

HOUSE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NOS. 1233, 840, &amp; 1043

1 AN ACT

2 To repeal sections 21.795, 67.1800, 67.1808,  
3 67.1818, 137.298, 144.025, 226.030, 226.060,  
4 301.010, 301.020, 301.025, 301.041, 301.055,  
5 301.057, 301.058, 301.069, 301.129, 301.130,  
2 301.132, 301.144, 301.190, 301.193, 301.217,  
3 301.219, 301.221, 301.227, 301.280, 301.290,  
4 301.444, 301.463, 301.469, 301.562, 301.566,  
5 301.681, 301.2999, 301.3098, 302.130,  
6 302.171, 302.173, 302.177, 302.181, 302.225,  
7 302.230, 302.272, 302.302, 302.309, 302.700,  
8 302.720, 302.725, 302.735, 302.740, 302.755,  
9 302.756, 302.760, 304.013, 304.035, 304.070,  
10 304.155, 304.156, 304.157, 304.170, 304.190,  
11 306.461, 306.530, 307.020, 307.040, 307.100,  
12 307.400, 365.020, 365.080, 365.100, 390.020,  
13 390.136, 390.340, 407.567, 407.730, 407.735,  
14 408.140, 577.054, 577.080, 622.095, 622.618,  
15 and 700.320, RSMo, and to enact in lieu  
16 thereof one hundred thirty-two new sections  
17 relating to motor vehicles, with penalty  
18 provisions, an effective date for certain  
19 sections and an emergency clause.

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

22 Section A. Sections 21.795, 67.1800, 67.1808, 67.1818,  
23 137.298, 144.025, 226.030, 226.060, 301.010, 301.020, 301.025,

2 301.041, 301.055, 301.057, 301.058, 301.069, 301.129, 301.130,  
3 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221,  
4 301.227, 301.280, 301.290, 301.444, 301.463, 301.469, 301.562,  
5 301.566, 301.681, 301.2999, 301.3098, 302.130, 302.171, 302.173,  
6 302.177, 302.181, 302.225, 302.230, 302.272, 302.302, 302.309,  
7 302.700, 302.720, 302.725, 302.735, 302.740, 302.755, 302.756,  
8 302.760, 304.013, 304.035, 304.070, 304.155, 304.156, 304.157,  
9 304.170, 304.190, 306.461, 306.530, 307.020, 307.040, 307.100,  
10 307.400, 365.020, 365.080, 365.100, 390.020, 390.136, 390.340,  
11 407.567, 407.730, 407.735, 408.140, 577.054, 577.080, 622.095,  
12 622.618, and 700.320, RSMo, are repealed and one hundred thirty-  
13 two new sections enacted in lieu thereof, to be known as sections  
14 21.795, 67.1800, 67.1808, 67.1813, 67.1818, 67.1819, 137.298,  
15 144.025, 226.030, 226.060, 301.010, 301.020, 301.025, 301.041,  
16 301.055, 301.057, 301.058, 301.069, 301.129, 301.130, 301.132,  
17 301.134, 301.144, 301.190, 301.193, 301.196, 301.197, 301.198,  
18 301.217, 301.219, 301.221, 301.227, 301.280, 301.290, 301.444,  
19 301.463, 301.469, 301.562, 301.566, 301.681, 301.2999, 301.3032,  
20 301.3074, 301.3079, 301.3098, 301.3106, 301.3122, 301.3124,  
21 301.3125, 301.3126, 301.3128, 301.3130, 301.3131, 301.3132,  
22 301.3133, 301.3137, 301.3139, 301.3142, 301.3143, 301.3144,  
23 301.3146, 301.3147, 301.3150, 301.3152, 301.3154, 301.3155,  
24 301.3999, 302.130, 302.171, 302.173, 302.177, 302.181, 302.225,  
25 302.230, 302.233, 302.272, 302.273, 302.302, 302.309, 302.345,  
26 302.347, 302.700, 302.720, 302.725, 302.727, 302.735, 302.740,

2 302.755, 302.756, 302.760, 304.013, 304.029, 304.031, 304.035,  
3 304.070, 304.154, 304.155, 304.156, 304.157, 304.170, 304.190,  
4 306.461, 306.530, 307.020, 307.040, 307.100, 307.400, 365.020,  
5 365.080, 365.100, 390.020, 390.136, 407.567, 407.730, 407.735,  
6 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215,  
7 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 408.140,  
8 577.054, 577.080, 622.095, 700.320, and 1, to read as follows:

9 21.795. 1. There is established a permanent joint  
10 committee of the general assembly to be known as the "Joint  
11 Committee on Transportation Oversight" to be composed of seven  
12 members of the standing transportation committees of both the  
13 senate and the house of representatives and three nonvoting ex  
14 officio members. Of the fourteen members to be appointed to the  
15 joint committee, the seven senate members of the joint committee  
16 shall be appointed by the president pro tem of the senate and  
17 minority leader of the senate and the seven house members shall  
18 be appointed by the speaker of the house of representatives and  
19 the minority floor leader of the house of representatives. No  
20 major party shall be represented by more than four members from  
21 the house of representatives nor more than four members from the  
22 senate. The ex officio members shall be the state auditor, the  
23 director of the oversight division of the committee on  
24 legislative research, and the commissioner of the office of  
25 administration or the designee of such auditor, director or  
26 commissioner. The joint committee shall be chaired jointly by

2 both chairs of the senate and house transportation committees. A  
3 majority of the committee shall constitute a quorum, but the  
4 concurrence of a majority of the members, other than the ex  
5 officio members, shall be required for the determination of any  
6 matter within the committee's duties.

7 2. The transportation inspector general shall be appointed  
8 by majority vote of a group consisting of the speaker of the  
9 house of representatives, the minority floor leader of the house  
10 of representatives, the president pro tempore of the senate, and  
11 the minority floor leader of the senate. It shall be the duty of  
12 the inspector general to serve as the executive director of the  
13 joint committee on transportation oversight. The compensation of  
14 the inspector general and other personnel shall be paid from the  
15 joint contingent fund or jointly from the senate and house  
16 contingent funds until an appropriation is made therefor. No  
17 funds from highway user fees or other funds allocated for the  
18 operation of the department of transportation shall be used for  
19 the compensation of the inspector general and his or her staff.  
20 The joint committee inspector general initially appointed  
21 pursuant to this section shall take office January 1, 2004, for a  
22 term ending June 30, 2005. Subsequent joint committee on  
23 transportation oversight directors shall be appointed for  
24 five-year terms, beginning July 1, 2005. Any joint committee on  
25 transportation oversight inspector general whose term is expiring  
26 shall be eligible for reappointment. The inspector general of

2 the joint committee on transportation oversight shall:

3 (1) Be qualified by training or experience in  
4 transportation policy, management of transportation  
5 organizations, accounting, auditing, financial analysis, law,  
6 management analysis, or public administration;

7 (2) Report to and be under the general supervision of the  
8 joint committee. The joint committee on transportation oversight  
9 shall, by a majority vote, direct the inspector general to  
10 perform specific investigations, reviews, audits, or other  
11 studies of the state department of transportation, in which  
12 instance the director shall report the findings and  
13 recommendations directly to the joint committee on transportation  
14 oversight. All investigations, reviews, audits, or other studies  
15 performed by the director shall be conducted so that the general  
16 assembly can procure information to assist it in formulating  
17 transportation legislation and policy for this state;

18 (3) Receive and process citizen complaints relating to  
19 transportation issues. The inspector general shall, when  
20 necessary, submit a written complaint report to the joint  
21 committee on transportation oversight and the highways and  
22 transportation commission. The complaint report shall contain  
23 the date, time, nature of the complaint, and any immediate facts  
24 and circumstances surrounding the initial report of the  
25 complaint. The inspector general shall investigate a citizen  
26 complaint if he or she is directed to do so by a majority of the

2 joint committee on transportation oversight;

3 (4) Investigate complaints from current and former  
4 employees of the department of transportation if the inspector  
5 general receives information from an employee which shows:

6 (a) The department is violating a law, rule, or regulation;

7 (b) Gross mismanagement by department officers;

8 (c) Waste of funds by the department;

9 (d) That the department is engaging in activities which  
10 pose a danger to public health and safety;

11 (5) Maintain confidentiality with respect to all matters  
12 and the identities of the complainants or witnesses coming before  
13 the inspector general except insofar as disclosures may be  
14 necessary to enable the inspector general to carry out duties and  
15 to support recommendations;

16 (6) Maintain records of all investigations conducted,  
17 including any record or document or thing, any summary, writing,  
18 complaint, data of any kind, tape or video recordings, electronic  
19 transmissions, e-mail, or other paper or electronic documents,  
20 records, reports, digital recordings, photographs, software  
21 programs and software, expense accounts, phone logs, diaries,  
22 travel logs, or other things, including originals or copies of  
23 any of the above. Records of investigations by the inspector  
24 general shall be an "investigative report" of law enforcement  
25 agency pursuant to the provisions of section 610.100, RSMo. As  
26 provided in such section, such records shall be a closed record

2 until the investigation becomes inactive. If the inspector  
3 general refers a violation of law to the appropriate prosecuting  
4 attorney or the attorney general, such records shall be  
5 transmitted with the referral. If the inspector general finds no  
6 violation of law or determines not to refer the subject of the  
7 investigation to the appropriate prosecuting attorney or the  
8 attorney general regarding matters referred to the appropriate  
9 prosecuting attorney or the attorney general and the statute of  
10 limitations expires without any action being filed, the record  
11 shall remain closed. As provided in section 610.100, RSMo, any  
12 person may bring an action pursuant to this section in the  
13 circuit court having jurisdiction to authorize disclosure of  
14 information in the records of the inspector general which would  
15 otherwise be closed pursuant to this section. Any disclosure of  
16 records by the inspector general in violation of this section  
17 shall be grounds for a suit brought by any individual, person, or  
18 corporation to recover damages, and upon award to the plaintiff  
19 reasonable attorney's fees.

20 3. The department of transportation shall submit a written  
21 report prior to November tenth of each year to the governor,  
22 lieutenant governor, and every member of the senate and house of  
23 representatives. The report shall be posted to the department's  
24 Internet website so that general assembly members may elect to  
25 access a copy of the report electronically. The written report  
26 shall contain the following:

2           (1) A comprehensive financial report of all funds for the  
3 preceding state fiscal year which shall include a report by  
4 independent certified public accountants, selected by the  
5 commissioner of the office of administration, attesting that the  
6 financial statements present fairly the financial position of the  
7 department in conformity with generally accepted government  
8 accounting principles. This report shall include amounts of:

9           (a) State revenues by sources, including all new state  
10 revenue derived from highway users which results from action of  
11 the general assembly or voter-approved measures taken after  
12 August 28, 2003, and projects funded in whole or in part from  
13 such new state revenue, and amounts of federal revenues by  
14 source;

15           (b) Any other revenues available to the department by  
16 source;

17           (c) Funds appropriated, the amount the department has  
18 budgeted and expended for the following: contracts, right-of-way  
19 purchases, preliminary and construction engineering, maintenance  
20 operations and administration;

21           (d) Total state and federal revenue compared to the revenue  
22 estimate in the fifteen-year highway plan as adopted in 1992.

23 All expenditures made by, or on behalf of, the department for  
24 personal services including fringe benefits, all categories of  
25 expense and equipment, real estate and capital improvements shall



2 be assigned to the categories listed in this subdivision in  
3 conformity with generally accepted government accounting  
4 principles;

5 (2) A detailed explanation of the methods or criteria  
6 employed to select construction projects, including a listing of  
7 any new or reprioritized projects not mentioned in a previous  
8 report, and an explanation as to how the new or reprioritized  
9 projects meet the selection methods or criteria;

10 (3) The proposed allocation and expenditure of moneys and  
11 the proposed work plan for the current fiscal year, at least the  
12 next four years, and for any period of time expressed in any  
13 public transportation plan approved by either the general  
14 assembly or by the voters of Missouri. This proposed allocation  
15 and expenditure of moneys shall include the amounts of proposed  
16 allocation and expenditure of moneys in each of the categories  
17 listed in subdivision (1) of this subsection;

18 (4) The amounts which were planned, estimated and expended  
19 for projects in the state highway and bridge construction program  
20 or any other projects relating to other modes of transportation  
21 in the preceding state fiscal year and amounts which have been  
22 planned, estimated or expended by project for construction work  
23 in progress;

24 (5) The current status as to completion, by project, of the  
25 fifteen-year road and bridge program adopted in 1992. The first  
26 written report submitted pursuant to this section shall include

2 the original cost estimate, updated estimate and final completed  
3 cost by project. Each written report submitted thereafter shall  
4 include the cost estimate at the time the project was placed on  
5 the most recent five-year highway and bridge construction plan  
6 and the final completed cost by project;

7 (6) The reasons for cost increases or decreases exceeding  
8 five million dollars or ten percent relative to cost estimates  
9 and final completed costs for projects in the state highway and  
10 bridge construction program or any other projects relating to  
11 other modes of transportation completed in the preceding state  
12 fiscal year. Cost increases or decreases shall be determined by  
13 comparing the cost estimate at the time the project was placed on  
14 the most recent five-year highway and bridge construction plan  
15 and the final completed cost by project. The reasons shall  
16 include the amounts resulting from inflation, departmentwide  
17 design changes, changes in project scope, federal mandates, or  
18 other factors;

19 (7) Specific recommendations for any statutory or  
20 regulatory changes necessary for the efficient and effective  
21 operation of the department;

22 (8) An accounting of the total amount of state, federal and  
23 earmarked federal highway funds expended in each district of the  
24 department of transportation; and

25 (9) Any further information specifically requested by the  
26 joint committee on transportation oversight.

2           4. Prior to December first of each year, the committee  
3 shall hold an annual meeting and call before its members,  
4 officials or employees of the state highways and transportation  
5 commission or department of transportation, as determined by the  
6 committee, for the sole purpose of receiving and examining the  
7 report required pursuant to subsection 3 of this section. The  
8 joint committee may also call before its members at the annual  
9 meeting, the inspector general of the joint committee on  
10 transportation oversight for purposes authorized in this section.  
11 The committee shall not have the power to modify projects or  
12 priorities of the state highways and transportation commission or  
13 department of transportation. The committee may make  
14 recommendations to the state highways and transportation  
15 commission or the department of transportation. Disposition of  
16 those recommendations shall be reported by the commission or the  
17 department to the joint committee on transportation oversight.

18           5. In addition to the annual meeting required by subsection  
19 4 of this section, the committee shall meet two times each year.  
20 The co-chairs of the committee shall establish an agenda for each  
21 meeting that may include, but not be limited to, the following  
22 items to be discussed with the committee members throughout the  
23 year during the scheduled meeting:

24           (1) Presentation of a prioritized plan for all modes of  
25 transportation;

26           (2) Discussion of department efficiencies and expenditure

2 of cost- savings within the department;

3 (3) Presentation of a status report on department of  
4 transportation revenues and expenditures, including a detailed  
5 summary of projects funded by new state revenue as provided in  
6 paragraph (a) of subdivision (1) of subsection 3 of this section;

7 (4) Review of any report from the joint committee inspector  
8 general; and

9 (5) Implementation of any actions as may be deemed  
10 necessary by the committee as authorized by law.

11 The co-chairs of the committee may call special meetings of the  
12 committee with ten days' notice to the members of the committee,  
13 the director of the department of transportation, and the  
14 department of transportation.

15 6. The committee shall also review for approval or denial  
16 all applications for the development of specialty plates  
17 submitted to it by the department of revenue. The committee  
18 shall approve such application by unanimous vote. The committee  
19 shall not approve any application if the committee receives a  
20 signed petition from five house members or two senators that they  
21 are opposed to the approval of the proposed license plate. The  
22 committee shall notify the director of the department of revenue  
23 upon approval or denial of an application for the development of  
24 a specialty plate.

25 7. The committee shall submit records of its meetings to

2 the secretary of the senate and the chief clerk of the house of  
3 representatives in accordance with sections 610.020 and 610.023,  
4 RSMo.

5 67.1800. As used in sections 67.1800 to 67.1822, the  
6 following terms mean:

7 (1) "Airport", Lambert-St. Louis International Airport and  
8 any other airport located within the district and designated by a  
9 chief executive;

10 (2) "Airport authority", an entity established by city  
11 ordinance regarding governance of the airport with  
12 representatives appointed by the chief executives of the city,  
13 county, and other approximate counties within the region;

14 (3) "Airport taxicab", a taxicab which picks up passengers  
15 for hire at the airport, transports them to places they designate  
16 by no regular specific route, and the charge is made on the basis  
17 of distance traveled as indicated by the taximeter;

18 (4) "Chief executive", the mayor of the city and the county  
19 executive of the county;

20 (5) "City", a city not within a county;

21 (6) "Commission", the regional taxicab commission created  
22 in section 67.1804;

23 (7) "County", a county with a charter form of government  
24 and with more than one million inhabitants;

25 (8) "District", the geographical area encompassed by the  
26 regional taxicab commission;

2           (9) "Driver", an individual operator of a motor vehicle and  
3 may be an employee or independent contractor;

4           (10) "Hotel and restaurant industry", the group of  
5 enterprises actively engaged in the business of operating lodging  
6 and dining facilities for transient guests;

7           (11) "Municipality", a city, town, or village which has  
8 been incorporated in accordance with the laws of the state of  
9 Missouri;

10          (12) "On-call/reserve taxicab", any motor vehicle or  
11 nonmotorized carriage engaged in the business of carrying persons  
12 for hire on the streets of the district, whether the same is  
13 hailed on the streets by a passenger or is operated from a street  
14 stand, from a garage on a regular route, or between fixed termini  
15 on a schedule, and where no regular or specific route is  
16 traveled, passengers are taken to and from such places as they  
17 designate, and the charge is made on the basis of distance  
18 traveled as indicated by a taximeter;

19          (13) "Premium sedan", any motor vehicle engaged in the  
20 business of carrying persons for hire on the streets of the  
21 district which seats a total of five or less passengers in  
22 addition to a driver and which carries in each vehicle a manifest  
23 or trip ticket containing the name and pickup address of the  
24 passenger or passengers who have arranged for the use of the  
25 vehicle, and the charge is a prearranged fixed contract price  
26 quoted for transportation between termini selected by the

2 passenger;

3 (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs  
4 and premium sedans referred to collectively as taxicabs; and  
5 includes other motor vehicles operated in commerce on public  
6 highways in the transportation of passengers wholly within the  
7 boundaries of the regional taxicab district established in  
8 section 67.1802, RSMo, if such vehicles are:

9 (a) Operated by a motor carrier for hire, including a  
10 common carrier or contract carrier for hire, as those terms are  
11 defined in section 390.020, RSMo, except that this subdivision  
12 shall not apply to any vehicle used by a not-for-profit  
13 corporation to transport passengers as authorized by a  
14 certificate or permit issued in accordance with section 390.063,  
15 RSMo, or to any motor vehicle operated pursuant to a certificate  
16 issued under section 390.051, RSMo, or a permit issued under  
17 section 390.061, 390.071, or 390.081, RSMo; or

18 (b) Operated by a private carrier, as that term is defined  
19 in section 390.020, RSMo, when engaged in the transportation of  
20 passengers to or from an airport located within the regional  
21 taxicab district; and

22 (c) Not commercial motor vehicles, as defined in section  
23 390.5 of Title 49, Code of Federal Regulations, or any federal  
24 regulation which amends or replaces that section;

25 (15) "Taxicab company", the use of one or more taxicabs  
26 operated as a business carrying persons for hire;

2           (16) "Taximeter", a meter instrument or device attached to  
3 an on-call taxicab or airport taxicab which measures mechanically  
4 or electronically the distance driven and the waiting time upon  
5 which the fare is based;

6           (17) "Central Repository", the Missouri state highway  
7 patrol criminal records division for compiling and disseminating  
8 complete and accurate criminal history records;

9           (18) "Criminal history record information", information  
10 collected by criminal justice agencies on individuals consisting  
11 of identifiable descriptions and notations of arrests,  
12 detentions, indictments, information, or other formal criminal  
13 charges, and any disposition arising there from sentencing,  
14 correctional supervision and release.

15           67.1808. The regional taxicab commission is empowered to:

16           (1) Develop and implement plans, policies, and programs to  
17 improve the quality of taxicab service within the district;

18           (2) Cooperate and collaborate with the hotel and restaurant  
19 industry to:

20           (a) Restrict the activities of those doormen employed by  
21 hotels and restaurants who accept payment from taxicab drivers or  
22 taxicab companies in exchange for the doormen's assistance in  
23 obtaining passengers for such taxicab drivers and companies; and

24           (b) Obtain the adherence of hotel shuttle vehicles to the  
25 requirement that they operate solely on scheduled trips between  
26 fixed termini and shall have authority to create guidelines for



2 hotel and commercial shuttles;

3 (3) Cooperate and collaborate with other governmental  
4 entities, including the government of the United States, this  
5 state, and political subdivisions of this and other states;

6 (4) Cooperate and collaborate with governmental entities  
7 whose boundaries adjoin those of the district to assure that any  
8 taxicab or taxicab company neither licensed by the commission nor  
9 officed within its boundaries shall nonetheless be subject to  
10 those aspects of the taxicab code applicable to taxicabs  
11 operating within the district's boundaries;

12 (5) Contract with any public or private agency, individual,  
13 partnership, association, corporation or other entity, consistent  
14 with law, for the provision of services necessary to improve the  
15 quality of taxicab service within the district;

16 (6) Accept grants and donations from public or private  
17 entities for the purpose of improving the quality of taxicab  
18 service within the district;

19 (7) Execute contracts, sue, and be sued;

20 (8) Adopt a taxicab code to license and regulate taxicab  
21 companies and individual taxicabs within the district consistent  
22 with existing ordinances, and to provide for the enforcement of  
23 such code for the purpose of improving the quality of taxicab  
24 service within the district;

25 (9) Collect reasonable fees in an amount sufficient to fund  
26 the commission's licensing, regulatory, inspection, and

2 enforcement functions; except that, [for the first year after the  
3 regional taxicab commission's taxicab code becomes effective, any  
4 increase in fees shall not exceed twenty percent of the total  
5 fees collected] fees charged to entities regulated by the city or  
6 county prior to August 28, 2004, shall not exceed three times  
7 those amounts charged by such city or county in the first three  
8 years of the commission's operation, nor shall said fees exceed  
9 four times those amounts for the next three years and for  
10 subsequent years, the fees may be adjusted annually based on the  
11 rate of inflation according to the consumer price index.  
12 Previously regulated entities the class of service of which was  
13 regulated by both the city and the county may have fees based on  
14 the higher of the two fees charged for that class of service;  
15 [and]

16 (10) Establish accounts with appropriate banking  
17 institutions, borrow money, buy, sell, or lease property for the  
18 necessary functions of the commission; and

19 (11) Require taxicabs to display special taxicab license  
20 plates as provided in Chapter 301 in order to operate within the  
21 district. If the commission revokes the taxicab license the  
22 commission may confiscate such license plates and return them to  
23 the director of revenue pursuant to subsection 3 of section  
24 67.1813.

25 67.1813. 1. Any such person required by the regional  
26 taxicab commission pursuant to section 67.1808 to obtain and

2 display a special taxicab license plate shall make application  
3 for such license plates on a form prescribed by the director of  
4 revenue.

5 2. Upon application and payment of the same fee as required  
6 in section 301.144, in addition to the regular registration fees  
7 and documents as required by law the director of revenue shall  
8 issue special taxicab license plates that display the word  
9 "TAXICAB" in place of the words "SHOW-ME STATE".

10 3. If the regional taxicab commission revokes the taxicab  
11 license authorizing the taxicab to be operated within the  
12 district, the licensee or owner shall immediately surrender the  
13 special taxicab license plates to the director of revenue and  
14 obtain new license plates as otherwise provided by law. If the  
15 licensee or owner fails to surrender the special taxicab license  
16 plate the regional taxicab commission has the authority to  
17 confiscate such plates and return them to the director of  
18 revenue.

19 4. The director of the department of revenue may promulgate  
20 rules and regulations for the administration of this section.  
21 Any rule or portion of a rule, as that term is defined in section  
22 536.010, RSMo, that is promulgated under the authority delegated  
23 in this section shall become effective only if it has been  
24 promulgated pursuant to the provisions of chapter 536, RSMo. All  
25 rulemaking authority delegated prior to August 28, 1999, is of no  
26 force and effect; however, nothing in this section shall be

2 interpreted to repeal or affect the validity of any rule filed or  
3 adopted prior to August 28, 1999, if it fully complied with the  
4 provisions of chapter 536, RSMo. This section and chapter 536,  
5 RSMo, are nonseverable and if any of the powers vested with the  
6 general assembly pursuant to chapter 536, RSMo, to review, to  
7 delay the effective date or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 1999,  
10 shall be invalid and void.

11         67.1818. The commission shall establish as part of the  
12 taxicab code its own internal, administrative procedure for  
13 decisions involving the granting, denying, suspending, or  
14 revoking of licenses, or the imposition of administrative  
15 penalties not to exceed two hundred dollars, and shall develop a  
16 schedule of penalties which shall be available to the public and  
17 provided to all owners and operators of taxicabs. The commission  
18 shall study and take into account rate and fee structures as well  
19 as the number of existing taxicab licenses within the district in  
20 considering new applications for such licenses. The internal  
21 procedures set forth in the taxicab code shall allow appeals from  
22 license-related decisions to be conducted by independent hearing  
23 officers.

24         67.1819. 1. The commission with the passage of a taxicab  
25 code shall request a Missouri criminal record review for a  
26 prospective or current driver from the central repository by

2 furnishing information on forms and in the manner approved by the  
3 highway patrol.

4 2. The prospective or current driver shall submit two sets  
5 of fingerprints to the Missouri state highway patrol, Missouri  
6 criminal records repository, for the purpose of checking the  
7 person's criminal history. The first set of fingerprints shall  
8 be used to search the Missouri criminal records repository and  
9 the second set shall be submitted to the Federal Bureau of  
10 Investigation to be used for searching the federal criminal  
11 history files.

12 3. The prospective or current driver shall pay the  
13 appropriate fee to the state central repository payable to the  
14 criminal record system fund and pay the appropriate fee  
15 determined by the Federal Bureau of Investigation for the federal  
16 criminal history record when applying for or renewing a license.

17 4. Any criminal history information received by the  
18 commission pursuant to the provisions of this section shall be  
19 used solely for the internal purposes of the commission in  
20 determining the suitability of the prospective or current driver.  
21 The dissemination of criminal history information from the  
22 Federal Bureau of Investigation beyond the authorized or related  
23 governmental entity is prohibited. All criminal record check  
24 information shall be confidential and any person who discloses  
25 the information beyond the scope allowed is guilty of a class A  
26 misdemeanor.

2           137.298. 1. Other provisions of law to the contrary  
3 notwithstanding, any city may by ordinance include as a charge on  
4 bills issued for personal property taxes any outstanding parking  
5 violations issued on any vehicle for which personal property tax  
6 is to be paid and, if required by ordinance, such charge shall be  
7 collected with and in the same payment as personal property taxes  
8 are collected by the collector of revenue of such city. No  
9 personal property tax bill shall be considered paid unless all  
10 charges for parking violations are also paid in full and the  
11 collector of revenue shall not issue a paid personal property  
12 receipt until all such charges are paid.

13           2. Any city or city not within a county may enter into a  
14 contract or cooperative agreement with the county governing body  
15 and county collector of any county with a charter form of  
16 government or any county of the first classification to include  
17 as a charge on bills issued for personal property taxes any  
18 outstanding vehicle-related fees and fines, including traffic  
19 violations, assessed or issued on any vehicle for which personal  
20 property tax is to be paid. For the purpose of this section,  
21 vehicle-related fees and fines shall include, but not be limited  
22 to, traffic violation fines, parking violation fines, towing and  
23 vehicle immobilization fees, and any late payment penalties and  
24 court costs associated with adjudication or collection of those  
25 fines. No personal property tax bill shall be considered paid  
26 unless all charges for parking violations and other vehicle-

2 related fees and fines are also paid in full, and the county  
3 collector shall not issue a paid personal property tax receipt  
4 until all such charges are paid. Any contract or cooperative  
5 agreement shall be in writing, signed by the city, county  
6 governing body, and county collector, and shall set forth the  
7 provisions and terms agreed to by the parties.

8 144.025. 1. Notwithstanding any other provisions of law to  
9 the contrary, in any retail sale other than retail sales governed  
10 by subsections 4 and 5 of this section, where any article on  
11 which sales or use tax has been paid, credited, or otherwise  
12 satisfied or which was exempted or excluded from sales or use tax  
13 is taken in trade as a credit or part payment on the purchase  
14 price of the article being sold, the tax imposed by sections  
15 144.020 and 144.440 shall be computed only on that portion of the  
16 purchase price which exceeds the actual allowance made for the  
17 article traded in or exchanged, if there is a bill of sale or  
18 other record showing the actual allowance made for the article  
19 traded in or exchanged. [Where the article being traded in for  
20 credit or part payment is a motor vehicle, trailer, boat, or  
21 outboard motor the person trading in the article must be the  
22 owner or holder of a properly assigned certificate of ownership.]  
23 Where the purchaser of a motor vehicle, trailer, boat or outboard  
24 motor receives a rebate from the seller or manufacturer, the tax  
25 imposed by sections 144.020 and 144.440 shall be computed only on  
26 that portion of the purchase price which exceeds the amount of

2 the rebate, if there is a bill of sale or other record showing  
3 the actual rebate given by the seller or manufacturer. Where the  
4 trade-in or exchange allowance plus any applicable rebate exceeds  
5 the purchase price of the purchased article there shall be no  
6 sales or use tax owed. This section shall also apply to motor  
7 vehicles, trailers, boats, and outboard motors sold by the owner  
8 or holder of the properly assigned certificate of ownership if  
9 the seller purchases or contracts to purchase a subsequent motor  
10 vehicle, trailer, boat, or outboard motor within one hundred  
11 eighty days before or after the date of the sale of the original  
12 article and a notarized bill of sale showing the paid sale price  
13 is presented to the department of revenue at the time of  
14 licensing. A copy of the bill of sale shall be left with the  
15 licensing office. Where the subsequent motor vehicle, trailer,  
16 boat, or outboard motor is titled more than one hundred eighty  
17 days after the sale of the original motor vehicle, trailer, boat,  
18 or outboard motor, the allowance pursuant to this section shall  
19 be made if the person titling such article establishes that the  
20 purchase or contract to purchase was finalized prior to the  
21 expiration of the one hundred eighty-day period.

22 2. As used in this section, the term "boat" includes all  
23 motorboats and vessels, as the terms "motorboat" and "vessel" are  
24 defined in section 306.010, RSMo.

25 3. As used in this section, the term "motor vehicle"  
26 includes motor vehicles as defined in section 301.010, RSMo,



2 recreational vehicles as defined in section 700.010, RSMo, or a  
3 combination of a truck as defined in section 301.010, RSMo, and a  
4 trailer as defined in section 301.010, RSMo.

