

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 928

AND

HOUSE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 1123

AND

HOUSE COMMITTEE SUBSTITUTE FOR

## HOUSE BILL NO. 1280

92ND GENERAL ASSEMBLY

2004

3463S.03T

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### AN ACT

To repeal sections 301.041, 301.2999, 302.178, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof five new sections relating to motor vehicles, with penalty provisions.

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

Section A. Sections 301.041, 301.2999, 302.178, 390.136, 390.340, 622.095, and  
2 622.618, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as  
3 sections 301.041, 301.2999, 302.178, 390.136, and 622.095, to read as follows:

301.041. 1. All commercial motor vehicles and trailers registered pursuant to this  
2 section or to be operated under **reciprocity** agreements [as provided for in sections 301.271 to  
3 301.279] shall be registered annually, **or in the discretion of the state highways and  
4 transportation commission, staggered in such manner as to be registered for a one-year  
5 period beginning on the first day of a quarter during such year and in such manner as the  
6 commission may determine by regulation. To facilitate the transition from an annual**

**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.

7 registration to a staggered registration, the commission shall inquire of all registrations as  
8 to which calendar quarter the registrant wishes to use as the beginning date of the  
9 registration once the transition to staggered registration is complete. If the registrant does  
10 not respond by the date selected by the commission, or if no quarter is selected, the  
11 registrant shall remain on a calendar year registration. The commission may issue  
12 prorated registrations pursuant to this section for periods of greater than or less than one  
13 year during the transition to a nonannual year registration, but no registration shall exceed  
14 eighteen months nor be less than six months. The commission may issue a prorated, by  
15 quarter, partial year registration at any time for additions to a fleet made after an initial  
16 registration of such fleet, or such other reasons as approved by the commission or its  
17 designee upon the request of the registrant.

18 2. An application for renewal registration pursuant to this section shall be made with all  
19 required documents on or before [October first of each year] **the first day of the month that is**  
20 **three calendar months immediately prior to the beginning date of the**  
21 **registration.** Renewal applications received after [October first] **the first day of the third**  
22 **calendar month immediately prior to the registration** shall be assessed a penalty of one  
23 hundred dollars. The [director or his or her] **commission's** designee may waive the penalty  
24 pursuant to this subsection for good cause.

25 3. Fees for commercial motor vehicles and trailers renewed pursuant to this section shall  
26 be paid no later than [December first of each year] **the first day of the month that is one**  
27 **calendar month immediately prior to the beginning date of the registration** except for  
28 payments made on an installment basis as provided in subsection 4 of this section. Renewal  
29 application fees not paid by [December first] **the first day of the month immediately prior to**  
30 **the registration** shall be assessed a penalty of fifty dollars per vehicle, but in no case shall such  
31 penalty exceed one hundred fifty dollars per application. The [director or his or her]  
32 **commission's** designee may, for good cause, waive or reduce any penalties assessed pursuant  
33 to this subsection.

34 4. Any owner of a commercial motor vehicle or trailer operated pursuant to this section  
35 or **reciprocity** agreements [provided in sections 301.271 to 301.279] may elect to pay the  
36 Missouri portion of the annual registration fee in two equal installments, except that no such  
37 installment shall be less than one hundred dollars. The first installment shall be payable on or  
38 before [December first] **the first day of the month immediately prior to the beginning date**  
39 **of the registration,** and the second installment shall be payable on or before [June first of that  
40 registration year] **the first day of the sixth month of that registration one-year period.** Every

41 owner electing to pay on an installment basis shall file [with the director of the department of  
42 revenue, on or before December first] **on or before the first day of the month immediately**  
43 **prior to the beginning date of the registration**, a surety bond, certificate of deposit or  
44 irrevocable letter of credit as defined in section 400.5-103, RSMo, to guarantee the payment of  
45 the second installment. The bond or certificate or letter of credit shall be in an amount equal to  
46 the payment guaranteed. **The commission may require such installments to be filed at other**  
47 **times of the year if a nonannual registration is issued pursuant to subsection 1 of this**  
48 **section.**

