**  
35 **financial feasibility of the construction, operation, and maintenance of the new toll bridge.**

36           **2. The commission is authorized, as an alternative to the requirements and**  
37 **procedures specified by sections 227.040 and 227.100, RSMo, to construct the toll facility**  
38 **projects authorized in this section using the design-build project delivery system. Any toll**  
39 **facility project constructed using the design-build project delivery system shall conform**  
40 **to the provisions of section 227.107, RSMo.**

**226.480. The commission may enter into funding or financing arrangements or any**  
2 **other contract or agreement with any person or business entity, or any federal, state, or**  
3 **local government agency or authority deemed necessary or desirable to fund, finance, or**  
4 **effectuate any toll facility authorized by the general assembly pursuant to section 226.475,**  
5 **including without limitation credit enhancement, credit support, or interest rate**  
6 **agreements.**

**226.485. 1. The commission may use any method for imposing and collecting tolls**  
2 **authorized pursuant to section 226.470, including but not limited to, toll tickets, barrier toll**  
3 **facilities, billing accounts, commuter passes and electronic recording or identification**  
4 **devices, including transponders.**

5           **(1) For the purposes of this section, a "transponder" is a device, placed on or within**  
6 **a motor vehicle, that is capable of transmitting information used to assess or collect tolls.**  
7 **A transponder is "insufficiently funded" when there are no remaining funds in the account**  
8 **in connection with which the transponder was issued.**

9           **(2) Any peace officer of this state may seize a stolen or insufficiently funded**  
10 **transponder and return it to the department of transportation, except that an insufficiently**  
11 **funded transponder may not be seized sooner than thirty days after the date the**  
12 **department has sent a notice of delinquency to the holder of the account.**

13           **(3) The commission is authorized to offer motor vehicle operators using a toll**  
14 **facility the option of using a transponder to pay tolls without stopping, to mitigate**  
15 **congestion at toll collection locations, to enhance traffic flow, and to otherwise increase**  
16 **efficiency of operations.**

17           **2. The display of a recording or identification device, including a transponder,**  
18 **issued or authorized by the commission for these purposes on or near the windshield of a**  
19 **motor vehicle shall not be a violation of any law or administrative rule in the state of**  
20 **Missouri, unless the device is attached in a way that obstructs the operator's clear view of**  
21 **the highway or an intersecting highway.**

**226.486. 1. The operator of a motor vehicle other than an authorized emergency**  
2 **vehicle that is driven or towed through a toll collection facility shall pay the proper toll.**  
3 **The operator of a motor vehicle who operates or tows a vehicle through a toll facility and**  
4 **does not pay the proper toll is guilty of an infraction punishable by a fine not to exceed two**  
5 **hundred dollars. In this section, "emergency vehicle" shall have the same meaning as**  
6 **defined in section 304.022, RSMo.**

**226.487. 1. The commission may enforce the payment of tolls against the operator**  
2 **of a motor vehicle for the failure to pay the toll imposed by the commission for the use of**  
3 **the toll facility. To aid in the collection of tolls and in the enforcement of toll violations, the**  
4 **commission may use automated enforcement technology that it determines is necessary,**  
5 **including automatic vehicle license plate identification photography and video surveillance,**  
6 **by electronic imaging or photographic copying. Automated enforcement technology**  
7 **approved by the commission pursuant to this section may be used only for the purpose of**  
8 **producing, depicting, photographing, or recording an image of a license plate attached to**  
9 **the front or rear of a vehicle and does not authorize the use of automated enforcement**  
10 **technology for any other purpose. Evidence obtained from technology approved by the**  
11 **commission pursuant to this section may not be used in the prosecution of any offense**  
12 **other than the offenses provided in sections 226.486 and 226.488.**

13           **2. Additional enforcement mechanisms include the creation of toll enforcement**

14 **officers who shall be authorized to enforce toll collection violations on toll facilities.**

15 **3. The commission shall promulgate administrative rules pursuant to chapter 536,**  
16 **RSMo, establishing procedures for the imposition, collection and enforcement of tolls on**  
17 **any toll facility. No rule or portion of a rule promulgated pursuant to the authority of this**  
18 **section shall become effective unless it has been promulgated pursuant to chapter 536,**  
19 **RSMo.**

20 **4. The commission shall post notice on or around a toll facility in the plain view of**  
21 **operators of motor vehicles which reads as follows:**