5 4. The provisions of subsection 1 of this section shall not  
6 apply to retail sales of manufactured homes in which the  
7 purchaser receives a document known as the "Manufacturer's  
8 Statement of Origin" for purposes of obtaining a title to the  
9 manufactured home from the department of revenue of this state or  
10 from the appropriate agency or officer of any other state.

11 5. Any purchaser of a motor vehicle or trailer used for  
12 agricultural use by the purchaser shall be allowed to use as an  
13 allowance to offset the sales and use tax liability towards the  
14 purchase of the motor vehicle or trailer any grain or livestock  
15 produced or raised by the purchaser. The director of revenue may  
16 prescribe forms for compliance with this subsection.

17 226.030. 1. The [state] highways and transportation  
18 commission shall consist of six members, who shall be appointed  
19 by the governor, by and with the advice and consent of the  
20 senate, not more than three thereof to be members of the same  
21 political party. Each commissioner shall be a taxpayer and  
22 resident of state for at least five years prior to his  
23 appointment. Any commissioner may be removed by the governor if  
24 fully satisfied of his inefficiency, neglect of duty, or  
25 misconduct in office. Commissioners appointed pursuant to this  
26 section shall be appointed for terms of six years, except as

2 otherwise provided in this subsection. Upon the expiration of  
3 each of the foregoing terms of these commissioners a successor  
4 shall be appointed for a term of six years or until his successor  
5 is appointed and qualified which term of six years shall  
6 thereafter be the length of term of each member of the commission  
7 unless removed as above provided. The members of the commission  
8 shall receive as compensation for their services twenty-five  
9 dollars per day for the time spent in the performance of their  
10 official duties, and also their necessary traveling and other  
11 expenses incurred while actually engaged in the discharge of  
12 their official duties. Members whose terms otherwise expire  
13 December 1, 2003, shall serve with terms expiring March 1, 2004,  
14 and new members or the members reappointed shall be appointed for  
15 terms expiring March 1, 2005; a member whose term otherwise  
16 expires December 1, 2005, shall serve with a term expiring March  
17 1, 2007; a member whose term otherwise expires December 1, 2007,  
18 shall serve with a term expiring March 1, 2009; and one member  
19 whose term otherwise expires October 13, 2007, shall serve with a  
20 term expiring March 1, 2007; and one member whose term otherwise  
21 expires October 13, 2007, shall serve with a term expiring March  
22 1, 2009. If a vacancy occurs in any term of a commissioner due  
23 to death, resignation, or removal, a successor shall be appointed  
24 for only the remainder of the unexpired term.

25 2. [Beginning August 28, 2003, when two members of the  
26 state highways and transportation commission are within two years

2 of expiration of their terms, the commission shall appoint one of  
3 those two members as chair of the commission and the other as  
4 vice chair, each to serve in such position for one year. At the  
5 end of such year, the member currently serving as chair shall  
6 then serve as vice chair, and the member currently serving as  
7 vice chair shall serve as chair, each to serve in such position  
8 for one year] The two members of the commission, one each from  
9 opposing political parties, who have the most seniority in  
10 commission service shall serve as commission leadership with one  
11 member as chair and the other member as vice chair, respectively,  
12 for terms ending March 1, 2005. The commission shall elect one  
13 of the members as chair and the other as vice chair. Effective  
14 March 1, 2005, the commission shall elect the two members of the  
15 commission, one from each opposing political party who has the  
16 most seniority in commission service, who shall serve as  
17 commission leadership with one member as chair and the other  
18 member as vice chair, respectively, for one year. At the end of  
19 such year, the member currently serving as chair shall then serve  
20 as vice chair, and the member currently serving as vice chair  
21 shall serve as chair, each to serve in such position for one  
22 year. Thereafter, commission leadership shall continue to rotate  
23 accordingly with the two members from opposing political parties  
24 who have the most seniority in terms of commission service being  
25 elected by the commission to serve as commission leadership. If  
26 one of the commission leadership offices becomes vacant due to

2 death, resignation, removal, or refuses to serve before the one-  
3 year leadership term expires, the commission shall elect one of  
4 its members that is of the same political party as the vacating  
5 officer to serve the remainder of the vacating officer's  
6 leadership term. Such election shall not prohibit that member  
7 from later serving as chair and vice chair when such member's  
8 seniority in commission service qualifies him or her for those  
9 offices as provided in this subsection.

10 3. No more than one-half of the members of the [state  
11 highways and transportation] commission shall be of the same  
12 political party. The selection and removal of all employees of  
13 the department of [highways and] transportation shall be without  
14 regard to political affiliation.

15 4. The present members of the [state highways and  
16 transportation] commission shall continue to serve as members of  
17 the [state highways and transportation] commission for the  
18 remainder of the terms for which they were appointed, except as  
19 provided in subsection 1 of this section.

20 5. The director of the department of transportation shall,  
21 by February fifteenth of each year, present an annual state of  
22 the state of transportation to a joint session of the general  
23 assembly. The six members of the [state highways and  
24 transportation] commission shall be present and available at such  
25 presentations for questions by members. The transportation  
26 inspector general may also be present and report to the general

2 assembly on any matter of concern within his or her statutory  
3 authority. The provisions of this subsection shall expire August  
4 28, 2008.

5 6. Any member reappointed shall only be eligible to serve  
6 as chair or vice-chair during the final two years of such  
7 member's reappointment.

8 226.060. 1. The [state highways and transportation  
9 commission] director of the Missouri department of  
10 transportation, with the consent of the highways and  
11 transportation commission, shall select and fix the salary of a  
12 chief counsel who shall possess the same qualifications as judges  
13 of the supreme court and who shall serve at the pleasure of the  
14 [commission] director and shall appear for and represent the  
15 commission in all actions and proceedings under chapters 226 and  
16 227, RSMo, or any other law administered by the commission, or in  
17 any decision, order or proceeding of the commission, or of the  
18 director and shall commence, prosecute or defend all actions or  
19 proceedings authorized or requested by the commission or to which  
20 the commission is a party and shall advise the commission or the  
21 director, when requested, in all matters in connection with the  
22 organization, powers and duties of the commission or the powers  
23 and duties of the director.

24 2. The chief counsel shall, with the consent of the  
25 [commission] director, appoint such assistant attorneys as the  
26 [commission] director may deem necessary and their salaries shall

2 be fixed by the [commission] director. The chief counsel's  
3 office [of the commission] shall be furnished offices in the  
4 department of transportation building.

5 3. Nothing in this subsection shall be construed to  
6 conflict with the duties of the chief counsel as established in  
7 subsection 1 of this section. The chief counsel, or assistant  
8 attorneys designated by the chief counsel, shall render legal  
9 opinions and advise the commission and director on any matter  
10 required by the commission or the director. The commission, or  
11 an individual commissioner or commissioners, may request legal  
12 opinions or advice from the chief counsel pursuant to subsection  
13 1 of this section and the chief counsel or an assistant attorney  
14 designated by the chief counsel shall provide such opinion or  
15 advice directly to the commission or individual commissioners  
16 making the request.

17 301.010. As used in this chapter and sections 304.010 to  
18 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to  
19 307.175, RSMo, the following terms mean:

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

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

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

9           (4) "Boat transporter", any vehicle combination designed  
10 and used specifically to transport assembled boats and boat  
11 hulls;

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

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

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

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

26           (9) "Dealer", any person, firm, corporation, association,

2 agent or subagent engaged in the sale or exchange of new, used or  
3 reconstructed motor vehicles or trailers;

4 (10) "Director" or "director of revenue", the director of  
5 the department of revenue;

6 (11) "Driveaway operation"[, ]:

7 (a) The movement of a motor vehicle or trailer by any  
8 person or motor carrier other than a dealer over any public  
9 highway, under its own power singly, or in a fixed combination of  
10 two or more vehicles, for the purpose of delivery for sale or for  
11 delivery either before or after sale;

12 (b) The movement of any vehicle or vehicles, not owned by  
13 the transporter, constituting the commodity being transported, by  
14 a person engaged in the business of furnishing drivers and  
15 operators for the purpose of transporting vehicles in transit  
16 from one place to another by the driveaway or towaway methods; or

17 (c) The movement of a motor vehicle by any person who is  
18 lawfully engaged in the business of transporting or delivering  
19 vehicles that are not the person's own and vehicles of a type  
20 otherwise required to be registered, by the driveaway or towaway  
21 methods, from a point of manufacture, assembly or distribution or  
22 from the owner of the vehicles to a dealer or sales agent of a  
23 manufacturer or to any consignee designated by the shipper or  
24 consignor;

25 (12) "Dromedary", a box, deck, or plate mounted behind the  
26 cab and forward of the fifth wheel on the frame of the power unit



2 of a truck tractor-semitrailer combination. A truck tractor  
3 equipped with a dromedary may carry part of a load when operating  
4 independently or in a combination with a semitrailer;

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

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

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

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

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

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

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

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

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

25 (22) "Junk vehicle", a vehicle which is incapable of  
26 operation or use upon the highways and has no resale value except

2 as a source of parts or scrap, and shall not be titled or  
3 registered;

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

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

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

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

25 (25) "Local commercial motor vehicle", a commercial motor  
26 vehicle whose operations are confined solely to a municipality

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

10 (26) "Local log truck", a commercial motor vehicle which is  
11 registered pursuant to this chapter to operate as a motor vehicle  
12 on the public highways of this state, used exclusively in this  
13 state, used to transport harvested forest products, operated  
14 solely at a forested site and in an area extending not more than  
15 a fifty-mile radius from such site, carries a load with  
16 dimensions not in excess of twenty-five cubic yards per two axles  
17 with dual wheels, and [is not] when operated on the national  
18 system of interstate and defense highways described in Title 23,  
19 Section 103(e) of the United States Code, such vehicle shall not  
20 exceed the weight limits of section 304.180, RSMo, does not have  
21 more than four axles, and does not pull a trailer which has more  
22 than two axles. A local log truck may not exceed the limits  
23 required by law, however, if the truck does exceed such limits as  
24 determined by the inspecting officer, then notwithstanding any  
25 other provisions of law to the contrary, such truck shall be  
26 subject to the weight limits required by such sections as

2 licensed for eighty thousand pounds;

3       (27) "Local log truck tractor", a commercial motor vehicle  
4 which is registered under this chapter to operate as a motor  
5 vehicle on the public highways of this state, used exclusively in  
6 this state, used to transport harvested forest products, operated  
7 solely at a forested site and in an area extending not more than  
8 a fifty-mile radius from such site, operates with a weight not  
9 exceeding twenty-two thousand four hundred pounds on one axle or  
10 with a weight not exceeding forty-four thousand eight hundred  
11 pounds on any tandem axle, and when operated on the national  
12 system of interstate and defense highways described in Title 23,  
13 Section 103(e) of the United States Code, such vehicle does not  
14 exceed the weight limits contained in section 304.180, RSMo, and  
15 does not have more than three axles and does not pull a trailer  
16 which has more than two axles. Violations of axle weight  
17 limitations shall be subject to the load limit penalty as  
18 described for in sections 304.180 to 304.220, RSMo;

19       (28) "Local transit bus", a bus whose operations are  
20 confined wholly within a municipal corporation, or wholly within  
21 a municipal corporation and a commercial zone, as defined in  
22 section 390.020, RSMo, adjacent thereto, forming a part of a  
23 public transportation system within such municipal corporation  
24 and such municipal corporation and adjacent commercial zone;

25       [(28)] (29) "Log truck", a vehicle which is not a local log  
26 truck or local log truck tractor and is used exclusively to

2 transport harvested forest products to and from forested sites  
3 which is registered pursuant to this chapter to operate as a  
4 motor vehicle on the public highways of this state for the  
5 transportation of harvested forest products;

6 [(29)] (30) "Major component parts", the rear clip, cowl,  
7 frame, body, cab, front-end assembly, and front clip, as those  
8 terms are defined by the director of revenue pursuant to rules  
9 and regulations or by illustrations;

10 [(30)] (31) "Manufacturer", any person, firm, corporation  
11 or association engaged in the business of manufacturing or  
12 assembling motor vehicles, trailers or vessels for sale;

13 [(31)] (32) "Mobile scrap processor", a business located in  
14 Missouri or any other state that comes onto a salvage site and  
15 crushes motor vehicles and parts for transportation to a shredder  
16 or scrap metal operator for recycling;

17 [(32)] (33) "Motor change vehicle", a vehicle manufactured  
18 prior to August, 1957, which receives a new, rebuilt or used  
19 engine, and which used the number stamped on the original engine  
20 as the vehicle identification number;

21 [(33)] (34) "Motor vehicle", any self-propelled vehicle not  
22 operated exclusively upon tracks, except farm tractors;

23 [(34)] (35) "Motor vehicle primarily for business use", any  
24 vehicle other than a recreational motor vehicle, motorcycle,  
25 motortricycle, or any commercial motor vehicle licensed for over  
26 twelve thousand pounds:

2 (a) Offered for hire or lease; or

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

5 [(35)] (36) "Motorcycle", a motor vehicle operated on two  
6 wheels;

7 [(36)] (37) "Motorized bicycle", any two-wheeled or  
8 three-wheeled device having an automatic transmission and a motor  
9 with a cylinder capacity of not more than fifty cubic  
10 centimeters, which produces less than three gross brake  
11 horsepower, and is capable of propelling the device at a maximum  
12 speed of not more than thirty miles per hour on level ground;

13 [(37)] (38) "Motortricycle", a motor vehicle operated on  
14 three wheels, including a motorcycle while operated with any  
15 conveyance, temporary or otherwise, requiring the use of a third  
16 wheel. A motortricycle shall not be included in the definition  
17 of all-terrain vehicle;

18 [(38)] (39) "Municipality", any city, town or village,  
19 whether incorporated or not;

20 [(39)] (40) "Nonresident", a resident of a state or country  
21 other than the state of Missouri;

22 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle  
23 not originally manufactured in compliance with United States  
24 emissions or safety standards;

25 [(41)] (42) "Operator", any person who operates or drives a  
26 motor vehicle;

2           [(42)] (43) "Owner", any person, firm, corporation or  
3 association, who holds the legal title to a vehicle or in the  
4 event a vehicle is the subject of an agreement for the  
5 conditional sale or lease thereof with the right of purchase upon  
6 performance of the conditions stated in the agreement and with an  
7 immediate right of possession vested in the conditional vendee or  
8 lessee, or in the event a mortgagor of a vehicle is entitled to  
9 possession, then such conditional vendee or lessee or mortgagor  
10 shall be deemed the owner for the purpose of this law;

11           [(43)] (44) "Public garage", a place of business where  
12 motor vehicles are housed, stored, repaired, reconstructed or  
13 repainted for persons other than the owners or operators of such  
14 place of business;

15           [(44)] (45) "Rebuilder", a business that repairs or  
16 rebuilds motor vehicles owned by the rebuilder, but does not  
17 include certificated common or contract carriers of persons or  
18 property;

19           [(45)] (46) "Reconstructed motor vehicle", a vehicle that  
20 is altered from its original construction by the addition or  
21 substitution of two or more new or used major component parts,  
22 excluding motor vehicles made from all new parts, and new  
23 multistage manufactured vehicles;

24           [(46)] (47) "Recreational motor vehicle", any motor vehicle  
25 designed, constructed or substantially modified so that it may be  
26 used and is used for the purposes of temporary housing quarters,

2 including therein sleeping and eating facilities which are either  
3 permanently attached to the motor vehicle or attached to a unit  
4 which is securely attached to the motor vehicle. Nothing herein  
5 shall prevent any motor vehicle from being registered as a  
6 commercial motor vehicle if the motor vehicle could otherwise be  
7 so registered;

8 [(47)] (48) "Rollback or car carrier", any vehicle  
9 specifically designed to transport wrecked, disabled or otherwise  
10 inoperable vehicles, when the transportation is directly  
11 connected to a wrecker or towing service;

12 [(48)] (49) "Saddlemount combination", a combination of  
13 vehicles in which a truck or truck tractor tows one or more  
14 trucks or truck tractors, each connected by a saddle to the frame  
15 or fifth wheel of the vehicle in front of it. The "saddle" is a  
16 mechanism that connects the front axle of the towed vehicle to  
17 the frame or fifth wheel of the vehicle in front and functions  
18 like a fifth wheel kingpin connection. When two vehicles are  
19 towed in this manner the combination is called a double  
20 saddlemount combination. When three vehicles are towed in this  
21 manner, the combination is called a triple saddlemount  
22 combination;

23 [(49)] (50) "Salvage dealer and dismantler", a business  
24 that dismantles used motor vehicles for the sale of the parts  
25 thereof, and buys and sells used motor vehicle parts and  
26 accessories;



2            [(50)] (51) "Salvage vehicle", a motor vehicle,  
3            semitrailer, or house trailer which[,];

4            (a) Has been damaged to the extent that the total cost of  
5            repairs to rebuild or reconstruct the vehicle to its condition  
6            immediately before it was damaged for legal operation on the  
7            roads or highways exceeds seventy-five percent of the fair market  
8            value of the vehicle immediately preceding the time it was  
9            damaged;

10           (b) By reason of condition or circumstance, has been  
11           declared salvage, either by its owner, or by a person, firm,  
12           corporation, or other legal entity exercising the right of  
13           security interest in it[, or];

14           (c) Has been declared salvage by an insurance company as a  
15           result of settlement of a claim for loss due to damage or theft;  
16           [or

17           A vehicle,] (d) Ownership of which is evidenced by a  
18           salvage title; or

19           (e) Is abandoned property which is titled pursuant to  
20           section 304.155, RSMo, or section 304.157, RSMo, and designated  
21           with the words "salvage/abandoned property".

22           The total cost of repairs to rebuild or reconstruct the vehicle  
23           shall not include the cost of repairing, replacing, or  
24           reinstalling inflatable safety restraints, tires, sound systems,  
25           or any sales tax on parts or materials to rebuild or reconstruct

2 the vehicle. For purposes of this definition, "fair market  
3 value" means the retail value of a motor vehicle as:

4 a. Set forth in a current edition of any nationally  
5 recognized compilation of retail values, including automated  
6 databases, or from publications commonly used by the automotive  
7 and insurance industries to establish the values of motor  
8 vehicles;

9 b. Determined pursuant to a market survey of comparable  
10 vehicles with regard to condition and equipment; and

11 c. Determined by an insurance company using any other  
12 procedure recognized by the insurance industry, including market  
13 surveys, that is applied by the company in a uniform manner;

14 [(51)] (52) "School bus", any motor vehicle used solely to  
15 transport students to or from school or to transport students to  
16 or from any place for educational purposes;

17 [(52)] (53) "Shuttle bus", a motor vehicle used or  
18 maintained by any person, firm, or corporation as an incidental  
19 service to transport patrons or customers of the regular business  
20 of such person, firm, or corporation to and from the place of  
21 business of the person, firm, or corporation providing the  
22 service at no fee or charge. Shuttle buses shall not be  
23 registered as buses or as commercial motor vehicles;

24 [(53)] (54) "Special mobile equipment", every  
25 self-propelled vehicle not designed or used primarily for the  
26 transportation of persons or property and incidentally operated

2 or moved over the highways, including farm equipment, implements  
3 of husbandry, road construction or maintenance machinery,  
4 ditch-digging apparatus, stone crushers, air compressors, power  
5 shovels, cranes, graders, rollers, well-drillers and wood-sawing  
6 equipment used for hire, asphalt spreaders, bituminous mixers,  
7 bucket loaders, ditchers, leveling graders, finished machines,  
8 motor graders, road rollers, scarifiers, earth-moving carryalls,  
9 scrapers, drag lines, concrete pump trucks, rock-drilling and  
10 earth-moving equipment. This enumeration shall be deemed partial  
11 and shall not operate to exclude other such vehicles which are  
12 within the general terms of this section;

13 [(54)] (55) "Specially constructed motor vehicle", a motor  
14 vehicle which shall not have been originally constructed under a  
15 distinctive name, make, model or type by a manufacturer of motor  
16 vehicles. The term "specially constructed motor vehicle"  
17 includes kit vehicles;

18 [(55)] (56) "Stinger-steered combination", a truck  
19 tractor-semitrailer wherein the fifth wheel is located on a drop  
20 frame located behind and below the rearmost axle of the power  
21 unit;

22 [(56)] (57) "Tandem axle", a group of two or more axles,  
23 arranged one behind another, the distance between the extremes of  
24 which is more than forty inches and not more than ninety-six  
25 inches apart;

26 [(57)] (58) "Tractor", "truck tractor" or "truck-tractor",

2 a self-propelled motor vehicle designed for drawing other  
3 vehicles, but not for the carriage of any load when operating  
4 independently. When attached to a semitrailer, it supports a  
5 part of the weight thereof;

6 [(58)] (59) "Trailer", any vehicle without motive power  
7 designed for carrying property or passengers on its own structure  
8 and for being drawn by a self-propelled vehicle, except those  
9 running exclusively on tracks, including a semitrailer or vehicle  
10 of the trailer type so designed and used in conjunction with a  
11 self-propelled vehicle that a considerable part of its own weight  
12 rests upon and is carried by the towing vehicle. The term  
13 "trailer" shall not include cotton trailers as defined in  
14 subdivision (8) of this section and shall not include  
15 manufactured homes as defined in section 700.010, RSMo;

16 [(59)] (60) "Truck", a motor vehicle designed, used, or  
17 maintained for the transportation of property;

18 [(60)] (61) "Truck-tractor semitrailer-semitrailer", a  
19 combination vehicle in which the two trailing units are connected  
20 with a B-train assembly which is a rigid frame extension attached  
21 to the rear frame of a first semitrailer which allows for a  
22 fifth-wheel connection point for the second semitrailer and has  
23 one less articulation point than the conventional "A dolly"  
24 connected truck-tractor semitrailer-trailer combination;

25 [(61)] (62) "Truck-trailer boat transporter combination", a  
26 boat transporter combination consisting of a straight truck

2 towing a trailer using typically a ball and socket connection  
3 with the trailer axle located substantially at the trailer center  
4 of gravity rather than the rear of the trailer but so as to  
5 maintain a downward force on the trailer tongue;

6 [(62)] (63) "Used parts dealer", a business that buys and  
7 sells used motor vehicle parts or accessories, but not including  
8 a business that sells only new, remanufactured or rebuilt parts.  
9 "Business" does not include isolated sales at a swap meet of less  
10 than three days;

11 [(63)] (64) "Vanpool", any van or other motor vehicle used  
12 or maintained by any person, group, firm, corporation,  
13 association, city, county or state agency, or any member thereof,  
14 for the transportation of not less than eight nor more than  
15 forty-eight employees, per motor vehicle, to and from their place  
16 of employment; however, a vanpool shall not be included in the  
17 definition of the term "bus" or "commercial motor vehicle" as  
18 defined by subdivisions (6) and (7) of this section, nor shall a  
19 vanpool driver be deemed a "chauffeur" as that term is defined by  
20 section 302.010, RSMo; nor shall use of a vanpool vehicle for  
21 ride-sharing arrangements, recreational, personal, or maintenance  
22 uses constitute an unlicensed use of the motor vehicle, unless  
23 used for monetary profit other than for use in a ride-sharing  
24 arrangement;

25 [(64)] (65) "Vehicle", any mechanical device on wheels,  
26 designed primarily for use, or used, on highways, except

2 motorized bicycles, vehicles propelled or drawn by horses or  
3 human power, or vehicles used exclusively on fixed rails or  
4 tracks, or cotton trailers or motorized wheelchairs operated by  
5 handicapped persons;

6 [(65)] (66) "Wrecker" or "tow truck", any emergency  
7 commercial vehicle equipped, designed and used to assist or  
8 render aid and transport or tow disabled or wrecked vehicles from  
9 a highway, road, street or highway rights-of-way to a point of  
10 storage or repair, including towing a replacement vehicle to  
11 replace a disabled or wrecked vehicle;

12 [(66)] (67) "Wrecker or towing service", the act of  
13 transporting, towing or recovering with a wrecker, tow truck,  
14 rollback or car carrier any vehicle not owned by the operator of  
15 the wrecker, tow truck, rollback or car carrier for which the  
16 operator directly or indirectly receives compensation or other  
17 personal gain.

18 301.020. 1. Every owner of a motor vehicle or trailer,  
19 which shall be operated or driven upon the highways of this  
20 state, except as herein otherwise expressly provided, shall  
21 annually file, by mail or otherwise, in the office of the  
22 director of revenue, an application for registration on a blank  
23 to be furnished by the director of revenue for that purpose  
24 containing:

25 (1) A brief description of the motor vehicle or trailer to  
26 be registered, including the name of the manufacturer, the

2 vehicle identification number, the amount of motive power of the  
3 motor vehicle, stated in figures of horsepower, beginning January  
4 1, 2007, figures of horsepower shall not be required, and whether  
5 the motor vehicle is to be registered as a motor vehicle  
6 primarily for business use as defined in section 301.010;

7 (2) The name, the applicant's identification number and  
8 address of the owner of such motor vehicle or trailer;

9 (3) The gross weight of the vehicle and the desired load in  
10 pounds if the vehicle is a commercial motor vehicle or trailer.

11 2. If the vehicle is a motor vehicle primarily for business  
12 use as defined in section 301.010 and if such vehicle is five  
13 years of age or less, the director of revenue shall retain the  
14 odometer information provided in the vehicle inspection report,  
15 and provide for prompt access to such information, together with  
16 the vehicle identification number for the motor vehicle to which  
17 such information pertains, for a period of five years after the  
18 receipt of such information. This section shall not apply  
19 unless:

20 (1) The application for the vehicle's certificate of  
21 ownership was submitted after July 1, 1989; and

22 (2) The certificate was issued pursuant to a manufacturer's  
23 statement of origin.

24 3. If the vehicle is any motor vehicle other than a motor  
25 vehicle primarily for business use, a recreational motor vehicle,  
26 motorcycle, motortricycle, bus or any commercial motor vehicle

2 licensed for over twelve thousand pounds and if such motor  
3 vehicle is five years of age or less, the director of revenue  
4 shall retain the odometer information provided in the vehicle  
5 inspection report, and provide for prompt access to such  
6 information, together with the vehicle identification number for  
7 the motor vehicle to which such information pertains, for a  
8 period of five years after the receipt of such information. This  
9 subsection shall not apply unless:

10 (1) The application for the vehicle's certificate of  
11 ownership was submitted after July 1, 1990; and

12 (2) The certificate was issued pursuant to a manufacturer's  
13 statement of origin.

14 4. If the vehicle qualifies as a reconstructed motor  
15 vehicle, motor change vehicle, specially constructed motor  
16 vehicle, non-USA-std motor vehicle, as defined in section  
17 301.010, or prior salvage as referenced in section 301.573, the  
18 owner or lienholder shall surrender the certificate of ownership.  
19 The owner shall make an application for a new certificate of  
20 ownership, pay the required title fee, and obtain the vehicle  
21 examination certificate required pursuant to section 301.190.  
22 Notarized bills of sale along with a copy of the front and back  
23 of the certificate of ownership for all major component parts  
24 installed on the vehicle and invoices for all essential parts  
25 which are not defined as major component parts shall accompany  
26 the application for a new certificate of ownership. If the



2 vehicle is a specially constructed motor vehicle, as defined in  
3 section 301.010, two pictures of the vehicle shall be submitted  
4 with the application. If the vehicle is a kit vehicle, the  
5 applicant shall submit the invoice and the manufacturer's  
6 statement of origin on the kit. If the vehicle requires the  
7 issuance of a special number by the director of revenue or a  
8 replacement vehicle identification number, the applicant shall  
9 submit the required application and application fee. All  
10 applications required under this subsection shall be submitted  
11 with any applicable taxes which may be due on the purchase of the  
12 vehicle or parts. The director of revenue shall appropriately  
13 designate "Reconstructed Motor Vehicle", "Motor Change Vehicle",  
14 "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor  
15 Vehicle" on the current and all subsequent issues of the  
16 certificate of ownership of such vehicle.

17 5. Every insurance company which pays a claim for repair of  
18 a motor vehicle which as the result of such repairs becomes a  
19 reconstructed motor vehicle as defined in section 301.010 or  
20 which pays a claim on a salvage vehicle as defined in section  
21 301.010 and the insured is retaining ownership of the vehicle,  
22 shall in writing notify the claimant, if he is the owner of the  
23 vehicle, and the lienholder if a lien is in effect, that he is  
24 required to surrender the certificate of ownership, and the  
25 documents and fees required pursuant to subsection [3] 4 of this  
26 section[, ] to obtain a reconstructed motor vehicle certificate of

2     ownership or documents and fees as otherwise required by law to  
3     obtain a salvage certificate of ownership, from the director of  
4     revenue. The insurance company shall within thirty days of the  
5     payment of such claims report to the director of revenue the name  
6     and address of such claimant, the year, make, model, vehicle  
7     identification number, and license plate number of the vehicle,  
8     and the date of loss and payment.

9             6. Anyone who fails to comply with the requirements of this  
10     section shall be guilty of a class B misdemeanor.

11            7. An applicant for registration may make a donation of one  
12     dollar to promote a blindness education, screening and treatment  
13     program. The director of revenue shall collect the donations and  
14     deposit all such donations in the state treasury to the credit of  
15     the blindness education, screening and treatment program fund  
16     established in section 192.935, RSMo. Moneys in the blindness  
17     education, screening and treatment program fund shall be used  
18     solely for the purposes established in section 192.935, RSMo,  
19     except that the department of revenue shall retain no more than  
20     one percent for its administrative costs. The donation  
21     prescribed in this subsection is voluntary and may be refused by  
22     the applicant for registration at the time of issuance or  
23     renewal. The director shall inquire of each applicant at the  
24     time the applicant presents the completed application to the  
25     director whether the applicant is interested in making the  
26     one-dollar donation prescribed in this subsection.

2           8. An applicant for registration may make a donation of one  
3 dollar to promote an organ donor program. The director of  
4 revenue shall collect the donations and deposit all such  
5 donations in the state treasury to the credit of the organ donor  
6 program fund as established in sections 194.297 to 194.304, RSMo.  
7 Moneys in the organ donor fund shall be used solely for the  
8 purposes established in sections 194.297 to 194.304, RSMo, except  
9 that the department of revenue shall retain no more than one  
10 percent for its administrative costs. The donation prescribed in  
11 this subsection is voluntary and may be refused by the applicant  
12 for registration at the time of issuance or renewal. The  
13 director shall inquire of each applicant at the time the  
14 applicant presents the completed application to the director  
15 whether the applicant is interested in making the one-dollar  
16 donation prescribed in this subsection.