49 [5. If a new application for registration of a commercial vehicle or trailer is made other  
50 than as specified in subsection 1 of this section, the registration fee shall be prorated as follows:

51 (1) For applications made between April first and June thirtieth, the applicant shall pay  
52 three-fourths of the annual registration fee;

53 (2) For applications made between July first and September thirtieth, the applicant shall  
54 pay one-half of the annual registration fee; and

55 (3) For applications made after October first of the current registration year, the  
56 applicant shall pay one-fourth of the annual registration fee.

57 6.] **5.** Any applicant who fails to timely renew his or her registration with all required  
58 documents pursuant to this section or who fails to timely pay any fees and penalties owed  
59 pursuant to this section shall not be issued a temporary registration for a motor vehicle or a trailer  
60 issued pursuant to this section or under **reciprocity** agreements [as provided for in sections  
61 301.271 and 301.279]. Nothing in this section shall prohibit the issuance of temporary  
62 registration credentials for additions to the registrant's fleet subsequent to renewal.

63 [7.] **6.** The applicant for registration pursuant to this section shall affix the registration  
64 plate issued [by the director] to the front of the vehicle in accordance with the provisions of  
65 section 301.130. Any vehicle required to be registered pursuant to this section shall display the  
66 plate issued to that vehicle no later than December thirty-first of each year **or the last day of the**  
67 **quarter preceding the quarter in which the registration begins, as applicable.** Failure to  
68 display the registration [plates] **plate** required by this section shall constitute a class A  
69 misdemeanor.

70 [8.] **7.** The [director of revenue] **commission** may prescribe rules and regulations for  
71 the effective administration of this section.

72 [9.] **8.** Any current registration or plate for which all fees have been paid for a  
73 commercial trailer previously issued pursuant to **reciprocity** agreements [provided for in  
74 sections 301.271 and 301.277] shall remain valid even if such agreements no longer require

75 apportionment of such trailers under such agreements, and such trailers may continue to be  
76 registered pursuant to this section.

77 [10.] **9.** Notwithstanding any other law to the contrary, the [highway reciprocity]  
78 commission shall have the authority pursuant to this chapter to issue permanent and temporary  
79 registrations on commercial trailers whether or not the registration is issued pursuant to  
80 **reciprocity** agreements [as provided in sections 301.271 to 301.279]. The provisions of  
81 subsection 1 of section 301.190 shall not apply to registrations issued pursuant to this subsection,  
82 provided the carrier or person to whom the registration is issued has at least one tractor as  
83 defined in section 301.010 registered with the state of Missouri pursuant to this section.

84 [11.] **10.** Commercial trailer plates issued pursuant to this section shall in all other  
85 respects conform to and have the same requirements as those issued pursuant to subsection 3 of  
86 section 301.067. Such plates may contain the legend ["HRC TLR"] "**COMM TRL**" in  
87 preference to the words "SHOW-ME STATE".

301.2999. 1. No specialized license plate shall be issued after January 1, 2002, by the  
2 director of revenue which proposes to raise revenue or funds for an organization which  
3 authorizes the use of its emblem for a fee unless such organization:

4 (1) Is a governmental entity; or

5 (2) Is an organization registered pursuant to section 501(c) of the 1986 Internal Revenue  
6 Code, as amended, or an equivalent law which applies to such not-for-profit entity.

7 2. Any organization which raises revenues or funds through the sponsorship of  
8 specialized license plates issued pursuant to the provisions of this chapter enacted prior to  
9 January 1, 2002, shall have until January 1, 2004, to comply with the provisions of this  
10 section. The director shall verify that all organizations that are paid fees for the use of their  
11 emblems for specialized license plates are complying with the provisions of this section. The  
12 director shall require all organizations which receive revenues for or funds for the use of their  
13 emblems to verify their status as a governmental entity or a qualified not-for-profit organization  
14 as provided in subsection 1 of this section, in a format prescribed by the director. Any  
15 specialized license plates issued prior to January 1, 2004, shall remain valid for the period in  
16 which they were registered, regardless of the status of the sponsoring organization.