22

23 **NOTICE: FAILURE TO PAY THE REQUIRED TOLL IS A TRAFFIC VIOLATION.**  
24 **TOLL OPERATORS WILL REPORT ANY FAILURE TO PAY REQUIRED TOLLS TO**  
25 **TOLL ENFORCEMENT OFFICIALS OR LAW ENFORCEMENT OFFICIALS WHO**  
26 **SHALL ISSUE A TRAFFIC CITATION.**

**226.488. 1. In the event of nonpayment of the proper toll as required by section**  
2 **226.486, on issuance of a written notice of nonpayment, the registered owner of the**  
3 **nonpaying vehicle is liable for the payment of both the proper toll and a collection fee.**

4 **2. The commission by administrative rule, or an entity by contract with the**  
5 **commission to operate a toll facility, may respectively impose and collect a collection fee,**  
6 **not to exceed one hundred dollars, to recover the cost of collecting an unpaid toll. The**  
7 **commission or entity operating the toll facility shall send a written notice of nonpayment**  
8 **to the registered owner of the vehicle at that owner's address as shown in the motor vehicle**  
9 **registration records of the department of revenue by first-class mail and may require**  
10 **payment not sooner than the thirtieth day after the date the notice was mailed. The**  
11 **registered owner shall pay a separate toll and collection fee for each event of nonpayment**  
12 **pursuant to section 226.486.**

13 **3. The registered owner of a motor vehicle for which the proper toll was not paid**  
14 **who is mailed a written notice of nonpayment pursuant to subsection 2 of this section and**  
15 **fails to pay the proper toll and collection fee within the time specified by the notice of**  
16 **nonpayment is guilty of an infraction. Each failure to pay a toll or collection fee pursuant**  
17 **to this subsection is a separate offense.**

18 **4. It is an exception to the application of subsection 1 or 3 of this section if the**  
19 **registered owner of the motor vehicle is a lessor of the vehicle and, not later than the**  
20 **thirtieth day after the date the notice of nonpayment is mailed, provides to the commission**  
21 **or entity operating the toll facility a copy of the rental, lease, or other contract document**  
22 **covering the vehicle on the date of the nonpayment pursuant to section 226.486, with the**  
23 **name and address of the lessee clearly legible. If the lessor provides the required**

24 information within the period prescribed, the commission or entity operating the toll  
25 facility may send a notice of nonpayment to the lessee at the address shown on the contract  
26 document by first-class mail before the thirtieth day after the date of receipt of the  
27 required information from the lessor. The lessee of the vehicle for which the proper toll  
28 was not paid who is mailed a written notice of nonpayment pursuant to this subsection and  
29 fails to pay the proper toll and collection fee within the time specified by the notice of  
30 nonpayment is guilty of an infraction. The lessee shall pay a separate toll and collection  
31 fee for each event of nonpayment pursuant to section 226.486. Each failure to pay a toll  
32 or collection fee pursuant to section 226.486, and this subsection is a separate offense.

33         **5. It is an exception to the application of subsection 1 or 3 if the registered owner**  
34 **of the motor vehicle transferred ownership of the motor vehicle to another person before**  
35 **the event of nonpayment pursuant to section 226.486, occurred, and, before the thirtieth**  
36 **day after the date the notice of nonpayment is mailed, provides to the commission or entity**  
37 **operating the toll facility the name and address of the person to whom the motor vehicle**  
38 **was transferred. If the former owner of the motor vehicle provides the required**  
39 **information within the period prescribed, the commission or entity operating the toll**  
40 **facility may send a notice of nonpayment to the person to whom ownership of the motor**  
41 **vehicle was transferred at the address provided by the former owner by first-class mail**  
42 **before the thirtieth day after the date of receipt of the required information from the**  
43 **former owner. The subsequent owner of the motor vehicle for which the proper toll was**  
44 **not paid who is mailed a written notice of nonpayment pursuant to this subsection and fails**  
45 **to pay the proper toll and collection fee within the time specified by the notice of**  
46 **nonpayment is guilty of an infraction. The subsequent owner of the vehicle shall pay a**  
47 **separate toll and collection fee for each event of nonpayment pursuant to section 226.486.**  
48 **Each failure to pay a toll or collection fee pursuant to section 226.486, and this subsection**  
49 **is a separate offense.**

50         **6. Any person who pleads or is found guilty of nonpayment of tolls pursuant to**  
51 **section 226.486 and this section, is guilty of an infraction and upon conviction is punishable**  
52 **by a fine not to exceed two hundred dollars.**

53         **7. The court in which a person is convicted of an offense pursuant to section**  
54 **226.486 and this section, shall also collect, in addition to the fine, the proper toll and toll**  
55 **collection fee and forward the toll and fee to the commission or entity operating the toll**  
56 **facility.**