17           301.025. 1. No state registration license to operate any  
18 motor vehicle in this state shall be issued unless the  
19 application for license of a motor vehicle or trailer is  
20 accompanied by a tax receipt for the tax year which immediately  
21 precedes the year in which the vehicle's or trailer's  
22 registration is due and which reflects that all taxes, including  
23 delinquent taxes from prior years, have been paid, or a statement  
24 certified by the county or township collector of the county or  
25 township in which the applicant's property was assessed showing  
26 that the state and county tangible personal property taxes for

2       such previous tax year and all delinquent taxes due have been  
3       paid by the applicant or that no such taxes were due or, if the  
4       applicant is not a resident of this state and serving in the  
5       armed forces of the United States, the application is accompanied  
6       by a leave and earnings statement from such person verifying such  
7       status. In the event the registration is a renewal of a  
8       registration made two or three years previously, the application  
9       shall be accompanied by proof that taxes were not due or have  
10      been paid for the two or three years which immediately precede  
11      the year in which the motor vehicle's or trailer's registration  
12      is due. The county or township collector shall not be required  
13      to issue a receipt for the immediately preceding tax year until  
14      all personal property taxes, including all delinquent taxes  
15      currently due, are paid. If the applicant was a resident of  
16      another county of this state in the applicable preceding years,  
17      he or she must submit to the collector in the county or township  
18      of residence proof that the personal property tax was paid in the  
19      applicable tax years. Every county and township collector shall  
20      give each person a tax receipt or a certified statement of  
21      tangible personal property taxes paid. The receipt issued by the  
22      county collector in any county of the first classification with a  
23      charter form of government which contains part of a city with a  
24      population of at least three hundred fifty thousand inhabitants  
25      which is located in more than one county, any county of the first  
26      classification without a charter form of government with a

2 population of at least one hundred fifty thousand inhabitants  
3 which contains part of a city with a population of at least three  
4 hundred fifty thousand inhabitants which is located in more than  
5 one county and any county of the first classification without a  
6 charter form of government with a population of at least one  
7 hundred ten thousand but less than one hundred fifty thousand  
8 inhabitants shall be determined null and void if the person  
9 paying tangible personal property taxes issues or passes a check  
10 or other similar sight order which is returned to the collector  
11 because the account upon which the check or order was drawn was  
12 closed or did not have sufficient funds at the time of  
13 presentation for payment by the collector to meet the face amount  
14 of the check or order. The collector may assess and collect in  
15 addition to any other penalty or interest that may be owed, a  
16 penalty of ten dollars or five percent of the total amount of the  
17 returned check or order whichever amount is greater to be  
18 deposited in the county general revenue fund, but in no event  
19 shall such penalty imposed exceed one hundred dollars. The  
20 collector may refuse to accept any check or other similar sight  
21 order in payment of any tax currently owed plus penalty or  
22 interest from a person who previously attempted to pay such  
23 amount with a check or order that was returned to the collector  
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, a tax receipt issued pursuant to

2       this section is null and void and no state registration license  
3       shall be issued or renewed. Where no such taxes are due each  
4       such collector shall, upon request, certify such fact and  
5       transmit such statement to the person making the request. Each  
6       receipt or statement shall describe by type the total number of  
7       motor vehicles on which personal property taxes were paid, and no  
8       renewal of any state registration license shall be issued to any  
9       person for a number greater than that shown on his or her tax  
10      receipt or statement except for a vehicle which was purchased  
11      without another vehicle being traded therefor, or for a vehicle  
12      previously registered in another state, provided the application  
13      for title or other evidence shows that the date the vehicle was  
14      purchased or was first registered in this state was such that no  
15      personal property tax was owed on such vehicle as of the date of  
16      the last tax receipt or certified statement prior to the renewal.  
17      The director of revenue shall make necessary rules and  
18      regulations for the enforcement of this section, and shall design  
19      all necessary forms. If electronic data is not available,  
20      residents of counties with a township form of government and with  
21      township collectors shall present personal property tax receipts  
22      which have been paid for the preceding two years when registering  
23      under this section.

24           2. Every county collector in counties with a population of  
25      over six hundred thousand and less than nine hundred thousand  
26      shall give priority to issuing tax receipts or certified

2 statements pursuant to this section for any person whose motor  
3 vehicle registration expires in January. Such collector shall  
4 send tax receipts or certified statements for personal property  
5 taxes for the previous year within three days to any person who  
6 pays the person's personal property tax in person, and within  
7 twenty working days, if the payment is made by mail. Any person  
8 wishing to have priority pursuant to this subsection shall notify  
9 the collector at the time of payment of the property taxes that a  
10 motor vehicle registration expires in January. Any person  
11 purchasing a new vehicle in December and licensing such vehicle  
12 in January of the following year, may use the personal property  
13 tax receipt of the prior year as proof of payment.

14 3. In addition to all other requirements, the director of  
15 revenue shall not register any vehicle subject to the heavy  
16 vehicle use tax imposed by Section 4481 of the Internal Revenue  
17 Code of 1954 unless the applicant presents proof of payment, or  
18 that such tax is not owing, in such form as may be prescribed by  
19 the United States Secretary of the Treasury. No proof of payment  
20 of such tax shall be required by the director until the form for  
21 proof of payment has been prescribed by the Secretary of the  
22 Treasury.

23 4. Beginning July 1, 2000, a county or township collector  
24 may notify, by ordinary mail, any owner of a motor vehicle for  
25 which personal property taxes have not been paid that if full  
26 payment is not received within thirty days the collector may

2        notify the director of revenue to suspend the motor vehicle  
3        registration for such vehicle. Any notification returned to the  
4        collector by the post office shall not result in the notification  
5        to the director of revenue for suspension of a motor vehicle  
6        registration. Thereafter, if the owner fails to timely pay such  
7        taxes the collector may notify the director of revenue of such  
8        failure. Such notification shall be on forms designed and  
9        provided by the department of revenue and shall list the motor  
10       vehicle owner's full name, including middle initial, the owner's  
11       address, and the year, make, model and vehicle identification  
12       number of such motor vehicle. Upon receipt of this notification  
13       the director of revenue may provide notice of suspension of motor  
14       vehicle registration to the owner at the owner's last address  
15       shown on the records of the department of revenue. Any  
16       suspension imposed may remain in effect until the department of  
17       revenue receives notification from a county or township collector  
18       that the personal property taxes have been paid in full. Upon  
19       the owner furnishing proof of payment of such taxes and paying a  
20       twenty dollar reinstatement fee to the director of revenue the  
21       motor vehicle or vehicles registration shall be reinstated. In  
22       the event a motor vehicle registration is suspended for  
23       nonpayment of personal property tax the owner so aggrieved may  
24       appeal to the circuit court of the county of his or her residence  
25       for review of such suspension at any time within thirty days  
26       after notice of motor vehicle registration suspension. Upon such



2 appeal the cause shall be heard de novo in the manner provided by  
3 chapter 536, RSMo, for the review of administrative decisions.  
4 The circuit court may order the director to reinstate such  
5 registration, sustain the suspension of registration by the  
6 director or set aside or modify such suspension. Appeals from  
7 the judgment of the circuit court may be taken as in civil cases.  
8 The prosecuting attorney of the county where such appeal is taken  
9 shall appear in behalf of the director, and prosecute or defend,  
10 as the case may require.

11 5. Beginning July 1, 2005, a city not within a county or  
12 any home rule city with more than four hundred thousand  
13 inhabitants and located in more than one county may notify, by  
14 ordinary mail, any owner of a motor vehicle who is delinquent in  
15 payment of vehicle-related fees and fines that if full payment is  
16 not received within thirty days, the city not within a county or  
17 any home rule city with more than four hundred thousand  
18 inhabitants and located in more than one county may notify the  
19 director of revenue to suspend the motor vehicle registration for  
20 such vehicle. Any notification returned to the city not within a  
21 county or any home rule city with more than four hundred thousand  
22 inhabitants and located in more than one county by the post  
23 office shall not result in the notification to the director of  
24 revenue for suspension of a motor vehicle registration. For the  
25 purpose of this section, "vehicle-related fees and fines"  
26 includes, but is not limited to, traffic violation fines, parking

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

5 6. If after notification under subsection 5 of this section  
6 the vehicle owner fails to pay such vehicle-related fees and  
7 finest to the city not within a county or any home rule city with  
8 more than four hundred thousand inhabitants and located in more  
9 than one county within thirty days from the date of such notice,  
10 the city not within a county or any home rule city with more than  
11 four hundred thousand inhabitants and located in more than one  
12 county may notify the director of revenue of such failure. Such  
13 notification shall be on forms or in an electronic format  
14 approved by the department of revenue and shall list the vehicle  
15 owner's full name and address, and the year, make, model, and  
16 vehicle identification number of such motor vehicle and such  
17 other information as the director shall require.

18 7. Upon receipt of notification under subsection 5 of this  
19 section, the director of revenue may provide notice of suspension  
20 of motor vehicle registration to the owner at the owner's last  
21 address shown on the records of the department of revenue. Any  
22 suspension imposed may remain in effect until the department of  
23 revenue receives notification from a city not within a county or  
24 any home rule city with more than four hundred thousand  
25 inhabitants and located in more than one county that the vehicle-  
26 related fees or fines have been paid in full. Upon the owner

2 furnishing proof of payment of such fees and fines and paying a  
3 twenty dollar reinstatement fee to the director of revenue the  
4 motor vehicle registration shall be reinstated. In the event a  
5 motor vehicle registration is suspended for nonpayment of  
6 vehicle-related fees or fines the owner so aggrieved may appeal  
7 to the circuit court of the county where the violation occurred  
8 for review of such suspension at any time within thirty days  
9 after notice of motor vehicle registration suspension. Upon such  
10 appeal the cause shall be heard de novo in the manner provided by  
11 chapter 536, RSMo, for the review of administrative decisions.  
12 The circuit court may order the director to reinstate such  
13 registration, sustain the suspension of registration by the  
14 director or set aside or modify such suspension. Appeals from  
15 the judgment of the circuit court may be taken as in civil cases.  
16 The prosecuting attorney of the county where such appeal is taken  
17 shall appear in behalf of the director, and prosecute or defend,  
18 as the case may require.

19 8. The city not within a county or any home rule city with  
20 more than four hundred thousand inhabitants and located in more  
21 than one county shall reimburse the department of revenue for all  
22 administrative costs associated with the administration of  
23 subsections 5 to 8 of this section.

24 9. Any rule or portion of a rule, as that term is defined  
25 in section 536.010, RSMo, that is created under the authority  
26 delegated in this section shall become effective only if it

2 complies with and is subject to all of the provisions of chapter  
3 536, RSMo, and, if applicable, section 536.028, RSMo. This  
4 section and chapter 536, RSMo, are nonseverable and if any of the  
5 powers vested with the general assembly pursuant to chapter 536,  
6 RSMo, to review, to delay the effective date or to disapprove and  
7 annul a rule are subsequently held unconstitutional, then the  
8 grant of rulemaking authority and any rule proposed or adopted  
9 after August 28, 2000, shall be invalid and void.

10 301.041. 1. All commercial motor vehicles and trailers  
11 registered pursuant to this section or to be operated under  
12 reciprocity agreements [as provided for in sections 301.271 to  
13 301.279] shall be registered annually, or in the discretion of  
14 the state highways and transportation commission, staggered in  
15 such manner as to be registered for a one-year period beginning  
16 on the first day of a quarter during such year and in such manner  
17 as the commission may determine by regulation. To facilitate the  
18 transition from an annual registration to a staggered  
19 registration, the commission shall inquire of all registrants as  
20 to which calendar quarter the registrant wishes to use as the  
21 beginning date of the registration once the transition to  
22 staggered registration is complete. If the registrant does not  
23 respond by the date selected by the commission, or if no quarter  
24 is selected, the registrant shall remain on a calendar year  
25 registration. The commission may issue prorated registrations  
26 pursuant to this section for periods of greater than or less than

2 one year during the transition to a nonannual year registration,  
3 but no registration shall exceed eighteen months nor be less than  
4 six months. The commission may issue a prorated, by quarter,  
5 partial year registration at any time for additions to a fleet  
6 made after an initial registration of such fleet, or such other  
7 reasons as approved by the commission or its designee upon the  
8 request of the registrant.

9         2. An application for renewal registration pursuant to this  
10 section shall be made with all required documents on or before  
11 [October first of each year] the first day of the month that is  
12 three calendar months immediately prior to the beginning date of  
13 the registration. Renewal applications received after [October]  
14 the first day of the third calendar month immediately prior to  
15 the registration shall be assessed a penalty of one hundred  
16 dollars. The [director or his or her] commission's designee may  
17 waive the penalty pursuant to this subsection for good cause.

18         3. Fees for commercial motor vehicles and trailers renewed  
19 pursuant to this section shall be paid no later than [December  
20 first of each year] the first day of the month that is one  
21 calendar month immediately prior to the beginning date of the  
22 registration except for payments made on an installment basis as  
23 provided in subsection 4 of this section. Renewal application  
24 fees not paid by [December first] the first day of the month  
25 immediately prior to the registration shall be assessed a penalty  
26 of fifty dollars per vehicle, but in no case shall such penalty

2 exceed one hundred fifty dollars per application. The [director  
3 or his or her] commission's designee may, for good cause, waive  
4 or reduce any penalties assessed pursuant to this subsection.

5 4. Any owner of a commercial motor vehicle or trailer  
6 operated pursuant to this section or reciprocity agreements  
7 [provided in sections 301.271 to 301.279] may elect to pay the  
8 Missouri portion of the annual registration fee in two equal  
9 installments, except that no such installment shall be less than  
10 one hundred dollars. The first installment shall be payable on  
11 or before [December first] the first day of the month immediately  
12 prior to the beginning date of the registration, and the second  
13 installment shall be payable on or before [June first] the first  
14 day of the sixth month of that registration [year] one-year  
15 period. Every owner electing to pay on an installment basis  
16 shall file [with the director of the department of revenue,] on  
17 or before [December first] the first day of the month immediately  
18 prior to the beginning date of the registration, a surety bond,  
19 certificate of deposit or irrevocable letter of credit as defined  
20 in section 400.5-103, RSMo, to guarantee the payment of the  
21 second installment. The bond or certificate or letter of credit  
22 shall be in an amount equal to the payment guaranteed. The  
23 commission may require such installments be filed at other times  
24 of the year if a nonannual registration is issued pursuant to  
25 subsection 1 of this section.

26 5. [If a new application for registration of a commercial

2 vehicle or trailer is made other than as specified in subsection  
3 1 of this section, the registration fee shall be prorated as  
4 follows:

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

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

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

14 6.] Any applicant who fails to timely renew his or her  
15 registration with all required documents pursuant to this section  
16 or who fails to timely pay any fees and penalties owed pursuant  
17 to this section shall not be issued a temporary registration for  
18 a motor vehicle or a trailer issued pursuant to this section or  
19 under reciprocity agreements [as provided for in sections 301.271  
20 and 301.279]. Nothing in this section shall prohibit the  
21 issuance of temporary registration credentials for additions to  
22 the registrant's fleet subsequent to renewal.

23 [7.] 6. The applicant for registration pursuant to this  
24 section shall affix the registration plate issued [by the  
25 director] to the front of the vehicle in accordance with the  
26 provisions of section 301.130. Any vehicle required to be

2 registered pursuant to this section shall display the plate  
3 issued to that vehicle no later than December thirty-first of  
4 each year or the last day of the quarter preceding the quarter in  
5 which the registration begins, as applicable. Failure to display  
6 the registration [plates] plate required by this section shall  
7 constitute a class A misdemeanor.

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

11 [9.] 8. Any current registration or plate for which all  
12 fees have been paid for a commercial trailer previously issued  
13 pursuant to reciprocity agreements [provided for in sections  
14 301.271 and 301.277] shall remain valid even if such agreements  
15 no longer require apportionment of such trailers under such  
16 agreements, and such trailers may continue to be registered  
17 pursuant to this section.

18 [10.] 9. Notwithstanding any other law to the contrary, the  
19 [highway reciprocity] commission shall have the authority  
20 pursuant to this chapter to issue permanent and temporary  
21 registrations on commercial trailers whether or not the  
22 registration is issued pursuant to reciprocity agreements [as  
23 provided in sections 301.271 to 301.279]. The provisions of  
24 subsection 1 of section 301.190 shall not apply to registrations  
25 issued pursuant to this subsection, provided the carrier or  
26 person to whom the registration is issued has at least one



tractor as defined in section 301.010 registered with the state of Missouri pursuant to this section.

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

301.055. The annual registration fee for passenger motor vehicles [other than commercial motor vehicles is:

Less than 12 horsepower . . . . .	\$18.00
12 horsepower and less than 24 horsepower . . . . .	21.00
24 horsepower and less than 36 horsepower . . . . .	24.00
36 horsepower and less than 48 horsepower . . . . .	33.00
48 horsepower and less than 60 horsepower . . . . .	39.00
60 horsepower and less than 72 horsepower . . . . .	45.00
72 horsepower and more . . . . .	51.00]

and commercial motor vehicles having a gross weight of twelve thousand pounds or less shall be . . . . . \$29.75

Motorcycles . . . . .	8.50
Motortricycles . . . . .	10.00

301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

[6,000 pounds and under . . . . .	\$ 25.50
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2	6,001 pounds to 9,000 pounds . . . . .	38.00
3	9,001 pounds to 12,000 pounds . . . . .	38.00]
4	12,001 pounds to 18,000 pounds . . . . .	63.00
5	18,001 pounds to 24,000 pounds . . . . .	100.50
6	24,001 pounds to 26,000 pounds . . . . .	127.00
7	26,001 pounds to 30,000 pounds . . . . .	180.00
8	30,001 pounds to 36,000 pounds . . . . .	275.50
9	36,001 pounds to 42,000 pounds . . . . .	413.00
10	42,001 pounds to 48,000 pounds . . . . .	550.50
11	48,001 pounds to 54,000 pounds . . . . .	688.00
12	54,001 pounds to 60,010 pounds . . . . .	825.50
13	60,011 pounds to 66,000 pounds . . . . .	1,100.50
14	66,001 pounds to 73,280 pounds . . . . .	1,375.50
15	73,281 pounds to 78,000 pounds . . . . .	1,650.50
16	78,001 pounds to 80,000 pounds . . . . .	1,719.50
17	301.058. 1. The annual registration fee for	
18	property-carrying local commercial motor vehicles, other than a	
19	land improvement contractors' commercial motor vehicles, based on	
20	gross weight is:	
21	[6,000 pounds and under . . . . .	\$ 15.50
22	6,001 pounds to 12,000 pounds . . . . .	18.00]
23	12,001 pounds to 18,000 pounds . . . . .	20.50
24	18,001 pounds to 24,000 pounds . . . . .	27.50
25	24,001 pounds to 26,000 pounds . . . . .	33.50
26	26,001 pounds to 30,000 pounds . . . . .	45.50

2	30,001 pounds to 36,000 pounds . . . . .	67.50
3	36,001 pounds to 42,000 pounds . . . . .	100.50
4	42,001 pounds to 48,000 pounds . . . . .	135.50
5	48,001 pounds to 54,000 pounds . . . . .	170.50
6	54,001 pounds to 60,010 pounds . . . . .	200.50
7	60,011 pounds to 66,000 pounds . . . . .	270.50
8	66,001 pounds to 72,000 pounds . . . . .	335.50
9	72,001 pounds to 80,000 pounds . . . . .	350.50

2. Any person found to have improperly registered a motor vehicle in excess of fifty-four thousand pounds when he or she was not entitled to shall be required to purchase the proper license plates and, in addition to all other penalties provided by law, shall be subject to the annual registration fee for the full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.069. A driveaway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked, or burned vehicles. For each driveaway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The fee for

2 biennial driveaway licenses shall be eighty-nine dollars. For  
3 single trips the fee shall be four dollars, and descriptive  
4 insignia shall be prepared and issued at the discretion of the  
5 director who shall also prescribe the type of equipment used to  
6 attach such vehicles in combinations.

7 301.129. [There is established in this section an advisory  
8 committee for the department of revenue, which shall exist solely  
9 to develop uniform designs and common colors for motor vehicle  
10 license plates issued under this chapter and to determine  
11 appropriate license plate parameters for all license plates  
12 issued under this chapter. The advisory committee may adopt more  
13 than one type of design and color scheme for license plates  
14 issued under this chapter; however, each license plate of a  
15 distinct type shall be uniform in design and color scheme with  
16 all other license plates of that distinct type. The  
17 specifications for the fully reflective material used for the  
18 plates, as required by section 301.130, shall be determined by  
19 the committee. Such plates shall meet any specific requirements  
20 prescribed in this chapter. The advisory committee shall consist  
21 of the director of revenue, the superintendent of the highway  
22 patrol, the correctional enterprises administrator, one person  
23 appointed by the governor, one state senator appointed by the  
24 president pro tem of the senate and one state representative  
25 appointed by the speaker of the house of representatives. Prior  
26 to April 1, 1996, the committee shall meet, select a chairman

2 from among their members, and develop uniform design and license  
3 plate parameters for the motor vehicle license plates issued  
4 under this chapter. Prior to determining the final design of the  
5 plates, the committee shall hold at least three public meetings  
6 in different areas of the state to invite public input on the  
7 final design. Members of the committee shall be reimbursed for  
8 their actual and necessary expenses incurred in the performance  
9 of their duties under this section out of funds appropriated for  
10 that purpose. The committee shall direct the director of revenue  
11 to implement its final design of the uniform motor vehicle  
12 license plates and any specific parameters for all license plates  
13 developed by the committee not later than April 1, 1996. The  
14 committee shall be dissolved upon completion of its duties under  
15 this section.] There is established in this section an advisory  
16 committee for the department of revenue, which shall exist solely  
17 to develop uniform designs and common colors for motor vehicle  
18 license plates issued under this chapter and to determine  
19 appropriate license plate parameters for all license plates  
20 issued under this chapter. The advisory committee may adopt more  
21 than one type of design and color scheme for license plates  
22 issued under this chapter; however, each license plate of a  
23 distinct type shall be uniform in design and color scheme with  
24 all other license plates of that distinct type. The  
25 specifications for the fully reflective material used for the  
26 plates, as required by section 301.130, shall be determined by

2 the committee. Such plates shall meet any specific requirements  
3 prescribed in this chapter. The advisory committee shall consist  
4 of the director of revenue, the superintendent of the highway  
5 patrol, the correctional enterprises administrator, and the  
6 respective chairpersons of both the senate and house of  
7 representatives transportation committees. Notwithstanding  
8 section 226.200, RSMo, to the contrary, the general assembly may  
9 appropriate state highways and transportation department funds  
10 for the requirements of section 301.130, and this section. Prior  
11 to April 1, 2006, the committee shall meet, select a chairman  
12 from among their members, and develop uniform design and license  
13 plate parameters for the motor vehicle license plates issued  
14 under this chapter. Prior to determining the final design of the  
15 plates, the committee shall hold at least three public meetings  
16 in different areas of the state to invite public input on the  
17 final design. Members of the committee shall be reimbursed for  
18 their actual and necessary expenses incurred in the performance  
19 of their duties under this section out of funds appropriated for  
20 that purpose. The committee shall direct the director of revenue  
21 to implement its final design of the uniform motor vehicle  
22 license plates and any specific parameters for all license plates  
23 developed by the committee not later than April 1, 2006. The  
24 committee shall be dissolved upon completion of its duties under  
25 this section.

26       301.130. 1. The director of revenue, upon receipt of a

2 proper application for registration, required fees and any other  
3 information which may be required by law, shall issue to the  
4 applicant a certificate of registration in such manner and form  
5 as the director of revenue may prescribe and a set of license  
6 plates, or other evidence of registration, as provided by this  
7 section. Each set of license plates shall bear the name or  
8 abbreviated name of this state, the words "SHOW-ME STATE", the  
9 month and year in which the registration shall expire, and an  
10 arrangement of numbers or letters, or both, as shall be assigned  
11 from year to year by the director of revenue. The plates shall  
12 also contain fully reflective material with a common color scheme  
13 and design for each type of license plate issued pursuant to this  
14 chapter. The plates shall be clearly visible at night, and shall  
15 be aesthetically attractive. Special plates for qualified  
16 disabled veterans will have the "DISABLED VETERAN" wording on the  
17 license plates in preference to the words "SHOW-ME STATE" and  
18 special plates for members of the national guard will have the  
19 "NATIONAL GUARD" wording in preference to the words "SHOW-ME  
20 STATE".

21 2. The arrangement of letters and numbers of license plates  
22 shall be uniform throughout each classification of registration.  
23 The director may provide for the arrangement of the numbers in  
24 groups or otherwise, and for other distinguishing marks on the  
25 plates.

26 3. All property-carrying commercial motor vehicles to be

2 registered at a gross weight in excess of twelve thousand pounds,  
3 all passenger-carrying commercial motor vehicles, local transit  
4 buses, school buses, trailers, semitrailers, motorcycles,  
5 motortricycles, motorscooters and driveaway vehicles shall be  
6 registered with the director of revenue as provided for in  
7 subsection 3 of section 301.030, or with the state highways and  
8 transportation commission as otherwise provided in this chapter,  
9 but only one license plate shall be issued for each such vehicle  
10 except as provided in this subsection. The applicant for  
11 registration of any property-carrying commercial motor vehicle  
12 may request and be issued two license plates for such vehicle,  
13 and if such plates are issued the director of revenue may assess  
14 and collect an additional charge from the applicant in an amount  
15 not to exceed the fee prescribed for personalized license plates  
16 in subsection 1 of section 301.144.

17 4. The plates issued to manufacturers and dealers shall  
18 bear the letter "D" preceding the number, and the director may  
19 place upon the plates other letters or marks to distinguish  
20 commercial motor vehicles and trailers and other types of motor  
21 vehicles.

22 5. No motor vehicle or trailer shall be operated on any  
23 highway of this state unless it shall have displayed thereon the  
24 license plate or set of license plates issued by the director of  
25 revenue or the state highways and transportation commission and  
26 authorized by section 301.140. Each such plate shall be securely



2 fastened to the motor vehicle in a manner so that all parts  
3 thereof shall be plainly visible and reasonably clean so that the  
4 reflective qualities thereof are not impaired. License plates  
5 shall be fastened to all motor vehicles except trucks, tractors,  
6 truck tractors or truck-tractors licensed in excess of twelve  
7 thousand pounds on the front and rear of such vehicles not less  
8 than eight nor more than forty-eight inches above the ground,  
9 with the letters and numbers thereon right side up. The license  
10 plates on trailers, motorcycles, motortricycles and motorscooters  
11 shall be displayed on the rear of such vehicles, with the letters  
12 and numbers thereon right side up. The license plate on buses,  
13 other than school buses, and on trucks, tractors, truck tractors  
14 or truck-tractors licensed in excess of twelve thousand pounds  
15 shall be displayed on the front of such vehicles not less than  
16 eight nor more than forty-eight inches above the ground, with the  
17 letters and numbers thereon right side up or if two plates are  
18 issued for the vehicle pursuant to subsection [5] 3 of this  
19 section, displayed in the same manner on the front and rear of  
20 such vehicles. The license plate or plates authorized by section  
21 301.140, when properly attached, shall be prima facie evidence  
22 that the required fees have been paid.

23 6. (1) The director of revenue shall issue annually or  
24 biennially a tab or set of tabs as provided by law as evidence of  
25 the annual payment of registration fees and the current  
26 registration of a vehicle in lieu of the set of plates.

2 Beginning January 1, 2009, the numbers recorded on the tab or  
3 tabs must be the same numbers that appear on the license plate or  
4 plates issued by the department of revenue that are displayed on  
5 the vehicle. Such tabs shall be produced in each license bureau  
6 office.

7 (2) The vehicle owner to whom a tab or set of tabs is  
8 issued shall affix and display such tab or tabs in the designated  
9 area of the license plate, no more than one per plate.

10 (3) A tab or set of tabs issued by the director of revenue  
11 when attached to a vehicle in the prescribed manner shall be  
12 prima facie evidence that the registration fee for such vehicle  
13 has been paid.

14 (4) Except as otherwise provided in [subdivision (1) of]  
15 this [subsection] section, the director of revenue shall issue  
16 plates for a period of at least [five] six years.

17 (5) For those commercial motor vehicles and trailers  
18 registered pursuant to section 301.041, the plate issued by the  
19 [director of revenue] highways and transportation commission  
20 shall be a permanent nonexpiring license plate for which no tabs  
21 shall be issued. Nothing in this section shall relieve the owner  
22 of any vehicle permanently registered pursuant to this section  
23 from the obligation to pay the annual registration fee due for  
24 the vehicle. The permanent nonexpiring license plate shall be  
25 returned to the [director of revenue] highways and transportation  
26 commission upon the sale or disposal of the vehicle by the owner

2 to whom the permanent nonexpiring license plate is issued, or the  
3 plate may be transferred to a replacement commercial motor  
4 vehicle when the owner files a supplemental application with the  
5 Missouri [highway reciprocity] highways and transportation  
6 commission for the registration of such replacement commercial  
7 motor vehicle. Upon payment of the annual registration fee, the  
8 [director of revenue] highways and transportation commission  
9 shall issue a certificate of registration or other suitable  
10 evidence of payment of the annual fee, and such evidence of  
11 payment shall be carried at all times in the vehicle for which it  
12 is issued.

13 (6) Upon the sale or disposal of any vehicle permanently  
14 registered under this section, or upon the termination of a lease  
15 of any such vehicle, the permanent nonexpiring plate issued for  
16 such vehicle shall be returned to the [director] highways and  
17 transportation commission and shall not be valid for operation of  
18 such vehicle, or the plate may be transferred to a replacement  
19 vehicle when the owner files a supplemental application with the  
20 Missouri [highway reciprocity] highways and transportation  
21 commission for the registration of such replacement vehicle. If  
22 a vehicle which is permanently registered under this section is  
23 sold, wrecked or otherwise disposed of, or the lease terminated,  
24 the registrant shall be given credit for any unused portion of  
25 the annual registration fee when the vehicle is replaced by the  
26 purchase or lease of another vehicle during the registration

2 year.

3 7. The director of revenue and the highways and  
4 transportation commission may prescribe rules and regulations for  
5 the effective administration of this section. No rule or portion  
6 of a rule promulgated under the authority of this section shall  
7 become effective unless it has been promulgated pursuant to the  
8 provisions of section 536.024, RSMo.

9 8. Notwithstanding the provisions of any other law to the  
10 contrary, owners of motor vehicles other than apportioned motor  
11 vehicles or commercial motor vehicles licensed in excess of  
12 eighteen thousand pounds gross weight may apply for special  
13 personalized license plates. Vehicles licensed for eighteen  
14 thousand pounds that display special personalized license plates  
15 shall be subject to the provisions of subsections 1 and 2 of  
16 section 301.030.

17 9. Commencing January 1, 2007, the director of revenue  
18 shall cause to be reissued new license plates of such design as  
19 directed by the director consistent with the terms, conditions,  
20 and provisions of this section and this chapter. Except as  
21 otherwise provided in this section, in addition to all other fees  
22 required by law, applicants for registration of vehicles with  
23 license plates that expire between January 1, 2007, and December  
24 31, 2009, applicants for registration of trailers or semitrailers  
25 with license plates that expire between January 1, 2007, and  
26 December 31, 2009, and applicants for registration of vehicles

2 that are to be issued new license plates shall pay an additional  
3 fee of up to two dollars and fifty cents, based on the actual  
4 cost of the reissuance, to cover the cost of the newly reissued  
5 plates required by this subsection. The additional fee, based on  
6 the actual cost, prescribed by this subsection shall only be one  
7 dollar and twenty-five cents for issuance of one new plate for  
8 vehicles requiring only one license plate pursuant to this  
9 section. The additional fee of two dollars and fifty cents  
10 prescribed in this subsection shall not be charged to persons  
11 receiving special license plates issued under section 301.073 or  
12 301.443. Historic motor vehicle license plates registered  
13 pursuant to section 301.131 and specialized license plates are  
14 exempt from the provisions of this subsection.