17 3. Any moneys received by an organization authorizing the use of its emblem or insignia  
18 for a specialized license plate shall only be used by such organization to carry out the  
19 organization's charitable mission. Such moneys shall not be used for salaries or any  
20 administrative costs of the organization. No individual member of any organization authorizing  
21 the use of its emblem or insignia for a specialized license plate shall derive any personal  
22 pecuniary gain from any fees the organization collects.

23           4. The director of revenue shall not authorize the manufacture of the material to produce  
24 such specialized license plates with the individual seal, logo, or emblem until such time **as** the  
25 director has received [one] **two** hundred applications for such plates[. An organization shall be  
26 exempt from the provisions of this subsection if it] **and** deposits with the department of revenue  
27 [the actual cost of producing the initial issuance of such plates and the director receives at least  
28 ten applications for such plates] **a fee of up to five thousand dollars to defray the cost for**  
29 **issuing, developing, and programming the implementation of the specialty plate.**

30           5. The provisions of this section shall not apply to any special license plates which bears  
31 the emblem or insignia of a branch of the U.S. military or a military organization.

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and  
2 eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may  
3 apply for, and the director shall issue, an intermediate driver's license entitling the applicant,  
4 while having such license in his or her possession, to operate a motor vehicle of the appropriate  
5 class upon the highways of this state in conjunction with the requirements of this section. An  
6 intermediate driver's license shall be readily distinguishable from a license issued to those over  
7 the age of eighteen. All applicants for an intermediate driver's license shall:

- 8           (1) Successfully complete the examination required by section 302.173;
- 9           (2) Pay the fee required by subsection 3 of this section;
- 10          (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section  
11 302.130 for at least a six-month period or a valid license from another state; and
- 12          (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a  
13 federal residential job training program, a driving instructor employed by a federal residential  
14 job training program, sign the application stating that the applicant has completed at least twenty  
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to  
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over  
17 twenty-one years of age who supervised such driving. For purposes of this section, the term  
18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen  
19 years of age, who:
  - 20           (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to  
21 section 451.080, RSMo;
  - 22           (b) Has been declared emancipated by a court of competent jurisdiction;
  - 23           (c) Enters active duty in the armed forces;
  - 24           (d) Has written consent to the emancipation from the custodial parent or legal guardian;
  - 25           or
  - 26           (e) Through employment or other means provides for such person's own food, shelter

27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525  
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to  
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that  
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no  
34 person shall operate a motor vehicle on the highways of this state under such an intermediate  
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person  
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle  
37 without being accompanied if the travel is to or from a school or educational program or activity,  
38 a regular place of employment or in emergency situations as defined by the director by  
39 regulation. Each intermediate driver's license shall be restricted by requiring that the driver and  
40 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction  
41 shall not apply to a person operating a motorcycle.

42 3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an  
43 intermediate driver's license shall be five dollars and such license shall be valid for a period of  
44 two years.

45 4. Any intermediate driver's licensee accumulating six or more points in a twelve-month  
46 period may be required to participate in and successfully complete a driver-improvement  
47 program approved by the director of the department of public safety. The driver-improvement  
48 program ordered by the director of revenue shall not be used in lieu of point assessment.

49 5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,  
50 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic  
51 convictions for which points are assessed, upon reaching the age of eighteen years may apply for  
52 and receive without further examination, other than a vision test as prescribed by section  
53 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person  
54 shall pay the required fee for such license as prescribed in section 302.177.