57         **(1) A conviction pursuant to subsection 7 of this section may be enforced by the**  
58 **court through the following:**

59         **(a) Issuing an order to install a device on the motor vehicle that was used in the act**

60 of the nonpayment of the toll pursuant to section 226.486, that prohibits movement of the  
61 motor vehicle;

62 (b) Imposing an additional fine for each offense if the fine, toll, and toll collection  
63 fee for each offense is not paid within a specified time; or

64 (c) Issuing an order and submitting such order to the director of the department  
65 of revenue which voids the registration of the motor vehicle and prohibits subsequent  
66 registration of such motor vehicle until the toll, collection fee and all fines and penalties  
67 have been paid.

68 8. As used in this section, "registered owner" means the owner of a motor vehicle  
69 as shown on the vehicle registration records of the department of revenue or on the vehicle  
70 registration records of the department or agency of another state or country.

71 9. The commission or the entity operating a toll facility may contract with any  
72 person or business entity to collect the proper toll and a required collection fee before filing  
73 a complaint charging the commission of an offense pursuant to section 226.486, and this  
74 section.

226.489. 1. A written report or telephone call to a toll enforcement officer or law  
2 enforcement officer, or photo monitoring system evidence that indicates a required toll  
3 pursuant to section 226.486 was not paid is admissible in any proceeding to enforce the  
4 collection of the proper toll and the toll collection fee, subject to foundation evidence to  
5 establish the authenticity of the report, call, or photographs. Photo monitoring system  
6 evidence which shows that the operator of a motor vehicle has failed to pay a toll shall raise  
7 a rebuttable presumption that the motor vehicle shown in the photographic evidence was  
8 used in violation of section 226.486. In the event that charges are filed against multiple  
9 owners of a motor vehicle, only one of the owners may be convicted and court costs may  
10 be assessed against only one of the owners.

11 2. The following procedures shall be taken for the collection of tolls and issuance  
12 of traffic citations:

13 (1) Any toll facility operator witnessing a violation of the toll collection regulations  
14 is authorized to report such violation to a toll enforcement officer or law enforcement  
15 official. The report may be in one of the following forms:

16 (a) A telephone call from the toll facility operator to a toll enforcement officer or  
17 to a law enforcement official indicating a violation and a reasonable description of the  
18 vehicle violating the toll enforcement regulations including, but not limited to, the license  
19 plate of the vehicle, the make, model, and color of the vehicle;

20 (b) A certificate, or written report sworn to or affirmed by a toll enforcement  
21 officer or law enforcement official which charged that the violation occurred, or facsimile

22 thereof, based upon inspection of photographs, microphotographs, videotape, or other  
23 recorded images produced by a photo monitoring system or a photo from a photo  
24 monitoring system, shall be prima facie evidence of the facts contained therein, subject to  
25 foundation evidence to establish the authenticity of such photographs, microphotographs,  
26 videotape or other recorded images produced by a photo monitoring system, and shall be  
27 admissible in any proceeding charging a violation of toll collection regulations, provided  
28 that any photographs, microphotographs, videotape or other recorded images evidencing  
29 such a violation shall be available for inspection and admission into evidence in any  
30 proceeding to adjudicate the liability for such violations;

31 (2) After a report has been given to a toll enforcement officer or law enforcement  
32 agency, such officer or agency is authorized to issue a traffic citation for failure to pay the  
33 required toll;

34 (3) The toll enforcement officer or law enforcement agency issuing the traffic  
35 citation is responsible for further prosecution of such citation through the appropriate  
36 court; and

37 (4) The provisions of this section does not prohibit a law enforcement officer from  
38 issuing a citation for any violation of traffic regulations in accordance with normal traffic  
39 enforcement procedures, nor does it grant toll enforcement officers authority to issue  
40 citations for violations of traffic regulations on toll-free highways on the state highway  
41 system.

Section 1. For outdoor advertising and junkyard control purposes, a toll facility  
2 may be designated by the commission as a part of the national highway system, as  
3 appropriate.

Section B. Section A of this act shall become effective only upon and on the date of  
2 approval by the voters of a constitutional amendment submitted to them by the ninety-second  
3 general assembly, authorizing the state highways and transportation commission to fund, acquire,  
4 construct, maintain, improve, reconstruct, and operate toll facilities, and to issue state toll facility  
5 revenue and state toll facility revenue refunding bonds for that purpose, and not otherwise.