15       301.132. 1. [Any motor vehicle manufactured in 1948 or  
16 before which is modified for safe road use, including but not  
17 limited to modifications to the drive train, suspension, brake  
18 system, and any safety or comfort apparatus and which is not  
19 owned solely as a collector's item and which is not used or  
20 intended to be used solely for exhibition and educational  
21 purposes only, may be specially registered as a "street rod" upon  
22 payment of an annual fee equal to the fee charged for  
23 personalized license plates in section 301.144 in addition to the  
24 regular annual registration fees. Upon the transfer of the title  
25 to any such vehicle the registration shall be canceled and the  
26 license plates issued therefor shall be returned to the director

2 of revenue.

3 2. The owner of any such vehicle shall file an application  
4 in a form prescribed by the director, verified by affidavit,  
5 providing that such vehicle meets the requirements which shall be  
6 issued by the director for classification as a "street rod", and  
7 a certificate of registration shall be issued therefor.

8 3. The director shall issue to the owner of any motor  
9 vehicle registered under this section two license plates  
10 containing the number assigned to the registration certificate  
11 issued by the director of revenue, and the following words:  
12 "Street Rod", "State of Missouri". Such license plates shall be  
13 kept securely attached to the motor vehicle registered hereunder.  
14 The advisory committee established in section 301.129 shall  
15 determine the characteristic features of such license plates for  
16 vehicles registered under the provisions of this section so that  
17 they may be recognized as such, except that such license plates  
18 shall be made with fully reflective material with a common color  
19 scheme and design, shall be clearly visible at night, and shall  
20 be aesthetically attractive, as prescribed by section 301.130.

21 4. Motor vehicles registered under this section are subject  
22 to the motor vehicle safety inspection requirements of sections  
23 307.350 to 307.390, RSMo.] For purposes of this section, "street  
24 rod" is a vehicle older than 1949 or a vehicle manufactured after  
25 1948 to resemble a vehicle manufactured before 1949; and has been  
26 altered from the manufacturer's original design or has a body

2 constructed from nonoriginal materials.

3 2. The model year and the year of manufacture that are  
4 listed on the certificate of title of a street rod vehicle shall  
5 be the model year and year of manufacture that the body of such  
6 vehicle resembles. The current and all subsequent certificates  
7 of ownership shall be designated with the word "REPLICA".

8 3. For each street rod, there shall be an annual fee equal  
9 to the fee charged for personalized license plates in section  
10 301.144 in addition to the regular annual registration fees.

11 4. In applying for registration of a street rod pursuant to  
12 this section, the owner of the street rod shall submit with the  
13 application a certification that the vehicle for which the  
14 application is made:

15 (1) Will be maintained for occasional transportation,  
16 exhibitions, club activities, parades, tours, and similar uses;

17 (2) Will not be used for general daily transportation.

18 5. In addition to the certification required pursuant to  
19 subsection 4 of this section, when applying for registration of a  
20 street rod, the new owner of the street rod shall provide proof  
21 that the street rod passed a safety inspection in accordance with  
22 section 307.350, RSMo, that shall be approved by the department  
23 of public safety in consultation with the street rod community in  
24 this state.

25 6. On registration of a vehicle pursuant to this section,  
26 the director of the department of revenue shall issue to the

2 owner two license plates containing the number assigned to the  
3 registration certificate issued by the director of revenue, and  
4 the following words: "Street Rod", "State of Missouri". Such  
5 license plates shall be kept securely attached to the motor  
6 vehicle registered pursuant to this section. The director of  
7 revenue shall determine the characteristic features of such  
8 license plates for vehicles registered pursuant to the provisions  
9 of this section so that they may be recognized as such, except  
10 that such license plates shall be made with fully reflective  
11 material with a common color scheme and design, shall be clearly  
12 visible at night, and shall be aesthetically attractive, as  
13 prescribed by section 301.130.

14 7. Unless the presence of the equipment was specifically  
15 required by a statute of this state as a condition of sale in the  
16 year listed as the year of manufacture on the certificate of  
17 title, the presence of any specific equipment is not required for  
18 the operation of a vehicle registered pursuant to this section.

19 8. Except as provided in subsection 5 of this section, a  
20 vehicle registered pursuant to this section is exempt from any  
21 statute of this state that requires periodic vehicle inspections  
22 and from any statute of this state that requires the use and  
23 inspection of emission controls.

24 9. A custom vehicle means any motor vehicle that:

25 (1) Is at least twenty-five years old and of a model year  
26 after 1948, or was manufactured to resemble a vehicle twenty-five



2 years old or older and of a model year after 1948; and

3 (2) Has been altered from the manufacturer's original  
4 design, or has an entire body constructed from nonoriginal  
5 materials.

6 10. The model year and the year of manufacture that are  
7 listed on the certificate of title of a custom vehicle shall be  
8 the model year and year of manufacture that the body of such  
9 vehicle resembles. The current and all subsequent certificates  
10 of ownership shall be designated with the word "REPLICA".

11 11. For each custom vehicle, there shall be an annual fee  
12 equal to the fee charged for personalized license plates in  
13 section 301.144 in addition to the regular annual registration  
14 fees.

15 12. In applying for registration of a custom vehicle  
16 pursuant to this section, the owner of the custom vehicle shall  
17 submit with the application a certification that the vehicle for  
18 which the application is made:

19 (1) Will be maintained for occasional transportation,  
20 exhibits, club activities, parades, tours, and similar uses; and

21 (2) Will not be used for general daily transportation.

22 13. In addition to the certification required pursuant to  
23 subsection 12 of this section, when applying for registration of  
24 a custom vehicle, the new owner of the custom vehicle shall  
25 provide proof that the custom vehicle passed a safety inspection  
26 in accordance with section 307.350, RSMo, that shall be approved

2 by the department of public safety in consultation with the  
3 street rod community in this state.

4 14. On registration of a vehicle pursuant to this section,  
5 the director of the department of revenue shall issue to the  
6 owner two license plates containing the number assigned to the  
7 registration certificate issued by the director of revenue, and  
8 the following words: "Custom Vehicle", "State of Missouri". Such  
9 license plates shall be kept securely attached to the motor  
10 vehicle registered hereunder. The director of revenue shall  
11 determine the characteristic features of such license plates for  
12 vehicles registered pursuant to the provisions of this section so  
13 that they may be recognized as such, except that such license  
14 plates shall be made with fully reflective material with a common  
15 color scheme and design, shall be clearly visible at night, and  
16 shall be aesthetically attractive, as prescribed by section  
17 301.130.

18 15. Unless the presence of the equipment was specifically  
19 required by a statute of this state as a condition of sale in the  
20 year listed as the year of manufacture on the certificate of  
21 title, the presence of any specific equipment is not required for  
22 the operation of a vehicle registered pursuant to this section.

23 16. Except as provided in subsection 13 of this section, a  
24 vehicle registered pursuant to this section is exempt from any  
25 statute of this state that requires periodic vehicle inspections  
26 and from any statute of this state that requires the use and

2 inspection of emission controls.

3 17. For purposes of this section, "blue dot tail light" is  
4 a red lamp installed in the rear of a motor vehicle containing a  
5 blue or purple insert that is not more than one inch in diameter.

6 18. A street rod or custom vehicle may use blue dot tail  
7 lights for stop lamps, rear turning indicator lamps, rear hazard  
8 lamps, and rear reflectors.

9 301.134. 1. Daughters of the American Revolution who have  
10 obtained an emblem-use authorization statement from the Missouri  
11 State Society Daughters of the American Revolution may apply for  
12 Missouri State Society Daughters of the American Revolution  
13 license plates for any motor vehicle the person owns, either  
14 solely or jointly, other than an apportioned motor vehicle or a  
15 commercial motor vehicle licensed in excess of eighteen thousand  
16 pounds gross weight. The Missouri State Society Daughters of the  
17 American Revolution hereby authorizes the use of its official  
18 emblem to be affixed on multi-year personalized license plates as  
19 provided in this section.

20 2. Upon application and payment of a one time twenty-five  
21 dollar emblem-use contribution to the Missouri State Society  
22 Daughters of the American Revolution, the Missouri State Society  
23 Daughters of the American Revolution shall issue to the vehicle  
24 owner, without further charge, an emblem-use authorization  
25 statement, which shall be presented to the department of revenue  
26 at the time of registration of a motor vehicle.

2       3. Upon presentation of the statement and payment of a  
3       fifteen dollar fee in addition to the regular registration fees  
4       and presentation of other documents which may be required by law,  
5       the department of revenue shall issue a personalized license  
6       plate to the vehicle owner, which shall bear the emblem of the  
7       Missouri State Society Daughters of the American Revolution and  
8       the words "MISSOURI STATE SOCIETY DAUGHTERS OF THE AMERICAN  
9       REVOLUTION" and shall engrave the words "SHOW-ME STATE". Such  
10       license plates shall be made with fully reflective material with  
11       a common color scheme and design, shall be clearly visible at  
12       night, and shall be aesthetically attractive, as prescribed by  
13       section 301.130. A fee for the issuance of personalized license  
14       plates issued pursuant to section 301.144, shall not be required  
15       for plates issued pursuant to this section.

16       4. The director of revenue may promulgate rules and  
17       regulations for the administration of this section. Any rule or  
18       portion of a rule, as that term is defined in section 536.010,  
19       RSMo, that is created under the authority delegated in this  
20       section shall become effective only if it complies with and is  
21       subject to all of the provisions of chapter 536, RSMo, and, if  
22       applicable, section 536.028, RSMo. This section and chapter 536,  
23       RSMo, are nonseverable and if any of the powers vested with the  
24       general assembly pursuant to chapter 536, RSMo, to review, to  
25       delay the effective date, or to disapprove and annul a rule are  
26       subsequently held unconstitutional, then the grant of rulemaking

2 authority and any rule proposed or adopted after August 28, 2004,  
3 shall be invalid and void.

4 301.144. 1. The director of revenue shall establish and  
5 issue special personalized license plates containing letters or  
6 numbers or combinations of letters and numbers[, not to exceed  
7 six characters in length]. Such license plates shall be made  
8 with fully reflective material with a common color scheme and  
9 design, shall be clearly visible at night, and shall be  
10 aesthetically attractive, as prescribed by section 301.130. Any  
11 person desiring to obtain a special personalized license plate  
12 for any motor vehicle the person owns, either solely or jointly,  
13 other than an apportioned motor vehicle or a commercial motor  
14 vehicle licensed [for more than twelve] in excess of eighteen  
15 thousand pounds gross weight shall apply to the director of  
16 revenue on a form provided by the director and shall pay a fee of  
17 fifteen dollars in addition to the regular registration fees.  
18 The director of revenue shall issue rules and regulations setting  
19 the standards and establishing the procedure for application for  
20 and issuance of the special personalized license plates and shall  
21 provide a deadline each year for the applications. Any rule or  
22 portion of a rule, as that term is defined in section 536.010,  
23 RSMo, that is created under the authority delegated in this  
24 section shall become effective only if it complies with and is  
25 subject to all of the provisions of chapter 536, RSMo, and, if  
26 applicable, section 536.028, RSMo. This section and chapter 536,

2 RSMo, are nonseverable and if any of the powers vested with the  
3 general assembly pursuant to chapter 536, RSMo, to review, to  
4 delay the effective date or to disapprove and annul a rule are  
5 subsequently held unconstitutional, then the grant of rulemaking  
6 authority and any rule proposed or adopted after August 28, 2001,  
7 shall be invalid and void. No two owners shall be issued  
8 identical plates. An owner shall make a new application and pay  
9 a new fee each year such owner desires to obtain or retain  
10 special personalized license plates; however, notwithstanding the  
11 provisions of subsection 8 of section 301.130 to the contrary,  
12 the director shall allow the special personalized license plates  
13 to be replaced with new plates every three years without any  
14 additional charge, above the fee established in this section, to  
15 the renewal applicant. Any person currently in possession of an  
16 approved personalized license plate shall have first priority on  
17 that particular plate for each of the following years that timely  
18 and appropriate application is made.

19 2. Upon application for a personalized plate by the owner  
20 of a motor vehicle for which the owner has no registration plate  
21 available for transfer as prescribed by section 301.140, the  
22 director shall issue a temporary permit authorizing the operation  
23 of the motor vehicle until the personalized plate is issued.

24 3. No personalized license plates shall be issued  
25 containing any letters, numbers or combination of letters and  
26 numbers which are obscene, profane, patently offensive or

2 contemptuous of a racial or ethnic group, or offensive to good  
3 taste or decency, or would present an unreasonable danger to the  
4 health or safety of the applicant, of other users of streets and  
5 highways, or of the public in any location where the vehicle with  
6 such a plate may be found. The director may recall any  
7 personalized license plates, including those issued prior to  
8 August 28, 1992, if the director determines that the plates are  
9 obscene, profane, patently offensive or contemptuous of a racial  
10 or ethnic group, or offensive to good taste or decency, or would  
11 present an unreasonable danger to the health or safety of the  
12 applicant, of other users of streets and highways, or of the  
13 public in any location where the vehicle with such a plate may be  
14 found. Where the director recalls such plates pursuant to the  
15 provisions of this subsection, the director shall reissue  
16 personalized license plates to the owner of the motor vehicle for  
17 which they were issued at no charge, if the new plates proposed  
18 by the owner of the motor vehicle meet the standards established  
19 pursuant to this section. The director shall not apply the  
20 provisions of this statute in a way that violates the Missouri or  
21 United States Constitutions as interpreted by the courts with  
22 controlling authority in the state of Missouri. The primary  
23 purpose of motor vehicle licence plates is to identify motor  
24 vehicles. Nothing in the issuance of a personalized license  
25 plate creates a designated or limited public forum. Nothing  
26 contained in this subsection shall be interpreted to prohibit the

2 use of license plates, which are no longer valid for registration  
3 purposes, as collector's items or for decorative purposes.

4 [3.] 4. The director may also establish categories of  
5 special license plates from which license plates may be issued.  
6 Any such person, other than a person exempted from the additional  
7 fee pursuant to subsection 6 of this section, that desires a  
8 personalized special license plate from any such category shall  
9 pay the same additional fee and make the same kind of application  
10 as that required by subsection 1 of this section, and the  
11 director shall issue such plates in the same manner as other  
12 personalized special license plates are issued.

13 [4.] 5. The director of revenue shall issue to residents of  
14 the state of Missouri who hold an unrevoked and unexpired  
15 official amateur radio license issued by the Federal  
16 Communications Commission, upon application and upon payment of  
17 the additional fee specified in subsection 1 of this section,  
18 except for a person exempted from the additional fee pursuant to  
19 subsection 6 of this section, personalized special license plates  
20 bearing the official amateur radio call letters assigned by the  
21 Federal Communications Commission to the applicant with the words  
22 "AMATEUR RADIO" in the place of the words "SHOW-ME STATE". The  
23 application shall be accompanied by [an affidavit] a statement  
24 stating that the applicant has an unrevoked and unexpired amateur  
25 radio license issued by the Federal Communications Commission and  
26 the official radio call letters assigned by the Federal



2 Communications Commission to the applicant. An owner making a  
3 new application and paying a new fee to retain an amateur radio  
4 plate may request a replacement plate with the words "AMATEUR  
5 RADIO" in place of the words "SHOW-ME STATE". If application is  
6 made to retain a plate that is three years old or older, the  
7 replacement plate shall be issued upon the payment of required  
8 fees.

9 [5.] 6. Notwithstanding any other provision to the  
10 contrary, any business that repossesses motor vehicles or  
11 trailers and sells or otherwise disposes of them shall be issued  
12 a placard displaying the word "Repossessed", provided such  
13 business pays the fees presently required of a manufacturer,  
14 distributor, or dealer in subsection 1 of section 301.253. Such  
15 placard shall bear a number and shall be in such form as the  
16 director of revenue shall determine, and shall be only used for  
17 demonstrations when displayed substantially as provided for  
18 number plates on the rear of the motor vehicle or trailer.

19 [6.] 7. Notwithstanding any provision of law to the  
20 contrary, any person who has retired from any branch of the  
21 United States armed forces or reserves, the United States Coast  
22 Guard or reserve, the United States Merchant Marines or reserve,  
23 the National Guard, or any subdivision of any such services shall  
24 be exempt from the additional fee required for personalized  
25 license plates issued pursuant to section 301.441. As used in  
26 this subsection, "retired" means having served twenty or more

2 years in the appropriate branch of service and having received an  
3 honorable discharge.

4 301.190. 1. No certificate of registration of any motor  
5 vehicle or trailer, or number plate therefor, shall be issued by  
6 the director of revenue unless the applicant therefor shall make  
7 application for and be granted a certificate of ownership of such  
8 motor vehicle or trailer, or shall present satisfactory evidence  
9 that such certificate has been previously issued to the applicant  
10 for such motor vehicle or trailer. Application shall be made  
11 within thirty days after the applicant acquires the motor vehicle  
12 or trailer upon a blank form furnished by the director of revenue  
13 and shall contain the applicant's identification number, a full  
14 description of the motor vehicle or trailer, the vehicle  
15 identification number, and the mileage registered on the odometer  
16 at the time of transfer of ownership, as required by section  
17 407.536, RSMo, together with a statement of the applicant's  
18 source of title and of any liens or encumbrances on the motor  
19 vehicle or trailer, provided that for good cause shown the  
20 director of revenue may extend the period of time for making such  
21 application.

22 2. The director of revenue shall use reasonable diligence  
23 in ascertaining whether the facts stated in such application are  
24 true and shall, to the extent possible without substantially  
25 delaying processing of the application, review any odometer  
26 information pertaining to such motor vehicle that is accessible

2 to the director of revenue. If satisfied that the applicant is  
3 the lawful owner of such motor vehicle or trailer, or otherwise  
4 entitled to have the same registered in his name, the director  
5 shall thereupon issue an appropriate certificate over his  
6 signature and sealed with the seal of his office, procured and  
7 used for such purpose. The certificate shall contain on its face  
8 a complete description, vehicle identification number, and other  
9 evidence of identification of the motor vehicle or trailer, as  
10 the director of revenue may deem necessary, together with the  
11 odometer information required to be put on the face of the  
12 certificate pursuant to section 407.536, RSMo, a statement of any  
13 liens or encumbrances which the application may show to be  
14 thereon, and, if ownership of the vehicle has been transferred,  
15 the name of the state issuing the transferor's title and whether  
16 the transferor's odometer mileage statement executed pursuant to  
17 section 407.536, RSMo, indicated that the true mileage is  
18 materially different from the number of miles shown on the  
19 odometer, or is unknown.

20 3. The director of revenue shall appropriately designate on  
21 the current and all subsequent issues of the certificate the  
22 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",  
23 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor  
24 Vehicle", as defined in section 301.010. Effective July 1, 1990,  
25 on all original and all subsequent issues of the certificate for  
26 motor vehicles as referenced in subsections 2 and 3 of section

2 301.020, the director shall print on the face thereof the  
3 following designation: "Annual odometer updates may be available  
4 from the department of revenue.". On any duplicate certificate,  
5 the director of revenue shall reprint on the face thereof the  
6 most recent of either:

7 (1) The mileage information included on the face of the  
8 immediately prior certificate and the date of purchase or  
9 issuance of the immediately prior certificate; or

10 (2) Any other mileage information provided to the director  
11 of revenue, and the date the director obtained or recorded that  
12 information.

13 4. The certificate of ownership issued by the director of  
14 revenue shall be manufactured in a manner to prohibit as nearly  
15 as possible the ability to alter, counterfeit, duplicate, or  
16 forge such certificate without ready detection. In order to  
17 carry out the requirements of this subsection, the director of  
18 revenue may contract with a nonprofit scientific or educational  
19 institution specializing in the analysis of secure documents to  
20 determine the most effective methods of rendering Missouri  
21 certificates of ownership nonalterable or noncounterfeitable.

22 5. The fee for each original certificate so issued shall be  
23 eight dollars and fifty cents, in addition to the fee for  
24 registration of such motor vehicle or trailer. If application for  
25 the certificate is not made within thirty days after the vehicle  
26 is acquired by the applicant, a delinquency penalty fee of

2       twenty-five dollars for the first thirty days of delinquency and  
3       twenty-five dollars for each thirty days of delinquency  
4       thereafter, not to exceed a total of one hundred dollars before  
5       November 1, 2003, and not to exceed a total of two hundred  
6       dollars on or after November 1, 2003, shall be imposed, but such  
7       penalty may be waived by the director for a good cause shown. If  
8       the director of revenue learns that any person has failed to  
9       obtain a certificate within thirty days after acquiring a motor  
10      vehicle or trailer or has sold a vehicle without obtaining a  
11      certificate, he shall cancel the registration of all vehicles  
12      registered in the name of the person, either as sole owner or as  
13      a co-owner, and shall notify the person that the cancellation  
14      will remain in force until the person pays the delinquency  
15      penalty fee provided in this section, together with all fees,  
16      charges and payments which he should have paid in connection with  
17      the certificate of ownership and registration of the vehicle.  
18      The certificate shall be good for the life of the motor vehicle  
19      or trailer so long as the same is owned or held by the original  
20      holder of the certificate and shall not have to be renewed  
21      annually.

22           6. Any applicant for a certificate of ownership requesting  
23      the department of revenue to process an application for a  
24      certificate of ownership in an expeditious manner requiring  
25      special handling shall pay a fee of five dollars in addition to  
26      the regular certificate of ownership fee.

2           7. It is unlawful for any person to operate in this state a  
3 motor vehicle or trailer required to be registered under the  
4 provisions of the law unless a certificate of ownership has been  
5 issued as herein provided.

6           8. Before an original Missouri certificate of ownership is  
7 issued, an inspection of the vehicle and a verification of  
8 vehicle identification numbers shall be made by the Missouri  
9 state highway patrol on vehicles for which there is a current  
10 title issued by another state if a Missouri salvage certificate  
11 of title has been issued for the same vehicle but no prior  
12 inspection and verification has been made in this state, except  
13 that if such vehicle has been inspected in another state by a law  
14 enforcement officer in a manner comparable to the inspection  
15 process in this state and the vehicle identification numbers have  
16 been so verified, the applicant shall not be liable for the  
17 twenty-five dollar inspection fee if such applicant submits proof  
18 of inspection and vehicle identification number verification to  
19 the director of revenue at the time of the application. The  
20 applicant, who has such a title for a vehicle on which no prior  
21 inspection and verification have been made, shall pay a fee of  
22 twenty-five dollars for such verification and inspection, payable  
23 to the director of revenue at the time of the request for the  
24 application, which shall be deposited in the state treasury to  
25 the credit of the state highway fund.

26           9. Each application for an original Missouri certificate of

2 ownership for a vehicle which is classified as a reconstructed  
3 motor vehicle, specially constructed motor vehicle, kit vehicle,  
4 motor change vehicle, non-USA-std motor vehicle, or other vehicle  
5 as required by the director of revenue, shall be accompanied by a  
6 vehicle examination certificate issued by the Missouri state  
7 highway patrol, or other law enforcement agency as authorized by  
8 the director of revenue. The vehicle examination shall include a  
9 verification of vehicle identification numbers and a  
10 determination of the classification of the vehicle. The owner of  
11 a vehicle which requires a vehicle examination certificate shall  
12 present the vehicle for examination and obtain a completed  
13 vehicle examination certificate prior to submitting an  
14 application for a certificate of ownership to the director of  
15 revenue. The fee for the vehicle examination application shall  
16 be twenty-five dollars and shall be collected by the director of  
17 revenue at the time of the request for the application and shall  
18 be deposited in the state treasury to the credit of the state  
19 highway fund.

20 10. When an application is made for an original Missouri  
21 certificate of ownership for a motor vehicle previously  
22 registered or titled in a state other than Missouri, it shall be  
23 accompanied by a current inspection form certified by a duly  
24 authorized official inspection station as described in chapter  
25 307, RSMo. The completed form shall certify that the  
26 manufacturer's identification number for the vehicle has been

2 inspected, that it is correctly displayed on the vehicle and  
3 shall certify the reading shown on the odometer at the time of  
4 inspection. The inspection station shall collect the same fee as  
5 authorized in section 307.365, RSMo, for making the inspection,  
6 and the fee shall be deposited in the same manner as provided in  
7 section 307.365, RSMo. If the vehicle is also to be registered  
8 in Missouri, the safety and emissions inspections required in  
9 chapter 307, RSMo, shall be completed and only the fees required  
10 by sections 307.365 and 307.366, RSMo, shall be charged to the  
11 owner. This section shall not apply to vehicles being  
12 transferred on a manufacturer's statement of origin.

13 11. Motor vehicles brought into this state in a wrecked or  
14 damaged condition or after being towed as an abandoned vehicle  
15 pursuant to another state's abandoned motor vehicle procedures  
16 shall, in lieu of the inspection required by subsection 10 of  
17 this section, be inspected by the Missouri state highway patrol  
18 in accordance with subsection 9 of this section. If the  
19 inspection reveals the vehicle to be in a salvage or junk  
20 condition, the director shall so indicate on any Missouri  
21 certificate of ownership issued for such vehicle. Any salvage  
22 designation shall be carried forward on all subsequently issued  
23 certificates of title for the motor vehicle.

24 12. When an application is made for an original Missouri  
25 certificate of ownership for a motor vehicle previously  
26 registered or titled in a state other than Missouri, and the



2 certificate of ownership has been appropriately designated by the  
3 issuing state as reconstructed motor vehicle, motor change  
4 vehicle, specially constructed motor vehicle, the director of  
5 revenue shall appropriately designate on the current Missouri and  
6 all subsequent issues of the certificate of ownership the name of  
7 the issuing state and such prior designation.

8 13. When an application is made for an original Missouri  
9 certificate of ownership for a motor vehicle previously  
10 registered or titled in a state other than Missouri, and the  
11 certificate of ownership has been appropriately designated by the  
12 issuing state as non-USA-std motor vehicle, the director of  
13 revenue shall appropriately designate on the current Missouri and  
14 all subsequent issues of the certificate of ownership the words  
15 "Non-USA-Std Motor Vehicle".

16 14. The director of revenue and the superintendent of the  
17 Missouri state highway patrol shall make and enforce rules for  
18 the administration of the inspections required by this section.

19 15. Each application for an original Missouri certificate  
20 of ownership for a vehicle which is classified as a reconstructed  
21 motor vehicle, manufactured forty or more years prior to the  
22 current model year, and which has a value of three thousand  
23 dollars or less shall be accompanied by:

24 (1) A proper affidavit submitted by the owner explaining  
25 how the motor vehicle or trailer was acquired and, if applicable,  
26 the reasons a valid certificate of ownership cannot be furnished;

2       (2) Photo copies of receipts, bills of sale establishing  
3       ownership, or titles, and the source of all major component parts  
4       used to rebuild the vehicle;

5       (3) A fee of one hundred fifty dollars in addition to the  
6       fees described in subsection 5 of this section. Such fee shall  
7       be deposited in the state treasury to the credit of the state  
8       highway fund; and

9       (4) An inspection certificate, other than a motor vehicle  
10      examination certificate required under subsection 9 of this  
11      section, completed and issued by the Missouri state highway  
12      patrol, or other law enforcement agency as authorized by the  
13      director of revenue. The inspection performed by the highway  
14      patrol or other authorized local law enforcement agency shall  
15      include a check for stolen vehicles.

16      The department of revenue shall issue the owner a certificate of  
17      ownership designated with the words "Reconstructed Motor Vehicle"  
18      and deliver such certificate of ownership in accordance with the  
19      provisions of this chapter. Notwithstanding subsection 9 of this  
20      section, no owner of a reconstructed motor vehicle described in  
21      this subsection shall be required to obtain a vehicle examination  
22      certificate issued by the Missouri state highway patrol.

23           301.193. 1. Any person who purchases or is the owner of  
24      real property on which vehicles, as defined in section 301.011,  
25      vessels or watercraft, as defined in section 306.010, RSMo, or

2 outboard motors, as that term is used in section 306.530, RSMo,  
3 have been abandoned, without the consent of said purchaser or  
4 owner of the real property, may apply to the department of  
5 revenue for a certificate of title. Any insurer which purchases  
6 a vehicle through the claims adjustment process for which the  
7 insurer is unable to obtain a negotiable title may make an  
8 application to the department of revenue for a salvage  
9 certificate of title pursuant to this section. Prior to making  
10 application for a certificate of title on a vehicle under this  
11 section, the insurer or owner of the real estate shall have the  
12 vehicle inspected by law enforcement pursuant to subsection 9 of  
13 section 301.190, and shall have law enforcement perform a check  
14 in the national crime information center and any appropriate  
15 statewide law enforcement computer to determine if the vehicle  
16 has been reported stolen and the name and address of the person  
17 to whom the vehicle was last titled and any lienholders of  
18 record. The insurer or owner or purchaser of the real estate  
19 shall, thirty days prior to making application for title, notify  
20 any owners or lienholders of record for the vehicle by certified  
21 mail that the owner intends to apply for a certificate of title  
22 from the director for the abandoned vehicle. The application for  
23 title shall be accompanied by:

24 (1) A statement explaining the circumstances by which the  
25 [abandoned] property came into the insurer, owner or purchaser's  
26 possession; a description of the [abandoned] property including

2 the year, make, model, vehicle identification number and any  
3 decal or license plate that may be affixed to the vehicle; the  
4 current location of the [abandoned] property; and the retail  
5 value of the [abandoned] property;

6 (2) An inspection report of the [abandoned] property, if it  
7 is a vehicle, by a law enforcement agency pursuant to subsection  
8 9 of section 301.190; and

9 (3) A copy of the thirty-day notice and certified mail  
10 receipt mailed to any owner and any person holding a valid  
11 security interest of record.

12 2. Upon receipt of the application and supporting  
13 documents, the director shall search the records of the  
14 department of revenue, or initiate an inquiry with another state,  
15 if the evidence presented indicated the [abandoned] property  
16 described in the application was registered or titled in another  
17 state, to verify the name and address of any owners and any  
18 lienholders. If the latest owner or lienholder was not notified  
19 the director shall inform the insurer, owner, or purchaser of the  
20 real estate of the latest owner and lienholder information so  
21 that notice may be given as required by subsection 1 of this  
22 section. Any owner or lienholder receiving notification may  
23 protest the issuance of title by, within the thirty-day notice  
24 period and may file a petition to recover the vehicle, naming the  
25 insurer or owner of the real estate and serving a copy of the  
26 petition on the director of revenue. The director shall not be a

2 party to such petition but shall, upon receipt of the petition,  
3 suspend the processing of any further certificate of title until  
4 the rights of all parties to the vehicle are determined by the  
5 court. Once all requirements are satisfied the director shall  
6 issue one of the following:

7 (1) An original certificate of title if the vehicle  
8 examination certificate, as provided in section 301.190,  
9 indicates that the vehicle was not previously in a salvaged  
10 condition or rebuilt;

11 (2) An original certificate of title designated as prior  
12 salvage if the vehicle examination certificate as provided in  
13 section 301.190 indicates the vehicle was previously in a  
14 salvaged condition or rebuilt;

15 (3) A salvage certificate of title designated with the  
16 words "salvage/abandoned property" or junking certificate based  
17 on the condition of the [abandoned] property as stated in the  
18 inspection report. An insurer purchasing a vehicle through the  
19 claims adjustment process under this section shall only be  
20 eligible to obtain a salvage certificate of title or junking  
21 certificate.