55 (2) **If an intermediate driver's license expires on a Saturday, Sunday, or legal**  
56 **holiday, such license shall remain valid for the five business days immediately following**  
57 **the expiration date. In no case shall a licensee whose intermediate driver's license expires**  
58 **on a Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired**  
59 **or invalid driver's license if such offense occurred within five business days immediately**  
60 **following an expiration date that occurs on a Saturday, Sunday, or legal holiday.**

61 (3) The director of revenue shall deny an application for a full driver's license until the

62 person has had no traffic convictions for which points are assessed for a period of twelve months  
63 prior to the date of application for license or until the person is eligible to apply for a six-year  
64 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible  
65 for full driving privileges. An intermediate driver's license shall expire when the licensee is  
66 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

67 6. No person upon reaching the age of eighteen years whose intermediate driver's license  
68 and driving privilege is denied, suspended, canceled or revoked in this state or any other state,  
69 for any reason may apply for a full driver's license until such license or driving privilege is fully  
70 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to  
71 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the  
72 revocation from the director, pass the complete driver examination, apply for a new license, and  
73 pay the proper fee before again operating a motor vehicle upon the highways of this state.

74 7. A person shall be exempt from the intermediate licensing requirements if the person  
75 has reached the age of eighteen years and meets all other licensing requirements.

76 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
77 is created under the authority delegated in this section shall become effective only if it complies  
78 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
79 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
80 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
81 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
82 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be  
83 invalid and void.

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

12 2. Any [annual] **regulatory** license issued to a motor carrier for use in driveway

13 operations, as defined in this section, shall be issued to such motor carrier without reference to  
14 any particular vehicle and may be used interchangeably by the holder thereof on any motor  
15 vehicle or combinations thereof moving in driveaway operations under such carrier's **property**  
16 **carrier registration**, certificate, or permit.

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

26 4. The [division, upon] **commission shall collect the applicable license fee prior to**  
27 the issuance of such license or licenses provided for in this section, **and** shall [notify the director  
28 of revenue, who shall] receive the license fee or fees and immediately deposit the same [with the  
29 state treasurer in] **to the credit of** the state [highway] **highways and transportation** department  
30 fund except **as otherwise provided in section 622.095, RSMo, or** when an agreement has been  
31 negotiated with another jurisdiction whereby prepayment is not required. In such cases, **section**  
32 **622.095, RSMo, if applicable, or** the [term] **terms** of the agreement shall prevail.

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

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

38 7. **The commission shall prescribe, for every regulatory license issued pursuant to**  
39 **this section, an effective date and an expiration date. Notwithstanding any provision of**  
40 **law to the contrary, the commission may stagger the issuance of licenses pursuant to this**  
41 **section to begin at quarterly intervals during any calendar year. Not later than the**  
42 **expiration date of the current license, or as otherwise prescribed, each motor carrier shall**  
43 **pay the regulatory license fee for each vehicle that the carrier will operate during the next**  
44 **yearly period. The commission may issue partial or over one-year licenses during the**  
45 **transition from an annual license, to accommodate motor carriers in adding vehicles to**  
46 **their operations during the year, to coordinate the dates for a single carrier's licensing of**



47 **multiple licenses, or for such other reasons as approved by the commission.**

622.095. 1. In addition to its other powers, the [division of motor carrier and railroad  
2 safety] **state highways and transportation commission** may negotiate and enter into fair and  
3 equitable cooperative agreements or contracts with other states, the District of Columbia,  
4 territories and possessions of the United States, foreign countries, and any of their officials,  
5 agents or instrumentalities, to promote cooperative action and mutual assistance between the  
6 participating jurisdictions with regard to the uniform administration and registration, through a  
7 single base jurisdiction for each registrant, of [interstate commerce commission] **federal motor**  
8 **carrier safety administration** operating authority and exempt operations by motor vehicles  
9 operated in interstate commerce. Notwithstanding any other provision of law to the contrary,  
10 and in accordance with the provisions of such agreements or contracts between participating  
11 jurisdictions, the [division] **commission** may:

12 (1) Delegate to other participating jurisdictions the authority and responsibility to collect  
13 and pay over [to the division] statutory registration, administration or license fees; to receive,  
14 approve and maintain the required proof of public liability insurance coverage; to receive,  
15 process, maintain and transmit registration information and documentation; to issue evidence of  
16 proper registration in lieu of [interstate] **certificates, licenses, or permits** [under section 390.071,  
17 RSMo; to] **which the commission may** issue motor vehicle licenses or identifiers in lieu of  
18 [annual] **regulatory** licenses under section 390.136, RSMo; and to suspend or revoke any  
19 **credential, approval, registration, certificate, permit, license or identifier** referred to in this  
20 section, as agents on behalf of the [division] commission with regard to motor vehicle operations  
21 by persons having a base jurisdiction other than this state;

22 (2) Assume the authority and responsibility on behalf of other jurisdictions participating  
23 in such agreements or contracts to collect and direct the department of revenue to pay over to the  
24 appropriate jurisdictions statutory registration, administration or license fees, and to perform all  
25 other activities described in subdivision (1) of this subsection, on its own behalf or as an agent  
26 on behalf of other participating jurisdictions, with regard to motor vehicle operations in interstate  
27 commerce by persons having this state as their base jurisdiction;

28 (3) Establish or modify dates for the payment of fees and the issuance of annual motor  
29 vehicle licenses or identifiers in conformity with such agreements or contracts, notwithstanding  
30 any provisions of section 390.136, RSMo, to the contrary; and

31 (4) Modify, cancel or terminate any of the agreements or contracts.

32 2. Notwithstanding the provisions of section 390.136, RSMo, statutory registration,  
33 administration or license fees collected by the [division] **commission** on behalf of other

34 jurisdictions under such agreements or contracts are hereby designated as "nonstate funds" within  
35 the meaning of section 15, article IV, Constitution of Missouri, and shall be immediately  
36 transmitted to the department of revenue of the state for deposit to the credit of a special fund  
37 which is hereby created and designated as the "Base State Registration Fund". The [division]  
38 **commission** shall [not less frequently than once each month] direct the payment of, and the  
39 director of revenue shall pay, the fees so collected to the appropriate other jurisdictions. All  
40 income derived from the investment of the base state registration fund by the director of revenue  
41 shall be credited to the [highway] **state highways and transportation** department fund.

42 3. "Base jurisdiction", as used in this section, means the jurisdiction participating in such  
43 agreements or contracts where the registrant has its principal place of business.

44 4. Every person who has properly registered his **or her** interstate [commerce  
45 commission] operating authority or exempt operations with his **or her** base jurisdiction and  
46 maintains such registration in force in accordance with such agreements or contracts is  
47 authorized to operate in interstate commerce within this state any motor vehicle which is  
48 accompanied by a valid annual license or identifier issued by his base jurisdiction in accordance  
49 with such agreements or contracts, notwithstanding any provision of section 390.071, 390.126  
50 or 390.136, RSMo, or rules of the [division] **commission** to the contrary.

51 **5. Notwithstanding any provision of law to the contrary, the commission may**  
52 **stagger and prorate the payment and collection of license fees pursuant to this section for**  
53 **the purposes of:**

54 **(1) Coordinating the issuance of regulatory licenses under this section with the**  
55 **issuance of other motor carrier credentials; and**

56 **(2) Complying with any federal law or regulation.**

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

2           [622.618. Notwithstanding any provisions of section 390.136, RSMo,  
3           to the contrary, beginning with the first calendar year after August 28, 1996, the  
4           annual licenses required pursuant to section 390.136, RSMo, with reference to  
5           motor vehicles operated by motor carriers shall be effective from January first  
6           to December thirty-first of the year for which they are issued, and the annual  
7           license fees for each calendar year shall be due and payable on or before the  
8           thirty-first day of December in the year immediately preceding the year for  
9           which they are issued. The division shall begin issuing the annual licenses on  
10          August first of each year for the succeeding calendar year, but this shall not  
11          preclude the division from continuing to issue the current year's licenses as  
            needed for the remainder of the current calendar year.]