22 301.196. 1. Beginning January 1, 2006, except as otherwise  
23 provided in this section, the transferor of an interest in a  
24 motor vehicle or trailer listed on the face of a Missouri title,  
25 excluding salvage titles and junking certificates, shall notify  
26 the department of revenue of the transfer within thirty days of

2 the date of transfer. The notice shall be in a form determined  
3 by the department by rule and shall contain:

4 (1) A description of the motor vehicle or trailer  
5 sufficient to identify it;

6 (2) The vehicle identification number of the motor vehicle  
7 or trailer;

8 (3) The name and address of the transferee;

9 (4) The date of birth of the transferee, unless the  
10 transferee is not a natural person;

11 (5) The date of the transfer or sale;

12 (6) The purchase price of the motor vehicle or trailer, if  
13 applicable;

14 (7) The number of the transferee's drivers license, unless  
15 the transferee does not have a drivers license;

16 (8) The printed name and signature of the transferee;

17 (9) Any other information required by the department by  
18 rule.

19 2. For purposes of giving notice under this section, if the  
20 transfer occurs by operation of law, the personal representative,  
21 receiver, trustee, sheriff, or other representative or successor  
22 in interest of the person whose interest is transferred shall be  
23 considered the transferor. Repossession by a creditor shall not  
24 be considered a transfer of ownership requiring such notice.

25 3. The requirements of this section shall not apply to  
26 transfers when there is no complete change of ownership interest

2 or upon award of ownership of a motor vehicle or trailer made by  
3 court order, or transfers of ownership of a motor vehicle or  
4 trailer to or between vehicle dealers, or transfers of beneficial  
5 ownership of a motor vehicle owned by a trust.

6 4. Notification under this section is only required for  
7 transfers of ownership that would otherwise require registration  
8 and an application for certificate of title in this state under  
9 section 301.190, and is for informational purposes only and does  
10 not constitute an assignment or release of any interest in the  
11 vehicle.

12 5. Retail sales made by licensed dealers including sales of  
13 new vehicles shall be reported pursuant to the provisions of  
14 section 301.280.

15 301.197. 1. Beginning January 1, 2006, upon receipt of a  
16 notification of transfer described in section 301.196, the  
17 department shall make a notation on its records indicating that  
18 it has received notification that an interest in the motor  
19 vehicle or trailer has been transferred. The notation shall be  
20 made whether or not the form submitted to the department contains  
21 all the information required by section 301.196, so long as there  
22 is sufficient information to identify the motor vehicle or  
23 trailer and the name and address of the transferee. Thereafter,  
24 until a new title is issued, when the department is asked or is  
25 required by law to provide the name of the owner or lienholder of  
26 a motor vehicle or trailer as shown on its records, the

2 department shall provide the name of the owner or lienholder  
3 recorded on the latest title or lien perfection of record and  
4 indicate that department records show a notification of transfer  
5 but do not show a title transfer. The department shall also  
6 provide the name of the transferee, if otherwise permitted by  
7 law, if it is shown on the form submitted by the transferor  
8 pursuant to section 301.196.

9 2. If the department does not receive an application for  
10 title from the person named as transferee in a form submitted  
11 pursuant to section 301.196 within sixty days of the receipt of  
12 the form, the department shall notify the transferee to apply for  
13 title. Notification shall be made as soon after the sixtieth day  
14 after receipt of the form as is convenient for the department.  
15 The provisions of this subsection shall be in addition to the  
16 requirements of section 301.190.

17 3. The department may adopt rules for the implementation of  
18 section 301.196 and this section. Any rule or portion of a rule,  
19 as that term is defined in section 536.010, RSMo, that is created  
20 under the authority delegated in this section shall become  
21 effective only if it complies with and is subject to all of the  
22 provisions of chapter 536, RSMo, and, if applicable, section  
23 536.028, RSMo. This section and chapter 536, RSMo, are  
24 nonseverable and if any of the powers vested with the general  
25 assembly pursuant to chapter 536, RSMo, to review, to delay the  
26 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, 2004,  
4 shall be invalid and void. Notwithstanding section 226.200,  
5 RSMo, to the contrary the general assembly may appropriate state  
6 highways and transportation department funds for the requirements  
7 of sections 301.196, 301.198, and 301.280, and this section.

8 301.198. 1. Beginning January 1, 2006, a person commits  
9 the offense of knowingly submitting false information about  
10 transfer of a vehicle if the person submits a notice of transfer  
11 of an interest in a motor vehicle or trailer as described in  
12 section 301.196 to the department of revenue and the person knows  
13 that some or all of the information contained in the notice is  
14 false. The offense described in this section, knowingly  
15 submitting false information about transfer of a vehicle, is a  
16 class C misdemeanor.

17 2. Any person who fails to submit the required notice  
18 pursuant to section 301.196 shall be guilty of an infraction. If  
19 the failure to submit the required notice was done to assist the  
20 transferee to avoid applying for title, paying applicable  
21 registration fees or other fraudulent purposes, then the person  
22 shall be guilty of a class C misdemeanor.

23 301.217. 1. As used in sections 301.217 to 301.229, the  
24 following words and phrases mean:

25 (1) "Purchaser", the buyer of a salvage vehicle, including  
26 an insurance company for purposes of sections 301.217 to 301.229;

2           (2) "Salvage certificate of title", the title issued by the  
3 department of revenue as proof of ownership for a salvaged  
4 vehicle, and it shall not be acceptable for the purpose of  
5 registering a motor vehicle. The salvage title shall be  
6 negotiable with one reassignment on back by registered dealers or  
7 insurance companies only. The redeemed title shall be returned  
8 in its original form;

9           (3) "Salvage pool" or "salvage disposal sale", a scheduled  
10 sale at auction or by private bid of wrecked or repairable motor  
11 vehicles or trailers by insurance companies, underwriters, or  
12 dealers, either at retail or wholesale.

13           2. The department of revenue may issue a certificate of  
14 title for a salvaged motor vehicle at least twenty-five years old  
15 and if, in the judgment of the department of revenue it may be  
16 needed, require the applicant to file with the department of  
17 revenue a corporate surety bond in the form prescribed by the  
18 department and executed by the applicant, and executed by a  
19 person authorized to conduct a surety business in this state.  
20 The bond shall be in an amount equal to one and one-half times  
21 the value of the vehicle as determined by the department and  
22 conditioned to indemnify any prior owner and lienholder and any  
23 subsequent purchaser of the vehicle or person acquiring any  
24 security interest in it, and their respective successors in  
25 interest, against any expense, loss or damage, including  
26 reasonable attorney's fees, by reason of the issuance of the

2 certificate of title of the vehicle or on account of any defect  
3 in or undisclosed security interest upon the right, title and  
4 interest of the applicant in and to the vehicle. Any such  
5 interested person has a right of action to recover on the bond  
6 for any breach of its conditions, but the aggregate liability of  
7 the surety to all persons shall not exceed the amount of the  
8 bond. The bond shall be returned at the end of three years or  
9 prior thereto if the vehicle is no longer registered in this  
10 state and the currently valid certificate of title is surrendered  
11 to the department, unless the department has been notified of the  
12 pendency of an action to recover on the bond.

13 301.219. Application for a license shall be submitted [by  
14 July first of each year] biennially and shall be made on the form  
15 the department prescribes, containing the name of the applicant,  
16 the address where business is to be conducted, the kind of  
17 business, enumerated in section 301.218 to be conducted, the  
18 residence address of the applicant if an individual, the names  
19 and residence addresses of the partners of the applicant if a  
20 partnership, the names and residence addresses of the principal  
21 officers of the applicant and the state of its incorporation, if  
22 a corporation. The application shall be verified by the oath or  
23 affirmation of the applicant, if the applicant is a partnership  
24 or a corporation, by a partner or officer of the applicant and  
25 shall be accompanied by a fee of [sixty-five] one hundred thirty  
26 dollars every [year] two years for each kind of business required

2 to be licensed under subdivision (1), (2), (3), or (4) of  
3 subsection 1 of section 301.218. If the applicant conducts  
4 business at different locations, a separate application, license  
5 and [sixty-five] one hundred thirty dollar [annual] fee shall be  
6 required for each location. The director may stagger the  
7 expiration dates to equalize the workload.

8 301.221. 1. The department shall file each application  
9 received by it with the required fee, and when satisfied that the  
10 applicant, if an individual, or each of the partners or principal  
11 officers of the applicant, if a partnership or a corporation, is  
12 of good moral character and that the applicant, so far as can be  
13 ascertained, has complied and will comply with the provisions of  
14 sections 301.217 to 301.229 and the laws of this state relating  
15 to registration of and certificates of title of vehicles, shall  
16 issue to the applicant a license to carry on and conduct the kind  
17 of businesses, enumerated in section 301.218, specified in the  
18 application at the address therein specified, until [July first  
19 next following the date on which] the next license [is issued]  
20 renewal date.

21 2. When the application is being made for licensure as a  
22 salvage dealer, a certification by a uniformed member of the  
23 Missouri state highway patrol stationed in the troop area in  
24 which the applicant's place of business is located; except, that  
25 in counties of the first classification, certification may be  
26 performed by an officer of a metropolitan police department when

2     the applicant's established place of business of salvage is in  
3     the metropolitan area where the certifying metropolitan police  
4     officer is employed. An applicant shall have a bona fide  
5     established place of business which shall include a permanent  
6     enclosed building or structure, either owned in fee or leased and  
7     actually occupied as a place of business by the applicant for:

8             (1) Selling used parts of or used accessories for vehicles;  
9     or

10            (2) Salvaging, wrecking or dismantling vehicles for resale  
11     of the parts thereof; or

12            (3) Rebuilding and repairing wrecked or dismantled  
13     vehicles; or

14            (4) Processing scrapped vehicles or vehicle parts.

15            3. The applicant's place of business shall be a place  
16     wherein the public may contact the owner or operator, in person  
17     or by telephone, at any reasonable time, and wherein shall be  
18     kept and maintained the books, records, files, tools, equipment  
19     and other matters required and necessary to conduct the business.

20            4. The application shall include a photograph, not to  
21     exceed eight inches by ten inches, showing the building and  
22     business premises and shall accompany the initial application but  
23     will not be required for subsequent renewals unless substantial  
24     changes have been made to the building or business premises.

25            301.227. 1. Whenever a vehicle is sold for salvage,  
26     dismantling or rebuilding, the purchaser shall forward to the

2 director of revenue within ten days the certificate of ownership  
3 or salvage certificate of title and the proper application and  
4 fee of eight dollars and fifty cents, and the director shall  
5 issue a negotiable salvage certificate of title to the purchaser  
6 of the salvaged vehicle. On vehicles not more than seven years  
7 old, it shall be mandatory that the purchaser apply for a salvage  
8 title, but on vehicles over seven years old, application for a  
9 salvage title shall be optional on the part of the purchaser,  
10 notwithstanding any other law to the contrary. Whenever a  
11 vehicle is sold for destruction and a salvage certificate of  
12 title, junking certificate, or certificate of ownership exists,  
13 the seller, if licensed under sections 301.217 to 301.221, shall  
14 forward the certificate to the director of revenue within ten  
15 days, with the notation of the date sold for destruction and the  
16 name of the purchaser clearly shown on the face of the  
17 certificate.

18 2. Whenever a vehicle is classified as "junk", as defined  
19 in section 301.010, the purchaser may forward to the director of  
20 revenue the salvage certificate of title or certificate of  
21 ownership and the director shall issue a negotiable junking  
22 certificate to the purchaser of the vehicle. The director may  
23 also issue a junking certificate to a possessor of a vehicle [of  
24 a 1954 model or older] manufactured twenty-six years or more  
25 prior to the current model year who has a bill of sale for said  
26 vehicle but does not possess a certificate of ownership, provided

2 no claim of theft has been made on the vehicle and the highway  
3 patrol has by letter stated the vehicle is not listed as stolen  
4 after checking the registration number through its nationwide  
5 computer system. Such certificate may be granted within thirty  
6 days of the submission of a request.

7 3. Upon receipt of a properly completed application for a  
8 junking certificate, the director of revenue shall issue to the  
9 applicant a junking certificate which shall authorize the holder  
10 to possess, transport, or, by assignment, transfer ownership in  
11 such parts, scrap or junk, and a certificate of title shall not  
12 again be issued for such vehicle; except that, the initial  
13 purchaser shall, within ninety days, be allowed to rescind his  
14 application for a junking certificate by surrendering the junking  
15 certificate and apply for a salvage certificate of title in his  
16 name. The seller of a vehicle for which a junking certificate  
17 has been applied for or issued shall disclose such fact in  
18 writing to any prospective buyers before sale of such vehicle;  
19 otherwise the sale shall be voidable at the option of the buyer.

20 4. No scrap metal operator shall acquire or purchase a  
21 motor vehicle or parts thereof without, at the time of such  
22 acquisition, receiving the original certificate of title or  
23 salvage certificate of title or junking certificate from the  
24 seller of the vehicle or parts, unless the seller is a licensee  
25 under sections 301.219 to 301.221.

26 5. All titles and certificates required to be received by

2 scrap metal operators from nonlicensees shall be forwarded by the  
3 operator to the director of revenue within ten days of the  
4 receipt of the vehicle or parts.

5 6. The scrap metal operator shall keep a record, for three  
6 years, of the seller's name and address, the salvage business  
7 license number of the licensee, date of purchase, and any vehicle  
8 or parts identification numbers open for inspection as provided  
9 in section 301.225.

10 7. Notwithstanding any other provision of this section, a  
11 motor vehicle dealer as defined in section 301.550 and licensed  
12 under the provisions of sections 301.550 to 301.572 may negotiate  
13 one reassignment of a salvage certificate of title on the back  
14 thereof.

15 8. Notwithstanding the provisions of subsection 1 of this  
16 section, an insurance company which settles a claim for a stolen  
17 vehicle shall be issued a negotiable salvage certificate of title  
18 without the payment of any fee upon proper application within  
19 thirty days after settlement of the claim for such stolen  
20 vehicle. However, if the insurance company upon recovery of a  
21 stolen vehicle determines that the stolen vehicle has not  
22 sustained damage to the extent that the vehicle would have  
23 otherwise been declared a salvage vehicle pursuant to subdivision  
24 (50) of section 301.010, then the insurance company may have the  
25 vehicle inspected by the Missouri state highway patrol, or other  
26 law enforcement agency authorized by the director of revenue, in



2 accordance with the inspection provisions of subsection 9 of  
3 section 301.190. Upon receipt of title application, applicable  
4 fee, the completed inspection, and the return of any previously  
5 issued negotiable salvage certificate, the director shall issue  
6 an original title with no salvage designation. Upon the issuance  
7 of an original title the director shall remove any indication of  
8 the negotiable salvage title previously issued to the insurance  
9 company from the department's electronic records.

10 301.280. 1. Every motor vehicle dealer and boat dealer  
11 shall make a monthly report to the department of revenue, on  
12 blanks to be prescribed by the department of revenue, giving the  
13 following information: Date of the sale of each motor vehicle,  
14 boat, trailer and all-terrain vehicle sold; the name and address  
15 of the buyer; the name of the manufacturer; year of manufacture;  
16 model of vehicle; vehicle identification number; style of  
17 vehicle; odometer setting; and it shall also state whether the  
18 motor vehicle, boat, trailer or all-terrain vehicle is new or  
19 secondhand. The odometer reading is not required when reporting  
20 the sale of any motor vehicle that is ten years old or older, any  
21 motor vehicle having a gross vehicle weight rating of more than  
22 sixteen thousand pounds, new vehicles that are transferred on a  
23 manufacturer's statement of origin between one franchised motor  
24 vehicle dealer and another, or boats, all-terrain vehicles or  
25 trailers. The sale of all [twenty-day] thirty-day temporary  
26 permits, without exception, shall be recorded in the appropriate

2 space on the dealer's monthly sales report by recording the  
3 complete permit number issued on the motor vehicle or trailer  
4 sale listed. The monthly sales report shall be completed in full  
5 and signed by an officer, partner, or owner of the dealership,  
6 and actually received by the department of revenue on or before  
7 the fifteenth day of the month succeeding the month for which the  
8 sales are being reported. If no sales occur in any given month,  
9 a report shall be submitted for that month indicating no sales.

10 Any vehicle dealer who fails to file a monthly report or who  
11 fails to file a timely report shall be subject to disciplinary  
12 action as prescribed in section 301.562 or a penalty assessed by  
13 the director not to exceed three hundred dollars per violation.

14 Every motor vehicle and boat dealer shall retain copies of the  
15 monthly sales report as part of the records to be maintained at  
16 the dealership location and shall hold them available for  
17 inspection by appropriate law enforcement officials and officials  
18 of the department of revenue. Beginning January 1, 2006, the  
19 monthly sales report required by this subsection may be filed  
20 electronically. Beginning January 1, 2007, every vehicle dealer  
21 selling twenty or more vehicles a month shall file the monthly  
22 sales report with the department in an electronic format. Any  
23 dealer filing a monthly sales report in an electronic format  
24 shall be exempt from filing the notice of transfer required by  
25 section 301.196. For any dealer not filing electronically, the  
26 notice of transfer required by section 301.196 shall be submitted

2     with the monthly sales report as prescribed by the director.

3             2. Every dealer and every person operating a public garage  
4 shall keep a correct record of the vehicle identification number,  
5 odometer setting, manufacturer's name of all motor vehicles or  
6 trailers accepted by him for the purpose of sale, rental,  
7 storage, repair or repainting, together with the name and address  
8 of the person delivering such motor vehicle or trailer to the  
9 dealer or public garage keeper, and the person delivering such  
10 motor vehicle or trailer shall record such information in a file  
11 kept by the dealer or garage keeper. The record shall be kept  
12 for three years and be open for inspection by law enforcement  
13 officials and persons, agencies and officials designated by the  
14 director of revenue.

15             3. Every dealer and every person operating a public garage  
16 in which a motor vehicle remains unclaimed for a period of  
17 fifteen days shall, within five days after the expiration of that  
18 period, report the motor vehicle as unclaimed to the director of  
19 revenue. Such report shall be on a form prescribed by the  
20 director of revenue. A motor vehicle left by its owner whose  
21 name and address are known to the dealer or his employee or  
22 person operating a public garage or his employee is not  
23 considered unclaimed. Any dealer or person operating a public  
24 garage who fails to report a motor vehicle as unclaimed as herein  
25 required forfeits all claims and liens for its garaging, parking  
26 or storing.

2           4. The director of revenue shall maintain appropriately  
3 indexed cumulative records of unclaimed vehicles reported to the  
4 director. Such records shall be kept open to public inspection  
5 during reasonable business hours.

6           5. The alteration or obliteration of the vehicle  
7 identification number on any such motor vehicle shall be prima  
8 facie evidence of larceny, and the dealer or person operating  
9 such public garage shall upon the discovery of such obliteration  
10 or alteration immediately notify the highway patrol, sheriff,  
11 marshal, constable or chief of police of the municipality where  
12 the dealer or garage keeper has his place of business, and shall  
13 hold such motor vehicle or trailer for a period of forty-eight  
14 hours for the purpose of an investigation by the officer so  
15 notified.

16           301.290. 1. Correctional enterprises of the department of  
17 corrections shall purchase, erect and maintain all of the  
18 machinery and equipment necessary for the manufacture of the  
19 license plates and tabs issued by the director of revenue, and of  
20 signs used by the state transportation department. Beginning on  
21 January 1, 2009, correctional enterprises shall no longer erect  
22 and maintain tabs for the department of revenue.

23           2. The director of revenue shall procure all plates [and  
24 tabs] issued by him, and the state transportation department  
25 shall procure all signs used by it from correctional enterprises,  
26 unless an emergency arises and correctional enterprises cannot

2 furnish the plates, tabs or signs.

3         3. Correctional enterprises shall furnish the plates[,  
4 tabs] and signs at such a price as will not exceed the price at  
5 which such plates[, tabs] and signs may be obtained upon the open  
6 market, but in no event shall such price be less than the cost of  
7 manufacture, including labor and materials.

8         4. All moneys derived from the sale of the plates, tabs and  
9 signs shall be paid into the state treasury to the credit of the  
10 working capital revolving fund as provided in section 217.595,  
11 RSMo.

12         301.444. [1. Owners or a joint owner of motor vehicles who  
13 are residents of the state of Missouri, and who are directors of  
14 a fire protection district or who are compensated, partially  
15 compensated or volunteer members of any fire department, fire  
16 protection district or voluntary fire protection association in  
17 this state, upon application accompanied by affidavit as  
18 prescribed in this section, complying with the state motor  
19 vehicle laws relating to registration and licensing of motor  
20 vehicles, and upon payment of a fee as prescribed in this  
21 section, shall be issued a set of license plates for  
22 noncommercial vehicles or a commercial motor vehicle licensed for  
23 no more than twelve thousand pounds. The license plates shall be  
24 inscribed with a variation of the Maltese cross that signifies  
25 the universally recognized symbol for firefighters. In addition,  
26 upon such set of license plates shall be inscribed, in lieu of

2 the words "Show-me State", the word "FIREFIGHTER" in addition to  
3 a combination of letters and numbers in a form prescribed by the  
4 advisory committee established in section 301.129. Such license  
5 plates shall be made with fully reflective material, shall be  
6 clearly visible at night, and shall be aesthetically attractive,  
7 as prescribed by section 301.130.

8 2. Applications for license plates issued under this  
9 section shall be made to the director of revenue and shall be  
10 accompanied by an affidavit stating that the applicant is a  
11 person described in subsection 1 of this section. Any person who  
12 is lawfully in possession of such plates who resigns, is removed,  
13 or otherwise terminates or is terminated from his association  
14 with such fire department, fire protection district or voluntary  
15 fire protection association shall return such special plates to  
16 the director within fifteen days.

17 3. An additional annual fee equal to that charged for  
18 personalized license plates in section 301.144 shall be paid to  
19 the director of revenue for the issuance of the license plates  
20 provided for in this section.] 1. Any person, as defined in  
21 subsection 3 of this section, may apply for special license  
22 plates for any motor vehicle such person owns, either solely or  
23 jointly, other than an apportioned motor vehicle or a commercial  
24 motor vehicle licensed in excess of eighteen thousand pounds  
25 gross weight. The Firefighter Memorial Foundation of Missouri  
26 hereby authorizes the use of its official emblem to be affixed on

2 multi-year personalized license plates as provided in this  
3 section.

4 2. Upon application and payment of a one time twenty-five  
5 dollar emblem-use contribution to the Firefighter Memorial  
6 Foundation of Missouri, the foundation shall issue to the vehicle  
7 owner, without further charge, an emblem-use authorization  
8 statement, which shall be presented to the department of revenue  
9 at the time of registration of a motor vehicle.

10 3. As used in this section, the term "person" shall mean:

11 (1) A director of a fire protection district;

12 (2) Persons compensated, partially compensated, or  
13 volunteer members of any fire department, fire protection  
14 district, or voluntary fire protection association of this state;

15 (3) A person wounded in the line of duty as a firefighter;  
16 or

17 (4) A surviving spouse, parent, brother, sister, or adult  
18 child, including an adopted child or stepchild, of a person  
19 killed in the line of duty as a firefighter.

20 4. Upon presentation of the emblem-use authorization  
21 statement and payment of a fifteen dollar fee in addition to the  
22 regular registration fees and presentation of other documents  
23 which may be required by law, the department of revenue shall  
24 issue a personalized license plate to the vehicle owner, which  
25 shall bear the emblem of the Firefighter Memorial Foundation of  
26 Missouri and the word "FIREFIGHTER" in place of the words "SHOW-

2 ME STATE". Such license plates shall be made with fully  
3 reflective material with a common color scheme and design, shall  
4 be clearly visible at night, and shall be aesthetically  
5 attractive, as prescribed by section 301.130. Notwithstanding  
6 the provisions of section 301.144, no additional fee shall be  
7 charged for the personalization of license plates pursuant to  
8 this section.

9 4. The director of revenue may promulgate rules and  
10 regulations for the administration of this section. Any rule or  
11 portion of a rule, as that term is defined in section 536.010,  
12 RSMo, that is created under the authority delegated in this  
13 section shall become effective only if it complies with and is  
14 subject to all of the provisions of chapter 536, RSMo, and, if  
15 applicable, section 536.028, RSMo. This section and chapter 536,  
16 RSMo, are nonseverable and if any of the powers vested with the  
17 general assembly pursuant to chapter 536, RSMo, to review, to  
18 delay the effective date, or to disapprove and annul a rule are  
19 subsequently held unconstitutional, then the grant of rulemaking  
20 authority and any rule proposed or adopted after August 28, 2004,  
21 shall be invalid and void.

22 301.463. 1. The children's trust fund board established in  
23 section 210.170, RSMo, may authorize the use of their logo to be  
24 incorporated on [multiyear personalized] motor vehicle license  
25 plates [as provided in this section] for any motor vehicle the  
26 person owns, either solely or jointly, other than an apportioned



2 motor vehicle or a commercial motor vehicle licensed in excess of  
3 eighteen thousand pounds gross weight. The license plate shall  
4 contain an emblem designed by the board depicting two handprints  
5 of a child and the words "Children's Trust Fund" and the  
6 children's trust fund logo in preference to the words "SHOW-ME  
7 STATE". The license plates shall have a common background and  
8 shall bear as many letters and numbers as will fit on the plate  
9 without damaging the plate's aesthetic appearance as determined  
10 by the director of revenue. Any vehicle owner may annually apply  
11 to the board or director for the use of the logo. Upon annual  
12 application and payment of a twenty-five dollar logo use  
13 contribution to the board, the board shall issue to the vehicle  
14 owner, without further charge, a "logo use authorization  
15 statement", which shall be presented by the vehicle owner to the  
16 department of revenue at the time of registration. Application  
17 for use of the logo and payment of the twenty-five dollar  
18 contribution may also be made at the time of registration to the  
19 director, who shall deposit such contribution in the state  
20 treasury to the credit of the children's trust fund. Upon  
21 presentation of the annual statement [and], payment of [the fee  
22 required for personalized license plates in section 301.144, and  
23 other] a fifteen dollar fee in addition to the regular  
24 registration fees and presentation of documents which may be  
25 required by law, the department of revenue shall issue a  
26 [personalized] license plate described in this section to the

2 vehicle owner. Notwithstanding the provisions of section  
3 301.144, no additional fee shall be charged for the  
4 personalization of license plates issued pursuant to this  
5 section. There shall be no limit on the number of license plates  
6 any person qualified pursuant to this section may obtain so long  
7 as each set of plates issued pursuant to this section is issued  
8 for vehicles owned solely or jointly by such person. The license  
9 plate authorized by this section shall be issued with a design  
10 approved by both the board and the director of revenue. The  
11 bidding process used to select a vendor for the material to  
12 manufacture the license plates authorized by this section shall  
13 consider the aesthetic appearance of the plate. A vehicle owner,  
14 who was previously issued a plate with [an emblem] a logo  
15 authorized by this section and who does not provide [an emblem] a  
16 logo use authorization statement at a subsequent time of  
17 registration, shall be issued a new plate which does not bear the  
18 [emblem] logo, as otherwise provided by law. Any contribution to  
19 the board derived from this section shall be deposited in the  
20 state treasury to the credit of the children's trust fund  
21 established in section 210.173, RSMo.

22 2. The director of revenue shall issue samples of license  
23 plates authorized pursuant to this section to all offices in this  
24 state where vehicles are registered and license plates are  
25 issued. Such sample license plates shall be prominently  
26 displayed in such offices along with literature prepared by the

2 director or by the children's trust fund board describing the  
3 purposes of the children's trust fund. The general assembly may  
4 appropriate moneys annually from the children's trust fund to the  
5 department of revenue to offset costs reasonably incurred by the  
6 director of revenue pursuant to this subsection.

7 301.469. 1. Any vehicle owner may receive license plates  
8 as prescribed in this section, for any motor vehicle such person  
9 owns, either solely or jointly, other than an apportioned motor  
10 vehicle or a commercial motor vehicle licensed in excess of  
11 eighteen thousand pounds gross weight, after an annual payment of  
12 an emblem-use authorization fee to the Missouri conservation  
13 heritage foundation. The foundation hereby authorizes the use of  
14 its official emblems to be affixed on multiyear [personalized]  
15 license plates as provided in this section. Any vehicle owner  
16 may annually apply for the use of the emblems.

17 2. Upon annual application and payment of a twenty-five  
18 dollar emblem-use authorization fee to the Missouri conservation  
19 heritage foundation, the foundation shall issue to the vehicle  
20 owner, without further charge, an emblem-use authorization  
21 statement, which shall be presented to the director of the  
22 department of revenue at the time of registration of a motor  
23 vehicle.

24 3. Upon presentation of the annual statement, payment of a  
25 fifteen dollar fee in addition to the regular registration fees  
26 and documents which may be required by law, the director of the

2 department of revenue shall issue a [personalized] license plate,  
3 which shall bear an emblem of the Missouri conservation heritage  
4 foundation in a form prescribed by the director, to the vehicle  
5 owner. Such license plates shall be made with fully reflective  
6 material with a common color scheme and design, shall be clearly  
7 visible at night, and shall be aesthetically attractive, as  
8 prescribed by section 301.130. Notwithstanding the provisions of  
9 section 301.144, no additional fee shall be charged for the  
10 personalization of license plates pursuant to this section.

11 4. A vehicle owner, who was previously issued a plate with  
12 a Missouri conservation heritage foundation emblem authorized by  
13 this section but who does not provide an emblem-use authorization  
14 statement at a subsequent time of registration, shall be issued a  
15 new plate which does not bear the foundation emblem, as otherwise  
16 provided by law.

17 5. The director of the department of revenue may promulgate  
18 rules and regulations for the administration of this section.  
19 Any rule or portion of a rule, as that term is defined in section  
20 536.010, RSMo, that is promulgated under the authority delegated  
21 in this section shall become effective only if it has been  
22 promulgated pursuant to the provisions of chapter 536, RSMo. All  
23 rulemaking authority delegated prior to August 28, 1999, is of no  
24 force and effect; however, nothing in this section shall be  
25 interpreted to repeal or affect the validity of any rule filed or  
26 adopted prior to August 28, 1999, if it fully complied with the

2 provisions of chapter 536, 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, 1999,  
8 shall be invalid and void.

9 301.562. 1. The department may refuse to issue or renew  
10 any license required pursuant to sections 301.550 to 301.573 for  
11 any one or any combination of causes stated in subsection 2 of  
12 this section. The department shall notify the applicant or  
13 licensee in writing at his last known address of the reasons for  
14 the refusal to issue or renew the license and shall advise the  
15 applicant or licensee of his right to appeal the decision of the  
16 department as provided in chapter 536, RSMo.

17 2. The department may take such disciplinary action as  
18 provided in subsection 3 of this section upon a written notice  
19 and an opportunity to be heard in substantially the same manner  
20 as provided in chapter 536, RSMo, against any holder of any  
21 license issued under sections 301.550 to 301.573 for any one or  
22 any combination of the following causes:

23 (1) The applicant or license holder was previously the  
24 holder of a license issued under sections 301.550 to 301.573,  
25 which license was revoked for cause and never reissued by the  
26 department, or which license was suspended for cause and the

2 terms of suspension have not been fulfilled;

3 (2) The applicant or license holder was previously a  
4 partner, stockholder, director or officer controlling or managing  
5 a partnership or corporation whose license issued under sections  
6 301.550 to 301.573 was revoked for cause and never reissued or  
7 was suspended for cause and the terms of suspension have not been  
8 fulfilled;

9 (3) The applicant or license holder has, within ten years  
10 prior to the date of the application, been finally adjudicated  
11 and found guilty, or entered a plea of guilty or nolo contendere,  
12 in a [criminal] prosecution under the laws of any state or of the  
13 United States, for any offense reasonably related to the  
14 qualifications, functions or duties of any business licensed  
15 under sections 301.550 to 301.573; for any offense, an essential  
16 element of which is fraud, dishonesty or an act of violence; or  
17 for any offense involving moral turpitude, whether or not  
18 sentence is imposed;

19 (4) Use of fraud, deception, misrepresentation or bribery  
20 in securing any license issued pursuant to sections 301.550 to  
21 301.573;

22 (5) Obtaining or attempting to obtain any money,  
23 commission, fee, barter, exchange or other compensation by fraud,  
24 deception or misrepresentation;

25 (6) Violation of, or assisting or enabling any person to  
26 violate any provisions of [sections 301.550 to 301.573] this

chapter and chapters 306, 307, 407, 578, and 643, RSMo, or of any lawful rule or regulation adopted pursuant to [sections 301.550 to 301.573] this chapter and chapters 306, 307, 407, 578, and 643, RSMo;

(7) The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(8) The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to this chapter or chapter 306, RSMo, or fails to establish or maintain a bona fide place of business;

(9) Uses or permits the use of any special license or license plate assigned to him for any purpose other than those permitted by law;

(10) The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction;

(11) Use of any advertisement or solicitation which is false;

(12) Violations of sections [301.550 to 301.573 or violations of this chapter, sections] 407.511 to 407.556, RSMo, section 578.120, RSMo, which resulted in a [felony] conviction or finding of guilt or violation of any federal motor vehicle laws which result in a [felony] conviction or finding of guilt.

2           3. Upon a finding by the department that the grounds,  
3 provided in subsection 2 of this section, for disciplinary action  
4 are met, the department may refuse to issue the person a license,  
5 issue a private reprimand, place the person on probation on such  
6 terms and conditions as the department deems appropriate for a  
7 period of one day to five years, suspend the person's license  
8 from one day to six days, or revoke the person's license for such  
9 period as the department deems appropriate. The applicant or  
10 licensee shall have the right to appeal the decision of the  
11 department in the manner provided in chapter 536, RSMo.

12           4. Upon the suspension or revocation of any person's  
13 license issued under sections 301.550 to 301.573, the department  
14 shall recall any distinctive number plates that were issued to  
15 that licensee.

16           301.566. 1. A motor vehicle dealer may participate in any  
17 motor vehicle show or sale and conduct sales of motor vehicles  
18 away from the dealer's usual, licensed place of business if  
19 either the requirements of subsection 2 or 3 of this section are  
20 met or the event is conducted for not more than ten days, and if  
21 a majority of the motor vehicle dealers within a class of dealers  
22 described pursuant to subsection 3 of section 301.550 in a city  
23 or town participate or are invited and have the opportunity to  
24 participate in the event, except that a recreational motor  
25 vehicle dealer classified in subdivision (5) of subsection 3 of  
26 section 301.550 may participate in such a show or sale even if a



majority of recreational motor vehicle dealers in a city or town do not participate in the event. The department shall consider such events to be proper in all respects and as if each dealer participant was conducting business at the dealer's usual business location. Nothing contained in this section shall be construed as applying to the sale of motor vehicles or trailers through either a wholesale motor vehicle auction or public motor vehicle auction.

2. Any person, partnership, corporation or association disposing of vehicles used and titled solely in its ordinary course of business as provided in section 301.570 may sell at retail such vehicles away from that person's bona fide established place of business, thus constituting an off-site sale, by adhering to each of the following conditions with regard to each and every off-site sale conducted:

(1) Have in effect a valid license, pursuant to sections 301.550 to 301.575, from the department for the sale of used motor vehicles;

(2) No off-site sale may exceed ten days in duration, and only one sale may be held per year, per county, in counties of the third and fourth classification;

(3) Pay to the motor vehicle commission fund, pursuant to section 301.560, a permit fee of two hundred fifty dollars for each off-site sale event;

(4) Advise the department, at least ten days prior to the

2 sale, of the date, location and duration of each off-site sale;

3 (5) The sale of vehicles at off-site sales shall be limited  
4 to sales by a seller of vehicles used and titled solely in its  
5 ordinary course of business, and such sales shall be held in  
6 conjunction with a credit union and limited to members of the  
7 credit union, thus constituting a private sale to be advertised  
8 to members only;

9 (6) Off-site sales by a seller of vehicles used and titled  
10 solely in its ordinary course of business may also be held in  
11 conjunction with other financial institutions provided that any  
12 such sale event shall be held on the premises of the financial  
13 institution, and sales shall be limited to persons who were  
14 customers of the financial institution prior to the date of the  
15 sale event. Off-site sales held with such other financial  
16 institutions shall be limited to one sale per year per  
17 institution;

18 (7) The sale of motor vehicles which have the designation  
19 of the current model year, except discontinued models, is  
20 prohibited at off-site sales until subsequent model year  
21 designated vehicles of the same manufacture and model are offered  
22 for sale to the public.

23 3. A recreational vehicle dealer, as that term is defined  
24 in section 700.010, RSMo, who is licensed in another state may  
25 participate in recreational vehicle shows or exhibits with  
26 recreational vehicles within this state, in which less than fifty

2 dealers participate as exhibitors with permission of the dealer's  
3 licensed manufacturer if all of the following conditions exist:

4 (1) The show or exhibition has a minimum of ten  
5 recreational vehicle dealers licensed as motor vehicle dealers in  
6 this state;

7 (2) More than fifty percent of the participating  
8 recreational vehicle dealers are licensed motor vehicle dealers  
9 in this state; and

10 (3) The state in which the recreational vehicle is licensed  
11 is a state contiguous to Missouri and the state permits  
12 recreational vehicle dealers licensed in Missouri to participate  
13 in recreational vehicle shows in such state pursuant to  
14 conditions substantially equivalent to the conditions which are  
15 imposed on dealers from such state who participate in  
16 recreational vehicle shows in Missouri.

17 4. A recreational vehicle dealer licensed in another state  
18 may participate in a vehicle show or exhibition in Missouri which  
19 has, when it opens to the public, at least fifty dealers  
20 displaying recreational vehicles if the show or exhibition is  
21 trade-oriented and is predominantly funded by recreational  
22 vehicle manufacturers. All of the participating dealers who are  
23 not licensed in Missouri shall be licensed as recreational  
24 vehicle dealers by the state of their residence.

25 5. A recreational vehicle dealer licensed in another state  
26 who intends to participate in a vehicle show or exhibition in

2     this state, shall send written notification of such intended  
3     participation to the motor vehicle commission at least thirty  
4     days prior to the vehicle show or exhibition. Upon receipt of  
5     such written notification, the motor vehicle commission shall  
6     make a determination regarding compliance with the provisions of  
7     this section. If such recreational vehicle dealer would be  
8     unable to participate in the vehicle show or exhibition in this  
9     state pursuant to this section, the department of revenue shall  
10    notify the recreational vehicle dealer at least fifteen days  
11    prior to the vehicle show or exhibition of the inability to  
12    participate in the vehicle show or exhibition in this state.

13         6. The department of revenue may assess a fine of up to one  
14    thousand dollars for any violation of this section.

15         301.681. 1. A sole owner of a motor vehicle or trailer,  
16    and multiple owners of a motor vehicle or trailer who hold their  
17    interest as joint tenants with right of survivorship or as  
18    tenants by the entirety, on application and payment of the fee  
19    required for an original certificate of ownership, may request  
20    the director of revenue to issue a certificate of ownership for  
21    the motor vehicle or trailer in beneficiary form which includes a  
22    directive to the director of revenue to transfer the certificate  
23    of ownership on death of the sole owner or on death of all  
24    multiple owners to one beneficiary or to two or more  
25    beneficiaries as joint tenants with right of survivorship or as  
26    tenants by the entirety named on the face of the certificate.

2     The directive to the director of revenue shall also permit the  
3     beneficiary or beneficiaries to make one reassignment of the  
4     original certificate of ownership upon the death of the owner to  
5     another owner without transferring the certificate to the  
6     beneficiary or beneficiaries' name.

7             2. A certificate of ownership in beneficiary form may not  
8     be issued to persons who hold their interest in a motor vehicle  
9     or trailer as tenants in common.

10            3. A certificate of ownership issued in beneficiary form  
11     shall include after the name of the owner, or after the names of  
12     multiple owners, the words "transfer on death to" or the  
13     abbreviation "TOD" followed by the name of the beneficiary or  
14     beneficiaries.

15            4. (1) During the lifetime of a sole owner and during the  
16     lifetime of all multiple owners, the signature or consent of the  
17     beneficiary or beneficiaries shall not be required for any  
18     transaction relating to the motor vehicle or trailer for which a  
19     certificate of ownership in beneficiary form has been issued.

20            (2) A certificate of ownership in beneficiary form may be  
21     revoked or the beneficiary or beneficiaries changed at any time  
22     before the death of a sole owner or surviving multiple owner only  
23     by the following methods:

24            (a) By a sale of the motor vehicle or trailer with proper  
25     assignment and delivery of the certificate of ownership to  
26     another person; or

2 (b) By filing an application to reissue the certificate of  
3 ownership with no designation of a beneficiary or with the  
4 designation of a different beneficiary or beneficiaries with the  
5 director of revenue in proper form and accompanied by the payment  
6 of the fee for an original certificate of ownership.

7 (3) The beneficiary's or beneficiaries' interest in the  
8 motor vehicle or trailer at death of the owner or surviving owner  
9 shall be subject to any contract of sale, assignment of ownership  
10 or security interest to which the owner or owners of the motor  
11 vehicle or trailer were subject during their lifetime.

12 (4) The designation of a beneficiary or beneficiaries in a  
13 certificate of ownership issued in beneficiary form may not be  
14 changed or revoked by a will, any other instrument, or a change  
15 in circumstances, or otherwise be changed or revoked except as  
16 provided by subdivision (2) of this subsection.

17 5. (1) On proof of death of one of the owners of two or  
18 more multiple owners, or of a sole owner, surrender of the  
19 outstanding certificate of ownership, and on application and  
20 payment of the fee for an original certificate of ownership, the  
21 director of revenue shall issue a new certificate of ownership  
22 for the motor vehicle or trailer to the surviving owner or owners  
23 or, if none, to the surviving beneficiary or beneficiaries,  
24 subject to any outstanding security interest; and the current  
25 valid certificate of number shall be so transferred. If the  
26 surviving beneficiary or beneficiaries make a request of the

2 director of revenue, the director may allow the beneficiary or  
3 beneficiaries to make one assignment of title.

4 (2) The director of revenue may rely on a death certificate  
5 or record or report that constitutes prima facie proof or  
6 evidence of death under subdivisions (1) and (2) of section  
7 472.290, RSMo.

8 (3) The transfer of a motor vehicle or trailer at death  
9 pursuant to this section is effective by reason of sections  
10 301.675 to 301.682 and sections 306.455 to 306.465, RSMo, and is  
11 not to be considered as testamentary, or to be subject to the  
12 requirements of section 473.087, RSMo, or section 474.320, RSMo.

13 301.2999. 1. No specialized license plate shall be issued  
14 after January 1, 2002, by the director of revenue which proposes  
15 to raise revenue or funds for an organization which authorizes  
16 the use of its emblem for a fee unless such organization:

17 (1) Is a governmental entity; or

18 (2) Is an organization registered pursuant to section  
19 501(c) of the 1986 Internal Revenue Code, as amended, or an  
20 equivalent law which applies to such not-for-profit entity.

21 2. Any organization which raises revenues or funds through  
22 the sponsorship of specialized license plates issued pursuant to  
23 the provisions of this chapter enacted prior to January 1, 2002,  
24 shall have until January 1, 2004, to comply with the provisions  
25 of this section. The director shall verify that all  
26 organizations that are paid fees for the use of their emblems for

2 specialized license plates are complying with the provisions of  
3 this section. The director shall require all organizations which  
4 receive revenues for or funds for the use of their emblems to  
5 verify their status as a governmental entity or a qualified  
6 not-for-profit organization as provided in subsection 1 of this  
7 section, in a format prescribed by the director. Any specialized  
8 license plates issued prior to January 1, 2004, shall remain  
9 valid for the period in which they were registered, regardless of  
10 the status of the sponsoring organization.

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

20 4. The director of revenue shall not authorize the  
21 manufacture of the material to produce such specialized license  
22 plates with the individual seal, logo, or emblem until such time  
23 the director has received ~~[one]~~ two hundred applications for such  
24 plates[. An organization shall be exempt from the provisions of  
25 this subsection if it] and the organization deposits with the  
26 department of revenue [the actual cost of producing the initial



2 issuance of such plates and the director receives at least ten  
3 applications for such plates] a fee of up to five thousand  
4 dollars to defray the cost for issuing, developing and  
5 programming the implementation of the specialty plate.

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

9 301.3032. 1. Any person, after an annual payment of an  
10 emblem-use authorization fee to a Missouri chapter of the March  
11 of Dimes, may receive special license plates for any vehicle the  
12 member owns, either solely or jointly, other than an apportioned  
13 motor vehicle or a commercial motor vehicle licensed in excess of  
14 eighteen thousand pounds gross weight. The March of Dimes hereby  
15 authorizes the use of its official emblem to be affixed on  
16 multiyear personalized license plates within the plate area  
17 prescribed by the director of revenue and as provided in this  
18 section. Any contribution to a Missouri chapter of the March of  
19 Dimes derived from this section, except reasonable administrative  
20 costs, shall be used solely for the purposes of the March of  
21 Dimes. Any person may annually apply for the use of the emblem.

22 2. Upon annual application and payment of a twenty-five  
23 dollar emblem-use contribution to a Missouri chapter of the March  
24 of Dimes, the March of Dimes shall issue to the vehicle owner,  
25 without further charge, an "emblem-use authorization statement",  
26 which shall be presented by the vehicle owner to the director of

2 revenue at the time of registration. Upon presentation of the  
3 annual statement and payment of a fifteen dollar fee in addition  
4 to the regular registration fees, and presentation of any  
5 documents which may be required by law, the director of revenue  
6 shall issue to the vehicle owner a special license plate which  
7 shall bear the emblem of the March of Dimes and the words "MARCH  
8 OF DIMES" in place of the words "SHOW-ME STATE". Such license  
9 plates shall be made with fully reflective material with a common  
10 color scheme and design of the standard license plate, shall be  
11 clearly visible at night, shall have a reflective white  
12 background in the area of the plate configuration, and shall be  
13 aesthetically attractive, as prescribed by section  
14 301.130. Notwithstanding the provisions of section 301.144, no  
15 additional fee shall be charged for the personalization of  
16 license plates pursuant to this section.

17 3. A vehicle owner who was previously issued a plate with  
18 the March of Dimes emblem authorized by this section, but who  
19 does not provide an emblem-use authorization statement at a  
20 subsequent time of registration, shall be issued a new plate  
21 which does not bear the March of Dimes emblem, as otherwise  
22 provided by law. The director of revenue shall make necessary  
23 rules and regulations for the enforcement of this section, and  
24 shall design all necessary forms required by this section.

25 301.3074. 1. Any member of the National Association for  
26 the Advancement of Colored People, after an annual payment of an

emblem-use authorization fee to any branch office of the National Association for the Advancement of Colored People located within Missouri, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Association for the Advancement of Colored People hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Association for the Advancement of Colored People derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Association for the Advancement of Colored People. Any member of the National Association for the Advancement of Colored People may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any branch office of the National Association for the Advancement of Colored People located within Missouri, the National Association for the Advancement of Colored People shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition

2 to the regular registration fees, and presentation of any  
3 documents which may be required by law, the director of revenue  
4 shall issue to the vehicle owner a special license plate which  
5 shall bear the emblem of the National Association for the  
6 Advancement of Colored People and the letters "NAACP" in place  
7 of the words "SHOW-ME STATE". Such license plates shall be made  
8 with fully reflective material with a common color scheme and  
9 design of the standard license plate, shall be clearly visible at  
10 night, shall have a reflective white background in the area of  
11 the plate configuration, and shall be aesthetically attractive,  
12 as prescribed by section 301.130. Notwithstanding the provisions  
13 of section 301.144, no additional fee shall be charged for the  
14 personalization of license plates pursuant to this section.

15 3. A vehicle owner who was previously issued a plate with  
16 the National Association for the Advancement of Colored People  
17 emblem authorized by this section, but who does not provide an  
18 emblem-use authorization statement at a subsequent time of  
19 registration, shall be issued a new plate which does not bear the  
20 National Association for the Advancement of Colored People  
21 emblem, as otherwise provided by law. The director of revenue  
22 shall make necessary rules and regulations for the enforcement of  
23 this section, and shall design all necessary forms required by  
24 this section.

25 301.3079. 1. Any person, after an annual payment of an  
26 emblem-use authorization fee to the Missouri Farm Bureau, may

2 receive special license plates for any vehicle the member owns,  
3 either solely or jointly, other than an apportioned motor vehicle  
4 or a commercial motor vehicle licensed in excess of eighteen  
5 thousand pounds gross weight. The Missouri Farm Bureau hereby  
6 authorizes the use of the Missouri "Agriculture in the Classroom"  
7 official emblem to be affixed on multiyear personalized license  
8 plates within the plate area prescribed by the director of  
9 revenue and as provided in this section. All moneys received by  
10 the Missouri Farm Bureau pursuant to this section shall be used  
11 solely to fund Missouri's Agriculture in the Classroom program  
12 and to further the mission of such program. Any person may  
13 annually apply for the use of the emblem.

14 2. Upon annual application and payment of a twenty-five  
15 dollar emblem-use contribution to Missouri Farm Bureau, the  
16 Missouri Farm Bureau shall issue to the vehicle owner, without  
17 further charge, an "emblem-use authorization statement", which  
18 shall be presented by the vehicle owner to the director of  
19 revenue at the time of registration. Upon presentation of the  
20 annual statement and payment of a fifteen dollar fee in addition  
21 to the regular registration fees, and presentation of any  
22 documents which may be required by law, the director of revenue  
23 shall issue to the vehicle owner a special license plate which  
24 shall bear the emblem of the Missouri Agriculture in the  
25 Classroom program and the words "MISSOURI AGRICULTURE" in place  
26 of the words "SHOW-ME STATE". Such license plates shall be made

2 with fully reflective material with a common color scheme and  
3 design of the standard license plate, shall be clearly visible at  
4 night, shall have a reflective white background in the area of  
5 the plate configuration, and shall be aesthetically attractive,  
6 as prescribed by section 301.130. Notwithstanding the provisions  
7 of section 301.144, no additional fee shall be charged for the  
8 personalization of license plates pursuant to this section.

9 3. A vehicle owner who was previously issued a plate with  
10 an emblem authorized by this section, but who does not provide an  
11 emblem-use authorization statement at a subsequent time of  
12 registration, shall be issued a new plate which does not bear  
13 such emblem, as otherwise provided by law. The director of  
14 revenue shall make necessary rules and regulations for the  
15 enforcement of this section, and shall design all necessary forms  
16 required by this section.

17 301.3098. 1. Any member of the Kingdom of Calontir may  
18 receive special license plates as prescribed by this section, for  
19 any motor vehicle such person owns, either solely or jointly,  
20 other than an apportioned motor vehicle or a commercial motor  
21 vehicle licensed in excess of eighteen thousand pounds gross  
22 weight, after an annual payment of an emblem-use authorization  
23 fee to the Kingdom of Calontir, a subdivision of the Society for  
24 Creative Anachronism, of which the person is a member. The  
25 Kingdom of Calontir hereby authorizes the use of its official  
26 emblem to be affixed on multiyear personalized license plates as

2 provided in this section. Any contribution to the Kingdom of  
3 Calontir derived from this section, except reasonable  
4 administrative costs, shall be used solely for the purposes of  
5 the Kingdom of Calontir. Any member of the Kingdom of Calontir  
6 may annually apply for the use of the emblem.

7 2. Upon annual application and payment of a twenty-five  
8 dollar emblem-use contribution to the Kingdom of Calontir, the  
9 organization shall issue to the vehicle owner, without further  
10 charge, an emblem-use authorization statement, which shall be  
11 presented by the owner to the department of revenue at the time  
12 of registration of a motor vehicle. Upon presentation of the  
13 annual statement, payment of a fifteen dollar fee in addition to  
14 the registration fee and documents which may be required by law,  
15 the department of revenue shall issue to the vehicle owner a  
16 personalized license plate which shall bear the emblem of the  
17 Kingdom of Calontir and shall bear the words "KINGDOM OF  
18 CALONTIR" in place of the words "SHOW-ME STATE". Such license  
19 plates shall be made with fully reflective material with a common  
20 color scheme and design, shall be clearly visible at night, and  
21 shall be aesthetically attractive, as prescribed by section  
22 301.130. Notwithstanding the provisions of section 301.144, no  
23 additional fee shall be charged for the personalization of  
24 license plates pursuant to this section.

25 3. A vehicle owner, who was previously issued a plate with  
26 the Society for Creative Anachronism emblem authorized by this

2 section but who does not provide an emblem-use authorization  
3 statement at a subsequent time of registration, shall be issued a  
4 new plate which does not bear the Society for Creative  
5 Anachronism emblem, as otherwise provided by law. The director  
6 of revenue shall make necessary rules and regulations for the  
7 administration of this section, and shall design all necessary  
8 forms required by this section. No rule or portion of a rule  
9 promulgated pursuant to the authority of this section shall  
10 become effective unless it has been promulgated pursuant to the  
11 provisions of chapter 536, RSMo.

12 301.3106. 1. Any individual who is a former legislator of  
13 the Missouri general assembly may receive special license plates  
14 as prescribed by this section, for any motor vehicle such person  
15 owns, either solely or jointly, other than an apportioned motor  
16 vehicle or a commercial motor vehicle licensed in excess of  
17 eighteen thousand pounds gross weight. Any individual who is a  
18 former legislator of the Missouri general assembly may annually  
19 apply for such license plates.

20 2. Upon presentation of the appropriate proof of  
21 eligibility as determined by the director and annual payment of a  
22 fifteen dollar fee in addition to the registration fee, and other  
23 documents which may be required by law, the department of revenue  
24 shall issue to the vehicle owner a personalized license plate  
25 which shall bear an appropriate emblem to be determined by the  
26 director, with the words "FORMER MISSOURI LEGISLATOR" in place of



2 the words "SHOW-ME STATE". Such license plates shall be made  
3 with fully reflective material with a common color scheme and  
4 design, shall be clearly visible at night, and shall be  
5 aesthetically attractive, as prescribed by section 301.130.  
6 Notwithstanding the provisions of section 301.144, no additional  
7 fee shall be charged for the personalization of license plates  
8 pursuant to this section.

9 3. No more than two sets of license plates shall be issued  
10 pursuant to this section to a qualified applicant. License  
11 plates issued pursuant to this section shall not be transferable  
12 to any other person except that any registered co-owner of the  
13 motor vehicle shall be entitled to operate the motor vehicle with  
14 such plates for the duration of the year licensed in the event of  
15 the death of the qualified person. The director of revenue shall  
16 make necessary rules and regulations for the administration of  
17 this section, and shall design all necessary forms required by  
18 this section. Any rule or portion of a rule, as that term is  
19 defined in section 536.010, RSMo, that is created under the  
20 authority delegated in this section shall become effective only  
21 if it complies with and is subject to all of the provisions of  
22 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
23 This section and chapter 536, RSMo, are nonseverable and if any  
24 of the powers vested with the general assembly pursuant to  
25 chapter 536, RSMo, to review, to delay the effective date, or to  
26 disapprove and annul a rule are subsequently held

2 unconstitutional, then the grant of rulemaking authority and any  
3 rule proposed or adopted after August 28, 2004, shall be invalid  
4 and void.

5 301.3122. 1. Any person may receive special license plates  
6 as prescribed by this section, for any motor vehicle such person  
7 owns, either solely or jointly, other than an apportioned motor  
8 vehicle or a commercial motor vehicle licensed in excess of  
9 eighteen thousand pounds gross weight, after an annual  
10 contribution of an emblem-use authorization fee to the Friends of  
11 Kids with Cancer. The Friends of Kids with Cancer hereby  
12 authorizes the use of its official emblem to be affixed on multi-  
13 year personalized license plates as provided in this section.  
14 Any person may annually apply for the use of the emblem.

15 2. Upon annual application and payment of a twenty-five  
16 dollar emblem-use contribution to the Friends of Kids with  
17 Cancer, the organization shall issue to the vehicle owner,  
18 without further charge, an emblem-use authorization statement,  
19 which shall be presented by the owner to the department of  
20 revenue at the time of registration of a motor vehicle. Upon  
21 presentation of the annual statement, payment of a fifteen dollar  
22 fee in addition to the registration fee and documents which may  
23 be required by law, the department of revenue shall issue to the  
24 vehicle owner a personalized license plate which shall bear the  
25 emblem of the Friends of Kids with Cancer and shall bear the  
26 words "FRIENDS OF KIDS WITH CANCER" in place of the words "SHOW-

2 ME STATE". Such license plates shall be made with fully  
3 reflective material with a common color scheme and design, shall  
4 be clearly visible at night, and shall be aesthetically  
5 attractive, as prescribed by section 301.130. Notwithstanding  
6 the provisions of section 301.144, no additional fee shall be  
7 charged for the personalization of license plates pursuant to  
8 this section.

9 3. A vehicle owner, who was previously issued a plate with  
10 the Friends of Kids with Cancer emblem authorized by this section  
11 but who does not provide an emblem-use authorization statement at  
12 a subsequent time of registration, shall be issued a new plate  
13 which does not bear the Friends of Kids with Cancer emblem, as  
14 otherwise provided by law.

15 4. The director of revenue shall make necessary rules and  
16 regulations for the administration of this section, and shall  
17 design all necessary forms required by this section. Any rule or  
18 portion of a rule, as that term is defined in section 536.010,  
19 RSMo, that is created under the authority delegated in this  
20 section shall become effective only if it complies with and is  
21 subject to all of the provisions of chapter 536, RSMo, and, if  
22 applicable, section 536.028, RSMo. This section and chapter 536,  
23 RSMo, are nonseverable and if any of the powers vested with the  
24 general assembly pursuant to chapter 536, RSMo, to review, to  
25 delay the effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking

2 authority and any rule proposed or adopted after August 28, 2004,  
3 shall be invalid and void.

4 301.3124. 1. Any person may receive special license plates  
5 as prescribed by this section for any motor vehicle such person  
6 owns, either solely or jointly, other than an apportioned motor  
7 vehicle or a commercial motor vehicle licensed in excess of  
8 eighteen thousand pounds gross weight, after an annual payment of  
9 an emblem-use authorization fee to Special Olympics Missouri.  
10 Special Olympics Missouri hereby authorizes the use of its  
11 official emblem to be affixed on multiyear personalized license  
12 plates as provided in this section.

13 2. Upon annual application and payment of a twenty-five  
14 dollar emblem-use authorization fee to Special Olympics Missouri,  
15 that organization shall issue to the vehicle owner, without  
16 further charge, an emblem-use authorization statement, which  
17 shall be presented by the owner to the department of revenue at  
18 the time of registration of a motor vehicle. Upon presentation  
19 of the annual statement, payment of a fifteen dollar fee in  
20 addition to the registration fee and documents which may be  
21 required by law, the department of revenue shall issue to the  
22 vehicle owner a personalized license plate which shall bear an  
23 emblem approved by Special Olympics Missouri and the director of  
24 the department of revenue and shall have the words "SPECIAL  
25 OLYMPICS MISSOURI" in place of the words "SHOW-ME STATE". Such  
26 license plates shall be made with fully reflective material with

2 a common color scheme and design, shall be clearly visible at  
3 night, and shall be aesthetically attractive, as prescribed by  
4 section 301.130. Notwithstanding the provisions of section  
5 301.144, no additional fee shall be charged for the  
6 personalization of license plates issued pursuant to this  
7 section.

8 3. A vehicle owner, who was previously issued a plate with  
9 the Special Olympics Missouri emblem authorized by this section  
10 but who does not provide an emblem-use authorization statement at  
11 a subsequent time of registration, shall be issued a new plate  
12 which does not bear the Special Olympics Missouri emblem, as  
13 otherwise provided by law. The director of revenue shall make  
14 necessary rules and regulations for the administration of this  
15 section, and shall design all necessary forms required by this  
16 section. Any rule or portion of a rule, as that term is defined  
17 in section 536.010, RSMo, that is created under the authority  
18 delegated in this section shall become effective only if it  
19 complies with and is subject to all of the provisions of chapter  
20 536, RSMo, and, if applicable, section 536.028, RSMo. This  
21 section and chapter 536, RSMo, are nonseverable and if any of the  
22 powers vested with the general assembly pursuant to chapter 536,  
23 RSMo, to review, to delay the effective date, or to disapprove  
24 and annul a rule are subsequently held unconstitutional, then the  
25 grant of rulemaking authority and any rule proposed or adopted  
26 after August 28, 2004, shall be invalid and void.

2       301.3125. 1. Any vehicle owner may apply for "Be An Organ  
3 Donor" special personalized license plates for any motor vehicle  
4 the person owns, either solely or jointly, other than an  
5 apportioned motor vehicle or a commercial motor vehicle licensed  
6 in excess of eighteen thousand pounds gross weight. Upon making  
7 a twenty-five dollar annual contribution to the Organ Donor  
8 Program Fund, established pursuant to section 194.297, RSMo, the  
9 vehicle owner may apply for the "Be An Organ Donor" plate. If  
10 the contribution is made directly to the state treasurer, the  
11 state treasurer shall issue the individual making the  
12 contribution a receipt, verifying the contribution, that may be  
13 used to apply for the "Be An Organ Donor" license plate. If the  
14 contribution is made directly to the director of revenue, the  
15 director shall note the contribution and the owner may then apply  
16 for the "Be An Organ Donor" plate. The applicant for such plate  
17 must pay a fifteen dollar fee in addition to the regular  
18 registration fees and present any other documentation required by  
19 law for each set of "Be An Organ Donor" plates issued pursuant to  
20 this section. Notwithstanding the provisions of section 301.144,  
21 no additional fee shall be charged for the personalization of  
22 license plates issued pursuant to this section.

23       2. The "Be An Organ Donor" plate shall have the words "BE  
24 AN ORGAN DONOR" in place of the words "SHOW-ME STATE". Such  
25 license plates shall be made with fully reflective material with  
26 a common color scheme and design, shall be clearly visible at

2 night, and shall be aesthetically attractive, as prescribed by  
3 section 301.130.

4 3. These plates shall be designed by the director, in  
5 consultation with the Organ Donation Advisory Committee,  
6 established pursuant to section 194.300, RSMo, to educate the  
7 public about the urgent need for organ donation and the life  
8 saving benefits of organ transplants.

9 4. A vehicle owner, who was previously issued a plate with  
10 the words "BE AN ORGAN DONOR" authorized by this section but who  
11 does not present a contribution receipt or make a contribution to  
12 the Organ Donor Program Fund at a subsequent time of  
13 registration, shall be issued a new plate which does not bear the  
14 words "BE AN ORGAN DONOR", as otherwise provided by law.

15 5. The director of revenue may promulgate rules and  
16 regulations for the administration of this section. Any rule or  
17 portion of a rule, as that term is defined in section 536.010,  
18 RSMo, that is created under the authority delegated in this  
19 section shall become effective only if it complies with and is  
20 subject to all of the provisions of chapter 536, RSMo, and, if  
21 applicable, section 536.028, RSMo. This section and chapter 536,  
22 RSMo, are nonseverable and if any of the powers vested with the  
23 general assembly pursuant to chapter 536, RSMo, to review, to  
24 delay the effective date, or to disapprove and annul a rule are  
25 subsequently held unconstitutional, then the grant of rulemaking  
26 authority and any rule proposed or adopted after August 28, 2004,

2 shall be invalid and void.

3 301.3126. 1. Any member of the Missouri Foxtrotting Horse  
4 Breed Association may receive special license plates as  
5 prescribed by this section, for any motor vehicle such person  
6 owns, either solely or jointly, other than an apportioned motor  
7 vehicle or a commercial motor vehicle licensed in excess of  
8 eighteen thousand pounds gross weight, after an annual payment of  
9 an emblem-use authorization fee to the Missouri Foxtrotting Horse  
10 Breed Association of which the person is a member. The Missouri  
11 Foxtrotting Horse Breed Association hereby authorizes the use of  
12 its official emblem to be affixed on multiyear personalized  
13 license plates as provided in this section. Any contribution to  
14 the Missouri Foxtrotting Horse Breed Association derived from  
15 this section, except reasonable administrative costs, shall be  
16 used solely for the purposes of the Missouri Foxtrotting Horse  
17 Breed Association. Any member of the Missouri Foxtrotting Horse  
18 Breed Association may annually apply for the use of the emblem.

19 2. Upon annual application and payment of a twenty-five  
20 dollar emblem-use contribution to the Missouri Foxtrotting Horse  
21 Breed Association, the organization shall issue to the vehicle  
22 owner, without further charge, an emblem-use authorization  
23 statement, which shall be presented by the owner to the  
24 department of revenue at the time of registration of a motor  
25 vehicle. Upon presentation of the annual statement, payment of a  
26 fifteen dollar fee in addition to the registration fee and



documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Foxtrotting Horse Breed Association and shall bear the words "FOXTROTTER-STATE HORSE" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

3. A vehicle owner, who was previously issued a plate with the Missouri Foxtrotting Horse Breed Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Foxtrotting Horse Breed Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,

2 RSMo, are nonseverable and if any of the powers vested with the  
3 general assembly pursuant to chapter 536, RSMo, to review, to  
4 delay the effective date, or to disapprove and annul a rule are  
5 subsequently held unconstitutional, then the grant of rulemaking  
6 authority and any rule proposed or adopted after August 28, 2004,  
7 shall be invalid and void.

8 301.3128. 1. Any person, as defined by subsection 3 of  
9 this section, may apply for special license plates for any motor  
10 vehicle such person owns, either solely or jointly, other than an  
11 apportioned motor vehicle or a commercial motor vehicle licensed  
12 in excess of eighteen thousand pounds gross weight. Any person  
13 desiring a special license plate as provided by this section  
14 shall make an application for the special license plates on a  
15 form provided by the director of revenue and furnish proof of  
16 eligibility as the director may require.

17 2. Upon payment of a fifteen dollar fee in addition to the  
18 registration fee and other documents which may be required by  
19 law, the department of revenue shall issue to the vehicle owner a  
20 personalized license plate which shall bear an insignia depicting  
21 a yellow rose superimposed over the outline of a badge and shall  
22 bear the words "TO PROTECT AND SERVE" in the place of the words  
23 "SHOW-ME STATE". Such license plates shall be made with fully  
24 reflective material with a common color scheme and design, shall  
25 be clearly visible at night, and shall be aesthetically  
26 attractive, as prescribed by section 301.130. Notwithstanding

2 the provisions of section 301.144, no additional fee shall be  
3 charged for the personalization of license plates pursuant to  
4 this section.

5 3. As used in this section the term "person" shall mean:

6 (1) A person wounded in the line of duty as a peace  
7 officer; or

8 (2) A surviving spouse, parent, brother, sister, or adult  
9 child, including an adopted child or stepchild, of a person  
10 killed in the line of duty as a peace officer.

11 4. As used in this section, the term "peace officer" has  
12 the same meaning assigned by section 590.010, RSMo.

13 5. The director may consult with any organization which  
14 represents the interests of any person, as defined in subsection  
15 3 of this section when formulating the design for the special  
16 license plate described in this section.

17 6. The director of revenue shall make necessary rules and  
18 regulations for the administration of this section, and shall  
19 design all necessary forms required by this section. Any rule or  
20 portion of a rule, as that term is defined in section 536.010,  
21 RSMo, that is created under the authority delegated in this  
22 section shall become effective only if it complies with and is  
23 subject to all of the provisions of chapter 536, RSMo, and, if  
24 applicable, section 536.028, RSMo. This section and chapter 536,  
25 RSMo, are nonseverable and if any of the powers vested with the  
26 general assembly pursuant to chapter 536, RSMo, to review, to

2 delay the effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2004,  
5 shall be invalid and void.

6 301.3130. 1. Any member of the Missouri Association of  
7 State Troopers Emergency Relief Society, after an annual payment  
8 of an emblem-use authorization fee to the Missouri Association of  
9 State Troopers Emergency Relief Society, may receive special  
10 license plates for any vehicle the member owns, either solely or  
11 jointly, other than an apportioned motor vehicle or a commercial  
12 motor vehicle licensed in excess of eighteen thousand pounds  
13 gross weight. The Missouri Association of State Troopers  
14 Emergency Relief Society hereby authorizes the use of its  
15 official emblem to be affixed on multiyear personalized license  
16 plates within the plate area prescribed by the director of  
17 revenue as provided in this section. Any contribution to the  
18 Missouri Association of State Troopers Emergency Relief Society  
19 derived from this section, except reasonable administrative  
20 costs, shall be used solely for the purposes of the Missouri  
21 Association of State Troopers Emergency Relief Society. Any  
22 member of the Missouri Association of State Troopers Emergency  
23 Relief Society may annually apply for the use of the emblem.

24 2. Upon annual application and payment of a twenty-five  
25 dollar emblem-use contribution to the Missouri Association of  
26 State Troopers Emergency Relief Society, the Missouri Association

2 of State Troopers Emergency Relief Society shall issue to the  
3 vehicle owner, without further charge, an "emblem-use  
4 authorization statement", which shall be presented by the vehicle  
5 owner to the director of revenue at the time of registration.  
6 Upon presentation of the annual statement and payment of a  
7 fifteen dollar fee in addition to the regular registration fees,  
8 and presentation of any documents which may be required by law,  
9 the director of revenue shall issue to the vehicle owner a  
10 special license plate which shall bear the emblem of the Missouri  
11 Association of State Troopers Emergency Relief Society and the  
12 words "The MASTERS" in place of the words "SHOW-ME STATE". Such  
13 license plates shall be made with fully reflective material with  
14 a common color scheme and design of the standard license plate,  
15 shall be clearly visible at night, shall have a reflective white  
16 background in the area of the plate configuration, and shall be  
17 aesthetically attractive, as prescribed by section 301.130.  
18 Notwithstanding the provisions of section 301.144, no additional  
19 fee shall be charged for the personalization of license plates  
20 pursuant to this section.

21 3. A vehicle owner who was previously issued a plate with  
22 the Missouri Association of State Troopers Emergency Relief  
23 Society emblem authorized by this section, but who does not  
24 provide an emblem-use authorization statement at a subsequent  
25 time of registration, shall be issued a new plate which does not  
26 bear the Missouri Association of State Troopers Emergency Relief

2 Society emblem, as otherwise provided by law.

3 4. The director of revenue shall make necessary rules and  
4 regulations for the enforcement of this section, and shall design  
5 all necessary forms required by this section. Any rule or  
6 portion of a rule, as that term is defined in section 536.010,  
7 RSMo, that is created under the authority delegated in this  
8 section shall become effective only if it complies with and is  
9 subject to all of the provisions of chapter 536, RSMo, and, if  
10 applicable, section 536.028, RSMo. This section and chapter 536,  
11 RSMo, are nonseverable and if any of the powers vested with the  
12 general assembly pursuant to chapter 536, RSMo, to review, to  
13 delay the effective date, or to disapprove and annul a rule are  
14 subsequently held unconstitutional, then the grant of rulemaking  
15 authority and any rule proposed or adopted after August 28, 2004,  
16 shall be invalid and void.

17 301.3131. 1. Any member of Optimist International may  
18 receive special license plates as prescribed by this section, for  
19 any motor vehicle such person owns, either solely or jointly,  
20 other than an apportioned motor vehicle or a commercial motor  
21 vehicle licensed in excess of eighteen thousand pounds gross  
22 weight, after an annual payment of an emblem-use authorization  
23 fee to Optimist International of which the person is a member.  
24 Optimist International hereby authorizes the use of its official  
25 emblem to be affixed on multiyear personalized license plates as  
26 provided in this section. Any contribution to Optimist

2 International derived from this section, except reasonable  
3 administrative costs, shall be used solely for the purposes of  
4 Optimist International. Any member of Optimist International may  
5 annually apply for the use of the emblem.

6 2. Upon annual application and payment of a twenty-five  
7 dollar emblem-use contribution to Optimist International, the  
8 organization shall issue to the vehicle owner, without further  
9 charge, an emblem-use authorization statement, which shall be  
10 presented by the owner to the department of revenue at the time  
11 of registration of a motor vehicle. Upon presentation of the  
12 annual statement, payment of a fifteen dollar fee in addition to  
13 the registration fee and documents which may be required by law,  
14 the department of revenue shall issue to the vehicle owner a  
15 personalized license plate which shall bear the emblem of  
16 Optimist International and shall have the words "FRIEND OF YOUTH"  
17 in place of the words "SHOW-ME STATE". Such license plates shall  
18 be made with fully reflective material with a common color scheme  
19 and design, shall be clearly visible at night, and shall be  
20 aesthetically attractive, as prescribed by section 301.130.  
21 Notwithstanding the provisions of section 301.144, no additional  
22 fee shall be charged for the personalization of license plates  
23 pursuant to this section.

24 3. A vehicle owner, who was previously issued a plate with  
25 the Optimist International emblem authorized by this section but  
26 who does not provide an emblem-use authorization statement at a

2 subsequent time of registration, shall be issued a new plate  
3 which does not bear the Optimist International emblem, as  
4 otherwise provided by law. The director of revenue shall make  
5 necessary rules and regulations for the administration of this  
6 section, and shall design all necessary forms required by this  
7 section. No rule or portion of a rule promulgated pursuant to  
8 the authority of this section shall become effective unless it  
9 has been promulgated pursuant to the provisions of chapter 536,  
10 RSMo.

11 301.3132. 1. Any member designated by the Missouri Society  
12 of Professional Engineers may receive special license plates as  
13 prescribed by this section, for any motor vehicle such person  
14 owns, either solely or jointly, other than an apportioned motor  
15 vehicle or a commercial motor vehicle licensed in excess of  
16 eighteen thousand pounds gross weight, after an annual payment of  
17 an emblem-use authorization fee to the Missouri Society of  
18 Professional Engineers Education Foundation. The Missouri  
19 Society of Professional Engineers hereby authorizes the use of  
20 its official emblem to be affixed on multiyear personalized  
21 license plates provided in this section. Any contribution to the  
22 Missouri Society of Professional Engineers Education Foundation  
23 derived from this section, except reasonable administrative  
24 costs, shall be used solely for the purposes of the Missouri  
25 Society of Professional Engineers Education Foundation and shall  
26 be deposited into the society's education fund. Any person



2 designated by the Missouri Society of Professional Engineers may  
3 annually apply for the use of the emblem.

4 2. Upon annual application and annual payment of a twenty-  
5 five dollar emblem-use contribution to the Missouri Society of  
6 Professional Engineers Education Foundation, the organization  
7 shall issue to the vehicle owner, without further charge, an  
8 emblem-use authorization statement, which shall be presented by  
9 the owner to the department of revenue at the time of  
10 registration of a motor vehicle. Upon presentation of the annual  
11 statement, payment of a fifteen dollar fee in addition to the  
12 registration fee and documents which may be required by law, the  
13 department of revenue shall issue to the vehicle owner a  
14 personalized license plate which shall bear the emblem of the  
15 Missouri Society of Professional Engineers and the words  
16 "MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS" in place of "SHOW-ME  
17 STATE". Such license plates shall be made with fully reflective  
18 material with a common color scheme and design, shall be clearly  
19 visible at night, and shall be aesthetically attractive, as  
20 prescribed by section 301.130. Notwithstanding the provisions of  
21 section 301.144, no additional fee shall be added for the  
22 personalization of license plates issued pursuant to this  
23 section.

24 3. A vehicle owner, who was previously issued a plate with  
25 the Missouri Society of Professional Engineers' emblem authorized  
26 by this section but who does not provide an emblem-use

2 authorization statement at the subsequent time of registration,  
3 shall be issued a new plate which does not bear the Missouri  
4 Society of Professional Engineers' emblem, as otherwise provided  
5 by law.

6 4. The director of the department of revenue shall make  
7 necessary rules and regulations for the administration of this  
8 section, and shall design all necessary forms required by this  
9 section. Any rule or portion of a rule, as that term is defined  
10 in section 536.010, RSMo, that is created under the authority  
11 delegated in this section shall become effective only if it  
12 complies with and is subject to all of the provisions of chapter  
13 536, RSMo, and, if applicable, section 536.028, RSMo. This  
14 section and chapter 536, RSMo, are nonseverable and if any of the  
15 powers vested with the general assembly pursuant to chapter 536,  
16 RSMo, to review, to delay the effective date, or to disapprove  
17 and annul a rule are subsequently held unconstitutional, then the  
18 grant of rulemaking authority and any rule proposed or adopted  
19 after August 28, 2004, shall be invalid and void.

20 301.3133. 1. Any vehicle owner, after an annual  
21 contribution to the Missouri Travel Council, may receive special  
22 license plates commemorating the bicentennial anniversary of the  
23 Lewis and Clark expedition for any vehicle the member owns,  
24 either solely or jointly, other than an apportioned motor vehicle  
25 or a commercial motor vehicle licensed in excess of eighteen  
26 thousand pounds gross weight. The Missouri Travel Council, in

2 conjunction with the department of revenue, shall design the  
3 Lewis and Clark bicentennial special license plate. The  
4 background of the plate shall depict a full-color image, covering  
5 the entire plate, and lightened across two-thirds of the area so  
6 as not to hinder the readability of the license plate  
7 registration number. Such license plates shall be made with  
8 fully reflective material, shall be clearly visible at night, and  
9 shall be aesthetically attractive, as prescribed by section  
10 301.130.

11 2. Upon making a twenty-five dollar contribution to the  
12 Missouri Travel Council, the motor vehicle owner may apply for  
13 the special license plate commemorating the bicentennial  
14 anniversary of the Lewis and Clark expedition. If the  
15 contribution is made directly to the Missouri Travel Council, the  
16 Missouri Travel Council shall issue the individual making the  
17 contribution a receipt, verifying the contribution, that may be  
18 used to apply for the Lewis and Clark special license plate. If  
19 the contribution is made directly to the director of revenue, the  
20 director shall note the contribution and the owner may then apply  
21 for the Lewis and Clark plate. The applicant for such special  
22 license plate must pay a fifteen dollar fee in addition to the  
23 regular registration fees and present any other documentation  
24 required by law for each set of Lewis and Clark plates issued  
25 pursuant to this section. Notwithstanding the provisions of  
26 section 301.144, no additional fee shall be charged for the

2 personalization of license plates issued pursuant to this  
3 section.

4 3. The director of revenue may promulgate rules and  
5 regulations for the administration of this section. Any rule or  
6 portion of a rule, as that term is defined in section 536.010,  
7 RSMo, that is created under the authority delegated in this  
8 section shall become effective only if it complies with and is  
9 subject to all of the provisions of chapter 536, RSMo, and, if  
10 applicable, section 536.028, RSMo. This section and chapter 536,  
11 RSMo, are nonseverable, and if any of the powers vested with the  
12 general assembly pursuant to chapter 536, RSMo, to review, to  
13 delay the effective date, or to disapprove and annul a rule are  
14 subsequently held unconstitutional, then the grant of rulemaking  
15 authority and any rule proposed or adopted after August 28, 2004,  
16 shall be invalid and void.

17 4. A vehicle owner who was previously issued a Lewis and  
18 Clark special license plate pursuant to this section, but does  
19 not provide a receipt evidencing a contribution to the Missouri  
20 Travel Council or make a contribution directly to the department  
21 of revenue at a subsequent time of registration, shall be issued  
22 a new license plate which does not commemorate the bicentennial  
23 anniversary of the Lewis and Clark expedition. The director of  
24 revenue shall make necessary rules and regulations for the  
25 enforcement of this section, and shall design all necessary forms  
26 required by this section.

2       301.3137. 1. Any current member or alumnus of the Alpha  
3       Phi Omega organizations at any college or university within this  
4       state may apply for special motor vehicle license plates for any  
5       vehicle such person owns, either solely or jointly, other than an  
6       apportioned motor vehicle or a commercial motor vehicle licensed  
7       in excess of eighteen thousand pounds gross weight, after an  
8       annual payment of an emblem-use authorization fee to Alpha Phi  
9       Omega. Alpha Phi Omega hereby authorizes the use of their  
10      official emblem to be affixed on multiyear personalized license  
11      plates as provided in this section. Any contribution to Alpha  
12      Phi Omega derived from this section, except reasonable  
13      administrative costs, shall be used solely for the purposes of  
14      that organization. Any member or alumnus of Alpha Phi Omega may  
15      annually apply for the use of the organization's emblem.

16      2. Upon annual application and payment of a twenty-five  
17      dollar emblem-use contribution to Alpha Phi Omega, the  
18      organization shall issue to the vehicle owner, without further  
19      charge, an emblem-use authorization statement, which shall be  
20      presented by the owner to the department of revenue at the time  
21      of registration of a motor vehicle. Upon presentation of the  
22      annual statement, payment of a fifteen dollar fee in addition to  
23      the registration fee and documents which may be required by law,  
24      the department of revenue shall issue to the vehicle owner a  
25      personalized license plate which shall bear the emblem of Alpha  
26      Phi Omega and the words "ALPHA PHI OMEGA" shall replace the words

2 "SHOW-ME STATE". Such license plates shall be made with fully  
3 reflective material with a common color scheme and design, shall  
4 be clearly visible at night, and shall be aesthetically  
5 attractive, as prescribed by section 301.130. Notwithstanding  
6 the provisions of section 301.144, no additional fee shall be  
7 charged for the personalization of license plates pursuant to  
8 this section.

9 3. A vehicle owner, who was previously issued a plate with  
10 the Alpha Phi Omega emblem authorized by this section but who  
11 does not provide an emblem-use authorization statement at a  
12 subsequent time of registration, shall be issued a new plate  
13 which does not bear the Alpha Phi Omega emblem, as otherwise  
14 provided by law. The director of revenue shall make necessary  
15 rules and regulations for the administration of this section, and  
16 shall design all necessary forms required by this section. Any  
17 rule or portion of a rule, as that term is defined in section  
18 536.010, RSMo, that is created under the authority delegated in  
19 this section shall become effective only if it complies with and  
20 is subject to all of the provisions of chapter 536, RSMo, and, if  
21 applicable, section 536.028, RSMo. This section and chapter 536,  
22 RSMo, are nonseverable and if any of the powers vested with the  
23 general assembly pursuant to chapter 536, RSMo, to review, to  
24 delay the effective date, or to disapprove and annul a rule are  
25 subsequently held unconstitutional, then the grant of rulemaking  
26 authority and any rule proposed or adopted after August 28, 2004,

2 shall be invalid and void.

3 301.3139. 1. Any Boy Scout of appropriate age as  
4 prescribed by law or parent of a Boy Scout may receive special  
5 license plates as prescribed by this section, for any motor  
6 vehicle such person owns, either solely or jointly, other than an  
7 apportioned motor vehicle or a commercial motor vehicle licensed  
8 in excess of eighteen thousand pounds gross weight, after an  
9 annual payment of an emblem-use authorization fee to the Boy  
10 Scouts of America Council of which the person is a member or the  
11 parent of a member. The Boy Scouts of America hereby authorizes  
12 the use of its official emblem to be affixed on multiyear  
13 personalized license plates as provided in this section. Any  
14 contribution to the Boy Scouts of America derived from this  
15 section, except reasonable administrative costs, shall be used  
16 solely for the purposes of the Boy Scouts of America. Any Boy  
17 Scout or parent of a Boy Scout may annually apply for the use of  
18 the emblem and pay the twenty-five dollar emblem-use  
19 authorization fee at any local district council in the state.

20 2. Upon annual application and payment of a twenty-five  
21 dollar emblem-use contribution to the Boy Scouts of America, the  
22 organization shall issue to the vehicle owner, without further  
23 charge, an emblem-use authorization statement, which shall be  
24 presented by the owner to the department of revenue at the time  
25 of registration of a motor vehicle. Upon presentation of the  
26 annual statement, payment of a fifteen dollar fee in addition to

2 the registration fee and documents which may be required by law,  
3 the department of revenue shall issue to the vehicle owner a  
4 personalized license plate which shall bear the emblem of the Boy  
5 Scouts of America and the words "BOY SCOUTS OF AMERICA" in place  
6 of the words "SHOW-ME STATE". Such license plates shall be made  
7 with fully reflective material with a common color scheme and  
8 design, shall be clearly visible at night, and shall be  
9 aesthetically attractive, as prescribed by section 301.130.  
10 Notwithstanding the provisions of section 301.144, no additional  
11 fee shall be charged for the personalization of license plates  
12 pursuant to this section.

13 3. A vehicle owner, who was previously issued a plate with  
14 the Boy Scouts of America emblem authorized by this section but  
15 who does not provide an emblem-use authorization statement at a  
16 subsequent time of registration, shall be issued a new plate  
17 which does not bear the Boy Scouts of America emblem, as  
18 otherwise provided by law. The director of revenue shall make  
19 necessary rules and regulations for the administration of this  
20 section, and shall design all necessary forms required by 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



2 powers vested with the general assembly pursuant to chapter 536,  
3 RSMo, to review, to delay the effective date, or to disapprove  
4 and annul a rule are subsequently held unconstitutional, then the  
5 grant of rulemaking authority and any rule proposed or adopted  
6 after August 28, 2004, shall be invalid and void.

7 301.3142. 1. Any immediate family member, including step-  
8 siblings or step-children, who wishes to pay tribute to a member  
9 of the United States military who was a resident of this state  
10 and who was killed in the line of duty may receive special  
11 license plates as prescribed by this section, for any motor  
12 vehicle such person owns, either solely or jointly, other than an  
13 apportioned motor vehicle or a commercial motor vehicle licensed  
14 in excess of eighteen thousand pounds gross weight.

15 2. Upon annual application payment of a fifteen dollar fee  
16 in addition to the registration fee, and presentation of any  
17 other documents which may be required by law or upon biennial  
18 application, payment of a thirty dollar fee in addition to the  
19 registration fee and presentation of proof of eligibility for  
20 such plates, and presentation of any other documents which may be  
21 required by law, the department of revenue may issue to the  
22 vehicle owner a personalized license plate which shall bear the  
23 initials of the member of the United States military killed while  
24 in the line of duty, a gold star on the left side of the plates,  
25 followed by a three-letter description of the relative's relation  
26 to the veteran, provided such license plate configuration is not

2 currently in use, and which shall bear the words "WE SHALL NOT  
3 FORGET" in place of the words "SHOW-ME STATE". Such license  
4 plates shall be made with fully reflective material with a common  
5 color scheme and design, shall be clearly visible at night, and  
6 shall be aesthetically attractive, as prescribed by section  
7 301.130. Notwithstanding the provisions of section 301.144, no  
8 additional fee shall be charged for the personalization of  
9 license plates pursuant to this section.

10 3. License plates issued pursuant to the provisions of this  
11 section shall not be transferable to any other person except that  
12 any registered co-owner of the motor vehicle shall be entitled to  
13 operate the motor vehicle with such plates for the duration of  
14 the year licensed in the event of the death of the qualified  
15 person. The director of revenue shall make necessary rules and  
16 regulations for the administration of this section, and shall  
17 design all necessary forms required by this section. Any rule or  
18 portion of a rule, as that term is defined in section 536.010,  
19 RSMo, that is created under the authority delegated in this  
20 section shall become effective only if it complies with and is  
21 subject to all of the provisions of chapter 536, RSMo, and, if  
22 applicable, section 536.028, RSMo. This section and chapter 536,  
23 RSMo, are nonseverable and if any of the powers vested with the  
24 general assembly pursuant to chapter 536, RSMo, to review, to  
25 delay the effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking

2 authority and any rule proposed or adopted after August 28, 2004,  
3 shall be invalid and void.

4 301.3143. 1. Any current member or alumnus of the Delta  
5 Tau Delta organization at any college or university within this  
6 state may apply for special motor vehicle license plates for any  
7 vehicle such person owns, either solely or jointly, other than an  
8 apportioned motor vehicle or a commercial motor vehicle licensed  
9 in excess of eighteen thousand pounds gross weight, after an  
10 annual payment of an emblem-use authorization fee to the  
11 appropriate organization. Delta Tau Delta hereby authorizes the  
12 use of their official emblem to be affixed on multiyear  
13 personalized license plates as provided in this section. Any  
14 contribution to Delta Tau Delta derived from this section, except  
15 reasonable administrative costs, shall be used solely for the  
16 purposes of the organization. Any member of Delta Tau Delta may  
17 annually apply for the use of the organization's emblem.

18 2. Upon annual application and payment of a twenty-five  
19 dollar emblem-use contribution to Delta Tau Delta, the  
20 organization shall issue to the vehicle owner, without further  
21 charge, an emblem-use authorization statement, which shall be  
22 presented by the owner to the department of revenue at the time  
23 of registration of a motor vehicle. Upon presentation of the  
24 annual statement, payment of a fifteen dollar fee in addition to  
25 the registration fee, and documents which may be required by law,  
26 the department of revenue shall issue to the vehicle owner a

2 personalized license plate which shall bear the emblem of Delta  
3 Tau Delta and shall bear the words "Delta Tau Delta" in place of  
4 the words "SHOW-ME STATE". Such license plates shall be made  
5 with fully reflective material with a common color scheme and  
6 design, shall be clearly visible at night, and shall be  
7 aesthetically attractive, as prescribed by section 301.130.  
8 Notwithstanding the provisions of section 301.144, no additional  
9 fee shall be charged for the personalization of license plates  
10 pursuant to this section.

11 3. A vehicle owner, who was previously issued a plate with  
12 the Delta Tau Delta emblem authorized by this section but who  
13 does not provide an emblem-use authorization statement at a  
14 subsequent time of registration, shall be issued a new plate  
15 which does not bear the Delta Tau Delta emblem, as otherwise  
16 provided by law. The director of revenue shall make necessary  
17 rules and regulations for the administration of this section, and  
18 shall design all necessary forms required by this section. Any  
19 rule or portion of a rule, as that term is defined in section  
20 536.010, RSMo, that is created under the authority delegated in  
21 this section shall become effective only if it complies with and  
22 is subject to all of the provisions of chapter 536, RSMo, and, if  
23 applicable, section 536.028, RSMo. This section and chapter 536,  
24 RSMo, are nonseverable and if any of the powers vested with the  
25 general assembly pursuant to chapter 536, RSMo, to review, to  
26 delay the 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, 2004,  
4 shall be invalid and void.

5 301.3144. 1. Any person may receive special license plates  
6 as prescribed by this section, for any motor vehicle such person  
7 owns, either solely or jointly, other than an apportioned motor  
8 vehicle or a commercial motor vehicle licensed in excess of  
9 eighteen thousand pounds gross weight, after an annual  
10 contribution of an emblem-use authorization fee to Camp Quality  
11 of Missouri. Any contribution given pursuant to this section  
12 shall be designated for the sole use of providing scholarships to  
13 children with cancer who are residents of the state of Missouri  
14 for attendance at any summer camp conducted by Camp Quality in  
15 the state of Missouri. Camp Quality of Missouri hereby  
16 authorizes the use of its official emblem to be affixed on  
17 single-year or multiyear personalized license plates as provided  
18 in this section. Any person may annually or biannually apply for  
19 the use of the emblem.

20 2. Upon annual application and payment of a twenty-five  
21 dollar emblem-use contribution to Camp Quality of Missouri, that  
22 organization shall issue to the vehicle owner, without further  
23 charge, an emblem-use authorization statement, which shall be  
24 presented by the owner to the department of revenue at the time  
25 of registration of a motor vehicle. Upon presentation of the  
26 annual or biannual statement, payment of a fifteen dollar fee, in

2 addition to the registration fees, and presentation of other  
3 documents which may be required by law, the department of revenue  
4 shall issue to the vehicle owner a personalized license plate  
5 which shall bear the emblem of Camp Quality of Missouri and shall  
6 bear the words "CAMP QUALITY-FUN FOR KIDS WITH CANCER" in the  
7 place of the words "SHOW-ME STATE". Such license plates shall be  
8 made with fully reflective material with a common color scheme  
9 and design, shall be clearly visible at night, and shall be  
10 aesthetically attractive, as prescribed by section 301.130.  
11 Notwithstanding the provisions of section 301.144, no additional  
12 fee shall be charged for the personalization of license plates  
13 pursuant to this section.

14 3. A vehicle owner, who was previously issued a plate with  
15 the Camp Quality of Missouri emblem authorized by this section  
16 but who does not provide an emblem-use authorization statement at  
17 a subsequent time of registration, shall be issued a new plate  
18 which does not bear the Camp Quality of Missouri emblem, as  
19 otherwise provided by law.

20 4. The director of the department of revenue shall make  
21 necessary rules and regulations for the administration of this  
22 section, and shall design all necessary forms required by this  
23 section. Any rule or portion of a rule, as that term is defined  
24 in section 536.010, RSMo, that is created under the authority  
25 delegated in this section shall become effective only if it  
26 complies with and is subject to all of the provisions of chapter

2 536, RSMo, and, if applicable, section 536.028, RSMo. This  
3 section and chapter 536, RSMo, are nonseverable and if any of the  
4 powers vested with the general assembly pursuant to chapter 536,  
5 RSMo, to review, to delay the effective date, or to disapprove  
6 and annul a rule are subsequently held unconstitutional, then the  
7 grant of rulemaking authority and any rule proposed or adopted  
8 after August 28, 2004, shall be invalid and void.

9 301.3146. 1. Any member of the search and rescue council  
10 of Missouri, after an annual payment of an emblem-use  
11 authorization fee to the search and rescue council of Missouri,  
12 may receive special license plates for any vehicle the member  
13 owns, either solely or jointly, other than an apportioned motor  
14 vehicle or a commercial motor vehicle licensed in excess of  
15 eighteen thousand pounds gross weight. The search and rescue  
16 council of Missouri hereby authorizes the use of its official  
17 emblem to be affixed on multiyear personalized license plates  
18 within the plate area prescribed by the director of revenue and  
19 as provided in this section. Any contribution to the search and  
20 rescue council of Missouri derived from this section, except  
21 reasonable administrative costs, shall be used solely for the  
22 purposes of the search and rescue council of Missouri. Any  
23 member of the search and rescue council of Missouri may annually  
24 apply for the use of the emblem.

25 2. Upon annual application and payment of a twenty-five  
26 dollar emblem-use contribution to the search and rescue council

2 of Missouri, the search and rescue council of Missouri shall  
3 issue to the vehicle owner, without further charge, an "emblem-  
4 use authorization statement", which shall be presented by the  
5 vehicle owner to the director of revenue at the time of  
6 registration. Upon presentation of the annual statement and  
7 payment of a fifteen dollar fee in addition to the regular  
8 registration fees, and presentation of any documents which may be  
9 required by law, the director of revenue shall issue to the  
10 vehicle owner a special license plate which shall bear the emblem  
11 of the search and rescue council of Missouri and the words  
12 "SEARCH AND RESCUE" in place of the words "SHOW-ME-STATE". Such  
13 license plates shall be made with fully reflective material with  
14 a common color scheme and design of the standard license plate,  
15 shall be clearly visible at night, shall have a reflective white  
16 background in the area of the plate configuration, and shall be  
17 aesthetically attractive, as prescribed by section 301.130.  
18 Notwithstanding the provisions of section 301.144, no additional  
19 fee shall be charged for the personalization of license plates  
20 pursuant to this section.

21 3. A vehicle owner who was previously issued a plate with  
22 the search and rescue council of Missouri emblem authorized by  
23 this section, but who does not provide an emblem-use  
24 authorization statement at a subsequent time of registration,  
25 shall be issued a new plate which does not bear the search and  
26 rescue council of Missouri emblem, as otherwise provided by law.



2     The director of revenue shall make necessary rules and  
3     regulations for the enforcement of this section, and shall design  
4     all necessary forms required by this section.

5             301.3147. 1. Any current undergraduate or alumnus member  
6     of any chapter of Theta Chi Fraternity may apply for special  
7     motor vehicle license plates for any vehicle such person owns,  
8     either solely or jointly, other than an apportioned motor vehicle  
9     or a commercial motor vehicle licensed in excess of eighteen  
10    thousand pounds gross weight, after an annual contribution of at  
11    least twenty-five dollars to the Foundation Chapter of Theta Chi  
12    Fraternity, Inc. Theta Chi Fraternity, Inc. hereby authorizes  
13    the use of their official emblem to be affixed on multiyear  
14    personalized license plates as provided in this section. Any  
15    contribution to Theta Chi Fraternity, Inc. derived from this  
16    section, except reasonable administrative costs, shall be used  
17    solely for the purposes of that organization. Any undergraduate  
18    or alumnus member of Theta Chi Fraternity, Inc. may annually  
19    apply for the use of the organization's emblem.

20             2. Upon annual application and payment of twenty-five  
21    dollars to the Foundation Chapter of Theta Chi Fraternity, Inc.,  
22    the organization shall issue to the vehicle owner, without  
23    further charge, an emblem-use authorization statement, which  
24    shall be presented by the owner to the department of revenue at  
25    the time of registration of a motor vehicle. Upon presentation  
26    of the annual statement, payment of a fifteen dollar fee in

2 addition to the registration fee and documents which may be  
3 required by law, the department of revenue shall issue to the  
4 vehicle owner a personalized license plate which shall bear the  
5 emblem of Theta Chi Fraternity, Inc. and shall bear the words  
6 "THETA CHI FRATERNITY" in the place of the words "SHOW-ME STATE".  
7 Such license plates shall be made with fully reflective material  
8 with a common color scheme and design, shall be clearly visible  
9 at night, and shall be aesthetically attractive, as prescribed by  
10 section 301.130. Notwithstanding the provisions of section  
11 301.144, no additional fee shall be charged for personalization  
12 of license plates pursuant to this section.

13 3. A vehicle owner, who has previously, issued a plate with  
14 the Theta Chi Fraternity, Inc. emblem authorized by this section  
15 but who does not provide an emblem-use authorization statement at  
16 a subsequent time of registration, shall be issued a new plate  
17 which does not bear the Theta Chi Fraternity, Inc. emblem, as  
18 otherwise provided by law. The director of revenue shall make  
19 necessary rules and regulations for the administration of this  
20 section, and shall design all necessary forms required by 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

2 powers vested with the general assembly pursuant to chapter 536,  
3 RSMo, to review, to delay the effective date, or to disapprove  
4 and annul a rule are subsequently held unconstitutional, then the  
5 grant of rulemaking authority and any rule proposed or adopted  
6 after August 28, 2004, shall be invalid and void.

7 301.3150. 1. An organization, other than an organization  
8 seeking a special military license plate, that seeks  
9 authorization to establish a new specialty license plate shall  
10 initially petition the department of revenue by submitting the  
11 following:

12 (1) An application in a form prescribed by the director for  
13 the particular specialty license plate being sought, describing  
14 the proposed specialty license plate in general terms and have a  
15 sponsor of at least one current member of the general assembly.  
16 The application may contain written testimony for support of this  
17 specialty plate;

18 (2) Each application submitted pursuant to this section  
19 shall be accompanied by a list of at least two hundred potential  
20 applicants who plan to purchase the specialty plate if the  
21 specialty plate is approved pursuant to this section;

22 (3) An application fee, not to exceed five thousand  
23 dollars, to defray the department's cost for issuing, developing  
24 and programming the implementation of the specialty plate, if  
25 authorized; and

2       (4) All moneys received by the department of revenue, for  
3 the reviewing and development of specialty plates shall be  
4 deposited in the state treasury to the credit of the "Department  
5 of Revenue Specialty Plate Fund" which is hereby created. The  
6 state treasurer shall be custodian of the fund and shall make  
7 disbursements from the funds requested by the Missouri director  
8 of revenue for personal services, expenses, and equipment  
9 required to prepare, review, develop, and disseminate a new  
10 specialty plate and process the two hundred applications to be  
11 submitted once the plate is approved and to refund deposits for  
12 the application of such specialty plate, if the application is  
13 not approved by the joint committee on transportation oversight  
14 and for no other purpose.

15       2. At the end of each state fiscal year, the director of  
16 revenue shall:

17       (1) Determine the amount of all moneys deposited into the  
18 department of revenue specialty plate fund;

19       (2) Determine the amount of disbursements from the  
20 department of revenue specialty plate fund which were made to  
21 produce the specialty plate and process the two hundred  
22 applications; and

23       (3) Subtract the amount of disbursements from the income  
24 figure referred to in subdivision (1) of this subsection and  
25 deliver this figure to the state treasurer.

26       3. The state treasurer shall transfer an amount of money

2 equal to the figure provided by the director of revenue from the  
3 department of revenue specialty plate fund to the state highway  
4 department fund. An unexpended balance in the department of  
5 revenue specialty plate fund at the end of the biennium not  
6 exceeding twenty-five thousand dollars shall be exempt from the  
7 provisions of section 33.080, RSMo, relating to transfer of  
8 unexpended balances to the general revenue fund.

9 4. The documents and fees required pursuant to this section  
10 shall be submitted to the department of revenue by July first  
11 prior to the next regular session of the general assembly to be  
12 approved or denied by the joint committee on transportation  
13 oversight during that legislative session.

14 5. The department of revenue shall give notice of any  
15 proposed specialty plate in a manner reasonably calculated to  
16 advise the public of such proposal. Reasonable notice shall  
17 include posting the proposal for the specialty plate on the  
18 department's official public web site, and making available  
19 copies of the specialty plate application to any representative  
20 of the news media or public upon request and posting the  
21 application on a bulletin board or other prominent public place  
22 which is easily accessible to the public and clearly designated  
23 for that purpose at the principal office.

24 6. Adequate notice conforming with all the requirements of  
25 subsection 5 of this section shall be given not less than four  
26 weeks, exclusive of weekends and holidays when the facility is

2 closed, after the submission of the application by the  
3 organization to the department of revenue. Written or electronic  
4 testimony in support or opposition of the proposed specialty  
5 plate shall be submitted to the department of revenue by November  
6 thirtieth of the year of filing of the original proposal. All  
7 written testimony shall contain the printed name, signature,  
8 address, phone number, and e-mail address, if applicable, of the  
9 individual giving the testimony.

10 7. The department of revenue shall submit for approval all  
11 applications for the development of specialty plates to the joint  
12 committee on transportation oversight during a regular session of  
13 the general assembly for approval.

14 8. If the specialty license plate requested by an  
15 organization is approved by the joint committee on transportation  
16 oversight, the organization shall submit the proposed art design  
17 for the specialty license plate to the department as soon as  
18 practicable, but no later than sixty days after the approval of  
19 the specialty license plate. If the specialty license plate  
20 requested by the organization is not approved by the joint  
21 committee on transportation oversight, ninety-seven percent of  
22 the application fee shall be refunded to the requesting  
23 organization.

24 9. An emblem-use authorization fee may be charged by the  
25 organization prior to the issuance of an approved specialty  
26 plate. The organization's specialty plate proposal approved by

2 the joint committee on transportation oversight shall state what  
3 fee is required to obtain such statement and if such fee is  
4 required annually or biennially, if the applicant has a two-year  
5 registration. An organization applying for specialty plates  
6 shall authorize the use of its official emblem to be affixed on  
7 multiyear personalized license plates within the plate area  
8 prescribed by the director of revenue and as provided in this  
9 section. Any contribution to the organization derived from the  
10 emblem-use contribution, except reasonable administrative costs,  
11 shall be used solely for the purposes of the organization. Any  
12 member of the organization or nonmember, if applicable, may  
13 annually apply for the use of the emblem, if applicable.

14 10. The department shall begin production and distribution  
15 of each new specialty license plate within one year after  
16 approval of the specialty license plate by the joint committee on  
17 transportation oversight.

18 11. The department shall issue a specialty license plate to  
19 the owner who meets the requirements for issuance of the  
20 specialty plate for any motor vehicle such owner owns, either  
21 solely or jointly, other than an apportioned motor vehicle or a  
22 commercial motor vehicle licensed in excess of eighteen thousand  
23 pounds gross weight.

24 12. Each new or renewed application for an approved  
25 specialty license plate shall be made to the department of  
26 revenue, accompanied by an additional fee of fifteen dollars and

2 the appropriate emblem-use authorization statement.

3 13. The appropriate registration fees, fifteen dollar  
4 specialty plate fee, processing fees and documents otherwise  
5 required for the issuance of registration of the motor vehicle as  
6 set forth by law must be submitted at the time the specialty  
7 plates are actually issued and renewed or as otherwise provided  
8 by law. However, no additional fee for the personalization of  
9 this plate shall be charged.

10 14. Once a specialty plate design is approved, a request  
11 for such plate may be made any time during a registration period.  
12 If a request is made for a specialty license plate to replace a  
13 current valid license plate, all documentation, credits, and fees  
14 provided for in this chapter when replacing a current license  
15 plate shall apply.

16 15. A vehicle owner who was previously issued a plate with  
17 an organization emblem authorized by this section, but who does  
18 not provide an emblem-use authorization statement at a subsequent  
19 time of registration if required, shall be issued a new plate  
20 which does not bear the organization's emblem, as otherwise  
21 provided by law.

22 16. Specialty license plates shall bear a design approved  
23 by the organization submitting the original application for  
24 approval by the joint committee on transportation oversight. The  
25 design shall be within the plate area prescribed by the director  
26 of revenue, and the designated organization's name or slogan



2 shall be in place of the words "SHOW-ME STATE". Such license  
3 plates shall be made with fully reflective material with a common  
4 color scheme, shall be clearly visible at night, shall have a  
5 reflective white background in the area of the plate  
6 configuration, and shall be aesthetically attractive, as  
7 prescribed by section 301.130 and as provided in this section.  
8 In addition to a design, the specialty license plates shall be in  
9 accordance with criteria and plate design set forth in this  
10 chapter.

11 17. The department is authorized to discontinue the  
12 issuance and renewal of a specialty license plate if the  
13 organization has stopped providing services and emblem-use  
14 authorization statements are no longer being issued by the  
15 organization. Such organizations shall notify the department  
16 immediately to discontinue the issuance of a specialty plate.

17 18. The organization that requested the specialty license  
18 plate shall not redesign the specialty personalized license plate  
19 unless such organization pays the director in advance all  
20 redesigned plate fees. All plate holders of such plates must pay  
21 the replacement fees prescribed in section 301.300 for the  
22 replacement of the existing specialty plate. All other  
23 applicable license plate fees in accordance with this chapter  
24 shall be required.

25 301.3152. Any person or organization who has received a  
26 notice of denial of application for development of a specialty

2 plate may make a request to the joint committee on transportation  
3 oversight within fifteen days of receipt of the notice for a  
4 review of the committee's determination at a hearing before the  
5 committee at a time deemed appropriate.

6 301.3154. Beginning January 1, 2005, the fee for any  
7 special license plate approved under section 21.795, RSMo,  
8 sections 301.3150 and 301.3152, and this section shall be fifteen  
9 dollars for an annual registration and thirty dollars for a  
10 biennial registration in addition to registration fees. The  
11 provisions of this section shall not apply to special military  
12 license plates. The fees for special military license plates  
13 shall be assessed as provided for by the statute creating such  
14 license plate except that no additional fee shall be charged for  
15 personalized military plates.

16 301.3155. 1. Any supporter of the American Heart  
17 Association of appropriate age as prescribed by law may receive  
18 special license plates as prescribed by this section, for any  
19 motor vehicle such person owns, either solely or jointly, other  
20 than an apportioned motor vehicle or a commercial motor vehicle  
21 licensed in excess of eighteen thousand pounds gross weight,  
22 after an annual payment of an emblem-use authorization fee to the  
23 American Heart Association of which the person is a supporter.  
24 The American Heart Association hereby authorizes the use of its  
25 official emblem Go Red For Women to be affixed on multi-year  
26 personalized license plates as provided in this section. Any

2 contribution to the American Heart Association derived from this  
3 section, except reasonable administrative costs, shall be used  
4 solely for the purposes of the American Heart Association. Any  
5 supporter of the American Heart Association may annually apply  
6 for the use of the emblem and pay the twenty-five dollar emblem-  
7 use authorization fee at any local district council in the state.

8 2. Upon annual application and payment of a twenty-five  
9 dollar emblem-use contribution to the American Heart Association,  
10 the organization shall issue to the vehicle owner, without  
11 further charge, an emblem-use authorization statement, which  
12 shall be presented by the owner to the department of revenue at  
13 the time of registration of a motor vehicle. Upon presentation  
14 of the annual statement, payment of a fifteen dollar fee in  
15 addition to the registration fee and documents which may be  
16 required by law, the department of revenue shall issue to the  
17 vehicle owner a personalized license plate which shall bear the  
18 emblem of the Go Red For Women on the left side of the plate and  
19 the words "Go Red For Women" shall replace the words "SHOW-ME  
20 STATE". The words "Winning Women" shall appear beneath the words  
21 "GO RED FOR WOMEN". Such license plates shall be made with fully  
22 reflective material with a common color scheme and design, shall  
23 be clearly visible at night, and shall be aesthetically  
24 attractive, as prescribed by section 301.130. Notwithstanding  
25 the provisions of section 301.144, no additional fee shall be  
26 charged for the personalization of license plates pursuant to

2     this section.

3             3. A vehicle owner, who was previously issued a plate with  
4     the Go Red For Women emblem authorized by this section but who  
5     does not provide an emblem-use authorization statement at a  
6     subsequent time of registration, shall be issued a new plate  
7     which does not bear the Go Red For Women emblem, as otherwise  
8     provided by law. The director of revenue shall make necessary  
9     rules and regulations for the administration of this section.

10    Any rule or portion of a rule, as that term is defined in section  
11    536.010, RSMo, that is created under the authority delegated in  
12    this section shall become effective only if it complies with and  
13    is subject to all of the provisions of chapter 536, RSMo, and, if  
14    applicable, section 536.028, RSMo. This section and chapter 536,  
15    RSMo, are nonseverable and if any of the powers vested with the  
16    general assembly pursuant to chapter 536, RSMo, to review, to  
17    delay the effective date, or to disapprove and annul a rule are  
18    subsequently held unconstitutional, then the grant of rulemaking  
19    authority and any rule proposed or adopted after August 28, 2004,  
20    shall be invalid and void.

21             301.3999. 1. Any person who served in the active military  
22    service in a branch of the armed services of the United States  
23    and was honorably discharged from such service may apply for  
24    special personalized license plates for any vehicle other than an  
25    apportioned motor vehicle or a commercial motor vehicle licensed  
26    in excess of eighteen thousand pounds gross weight. Any such

2 person shall make application for the special license plates on a  
3 form provided by the director of revenue and furnish such proof  
4 of service and status as an honorably discharged veteran as the  
5 director may require.

6 2. Upon presentation of proof of eligibility and payment of  
7 a fifteen dollar fee in addition to the regular registration  
8 fees, and presentation of any documents which may be required by  
9 law, the director shall issue to the vehicle owner special  
10 personalized license plates with the words "U.S. VET" in place of  
11 the words "SHOW-ME STATE". Such license plates shall be made  
12 with fully reflective material with a common color scheme and  
13 design, shall be clearly visible at night, shall have a  
14 reflective white background with a blue and red configuration in  
15 the area of the plate configuration, and shall be aesthetically  
16 attractive, as prescribed by section 301.130. Notwithstanding  
17 the provisions of section 301.144, no additional fee shall be  
18 charged for the personalization of license plates pursuant to  
19 this section.

20 3. No more than one set of special license plates shall be  
21 issued pursuant to this section to a qualified applicant.  
22 License plates issued pursuant to this section shall not be  
23 transferable to any other person except that any registered co-  
24 owner of the vehicle may operate the vehicle for the duration of  
25 the registration in the event of the death of the qualified  
26 person. The director of revenue shall make necessary rules and

2 regulations for the enforcement of this section, and shall design  
3 all necessary forms required by this section. Any rule or  
4 portion of a rule, as that term is defined in section 536.010,  
5 RSMo, that is created under the authority delegated in this  
6 section shall become effective only if it complies with and is  
7 subject to all of the provisions of chapter 536, RSMo, and, if  
8 applicable, section 536.028, RSMo. This section and chapter 536,  
9 RSMo, are nonseverable and if any of the powers vested with the  
10 general assembly pursuant to chapter 536, RSMo, to review, to  
11 delay the effective date, or to disapprove and annul a rule are  
12 subsequently held unconstitutional, then the grant of rulemaking  
13 authority and any rule proposed or adopted after August 28, 2004,  
14 shall be invalid and void.

15       302.130. 1. Any person at least fifteen years of age who,  
16 except for age or lack of instruction in operating a motor  
17 vehicle, would otherwise be qualified to obtain a license  
18 pursuant to sections 302.010 to 302.340 may apply for and the  
19 director shall issue a temporary instruction permit entitling the  
20 applicant, while having such permit in the applicant's immediate  
21 possession, to drive a motor vehicle of the appropriate class  
22 upon the highways for a period of twelve months, but any such  
23 person, except when operating a motorcycle or motortricycle, must  
24 be accompanied by a licensed operator for the type of motor  
25 vehicle being operated who is actually occupying a seat beside  
26 the driver for the purpose of giving instruction in driving the

2 motor vehicle, who is at least twenty-one years of age, and in  
3 the case of any driver under sixteen years of age, the licensed  
4 operator occupying the seat beside the driver shall be a  
5 grandparent, parent, guardian, a driver training instructor  
6 holding a valid driver education endorsement on a teaching  
7 certificate issued by the department of elementary and secondary  
8 education or a qualified instructor of a private drivers'  
9 education program who has a valid driver's license. Beginning  
10 January 1, 2001, an applicant for a temporary instruction permit  
11 shall successfully complete a vision test and a test of the  
12 applicant's ability to understand highway signs which regulate,  
13 warn or direct traffic and practical knowledge of the traffic  
14 laws of this state, pursuant to section 302.173. In addition,  
15 beginning January 1, 2001, no permit shall be granted pursuant to  
16 this subsection unless a parent or legal guardian gives written  
17 permission by signing the application and in so signing, state  
18 they, or their designee as set forth in subsection 2 of this  
19 section, will provide a minimum of twenty hours of  
20 behind-the-wheel driving instruction. The twenty hours of  
21 behind-the-wheel driving instruction that is completed pursuant  
22 to this subsection may include any time that the holder of an  
23 instruction permit has spent operating a motor vehicle in a  
24 driver training program taught by a driver training instructor  
25 holding a valid driver education endorsement on a teaching  
26 certificate issued by the department of elementary and secondary

2 education or by a qualified instructor of a private drivers'  
3 education program. If the applicant for a permit is enrolled in  
4 a federal residential job training program, the instructor, as  
5 defined in subsection 5 of this section, is authorized to sign  
6 the application stating that the applicant will receive the  
7 behind-the-wheel driving instruction required by this section.

8 2. In the event the parent, grandparent or guardian of the  
9 person under sixteen years of age has a physical disability which  
10 prohibits or disqualifies said parent, grandparent or guardian  
11 from being a qualified licensed operator pursuant to this  
12 section, said parent, grandparent or guardian may designate a  
13 maximum of two individuals authorized to accompany the applicant  
14 for the purpose of giving instruction in driving the motor  
15 vehicle. An authorized designee must be a licensed operator for  
16 the type of motor vehicle being operated and have attained  
17 twenty-one years of age. At least one of the designees must  
18 occupy the seat beside the applicant while giving instruction in  
19 driving the motor vehicle. The name of the authorized designees  
20 must be provided to the department of revenue by the parent,  
21 grandparent or guardian at the time of application for the  
22 temporary instruction permit. The name of each authorized  
23 designee shall be printed on the temporary instruction permit,  
24 however, the director may delay the time at which permits are  
25 printed bearing such names until the inventories of blank permits  
26 and related forms existing on August 28, 1998, are exhausted.



2           3. The director, upon proper application on a form  
3     prescribed by the director, in his or her discretion, may issue a  
4     restricted instruction permit effective for a school year or more  
5     restricted period to an applicant who is enrolled in a high  
6     school driver training program taught by a driver training  
7     instructor holding a valid driver education endorsement on a  
8     teaching certificate issued by the state department of elementary  
9     and secondary education even though the applicant has not reached  
10    the age of sixteen years but has passed the age of fifteen years.  
11    Such instruction permit shall entitle the applicant, when the  
12    applicant has such permit in his or her immediate possession, to  
13    operate a motor vehicle on the highways, but only when a driver  
14    training instructor holding a valid driver education endorsement  
15    on a teaching certificate issued by the state department of  
16    elementary and secondary education is occupying a seat beside the  
17    driver.

18           4. The director, in his or her discretion, may issue a  
19    temporary driver's permit to an applicant who is otherwise  
20    qualified for a license permitting the applicant to operate a  
21    motor vehicle while the director is completing the director's  
22    investigation and determination of all facts relative to such  
23    applicant's rights to receive a license. Such permit must be in  
24    the applicant's immediate possession while operating a motor  
25    vehicle, and it shall be invalid when the applicant's license has  
26    been issued or for good cause has been refused.

2           5. In the event that the applicant for a temporary  
3 instruction permit described in subsection 1 of this section is a  
4 participant in a federal residential job training program, the  
5 permittee may operate a motor vehicle accompanied by a driver  
6 training instructor who holds a valid driver education  
7 endorsement issued by the department of elementary and secondary  
8 education and a valid driver's license.

9           6. A person at least fifteen years of age may operate a  
10 motor vehicle as part of a driver training program taught by a  
11 driver training instructor holding a valid driver education  
12 endorsement on a teaching certificate issued by the department of  
13 elementary and secondary education or a qualified instructor of a  
14 private drivers' education program.

15           7. Beginning January 1, 2003, the director shall issue with  
16 every temporary instruction permit issued pursuant to subsection  
17 1 of this section a sticker or sign bearing the words "PERMIT  
18 DRIVER". The design and size of such sticker or sign shall be  
19 determined by the director by regulation. Every applicant issued  
20 a temporary instruction permit and sticker on or after January 1,  
21 2003, may display or affix the sticker or sign on the rear window  
22 of the motor vehicle. Such sticker or sign may be displayed on  
23 the rear window of the motor vehicle whenever the holder of the  
24 instruction permit operates a motor vehicle during his or her  
25 temporary permit licensure period.

26           8. Beginning July 1, 2005, the director shall verify that

2 an applicant for an instruction permit issued under this section  
3 is lawfully present in the United States before accepting the  
4 application. The director shall not issue an instruction permit  
5 for a period that exceeds an applicant's lawful presence in the  
6 United States. The director may establish procedures to verify  
7 the lawful presence of the applicant and establish the duration  
8 of any permit issued under this section.

9 9. The director may adopt rules and regulations necessary  
10 to carry out the provisions of this section.

11 302.171. 1. Beginning July 1, 2005, the director shall  
12 verify that an applicant for a driver's license is lawfully  
13 present in the United States before accepting the application.  
14 The director shall not issue a driver's license for a period that  
15 exceeds an applicant's lawful presence in the United States. The  
16 director may establish procedures to verify the lawful presence  
17 of the applicant and establish the duration of any driver's  
18 license issued under this section. An application for a license  
19 shall be made upon an approved form furnished by the director.  
20 Every application shall state the full name, Social Security  
21 number, age, height, weight, color of eyes, sex, residence,  
22 mailing address of the applicant, and the classification for  
23 which the applicant has been licensed, and, if so, when and by  
24 what state, and whether or not such license has ever been  
25 suspended, revoked, or disqualified, and, if revoked, suspended  
26 or disqualified, the date and reason for such suspension,

2 revocation or disqualification and whether the applicant is  
3 making a one dollar donation to promote an organ donation program  
4 as prescribed in subsection 2 of this section. A driver's  
5 license, nondriver's license, or instruction permit issued under  
6 this chapter shall contain the applicant's legal name as it  
7 appears on a birth certificate or as legally changed through  
8 marriage or court order. No name change by common usage based on  
9 common law shall be permitted. The application shall also  
10 contain such information as the director may require to enable  
11 the director to determine the applicant's qualification for  
12 driving a motor vehicle; and shall state whether or not the  
13 applicant has been convicted in this or any other state for  
14 violating the laws of this or any other state or any ordinance of  
15 any municipality, relating to driving without a license, careless  
16 driving, or driving while intoxicated, or failing to stop after  
17 an accident and disclosing the applicant's identity, or driving a  
18 motor vehicle without the owner's consent. The application shall  
19 contain a certification by the applicant as to the truth of the  
20 facts stated therein. Every person who applies for a license to  
21 operate a motor vehicle who is less than twenty-one years of age  
22 shall be provided with educational materials relating to the  
23 hazards of driving while intoxicated, including information on  
24 penalties imposed by law for violation of the  
25 intoxication-related offenses of the state. Beginning January 1,  
26 2001, if the applicant is less than eighteen years of age, the

2 applicant must comply with all requirements for the issuance of  
3 an intermediate driver's license pursuant to section 302.178.

4 2. An applicant for a license may make a donation of one  
5 dollar to promote an organ donor program. The director of  
6 revenue shall collect the donations and deposit all such  
7 donations in the state treasury to the credit of the organ donor  
8 program fund established in sections 194.297 to 194.304, RSMo.  
9 Moneys in the organ donor program fund shall be used solely for  
10 the purposes established in sections 194.297 to 194.304, RSMo,  
11 except that the department of revenue shall retain no more than  
12 one percent for its administrative costs. The donation  
13 prescribed in this subsection is voluntary and may be refused by  
14 the applicant for the license at the time of issuance or renewal  
15 of the license. The director shall make available an  
16 informational booklet or other informational sources on the  
17 importance of organ donations to applicants for licensure as  
18 designed by the organ donation advisory committee established in  
19 sections 194.297 to 194.304, RSMo. The director shall inquire of  
20 each applicant at the time the licensee presents the completed  
21 application to the director whether the applicant is interested  
22 in making the one dollar donation prescribed in this subsection  
23 and whether the applicant is interested in inclusion in the organ  
24 donor registry and shall also specifically inform the licensee of  
25 the ability to consent to organ donation by completing the form  
26 on the reverse of the license that the applicant will receive in

2 the manner prescribed by subsection 6 of section 194.240, RSMo.  
3 The director shall notify the department of health and senior  
4 services of information obtained from applicants who indicate to  
5 the director that they are interested in registry participation,  
6 and the department of health and senior services shall enter the  
7 complete name, address, date of birth, race, gender and a unique  
8 personal identifier in the registry established in subsection 1  
9 of section 194.304, RSMo.

10 3. An applicant for a license may make a donation of one  
11 dollar to promote a blindness education, screening and treatment  
12 program. The director of revenue shall collect the donations and  
13 deposit all such donations in the state treasury to the credit of  
14 the blindness education, screening and treatment program fund  
15 established in section 192.935, RSMo. Moneys in the blindness  
16 education, screening and treatment program fund shall be used  
17 solely for the purposes established in section 192.935, RSMo,  
18 except that the department of revenue shall retain no more than  
19 one percent for its administrative costs. The donation  
20 prescribed in this subsection is voluntary and may be refused by  
21 the applicant for the license at the time of issuance or renewal  
22 of the license. The director shall inquire of each applicant at  
23 the time the licensee presents the completed application to the  
24 director whether the applicant is interested in making the one  
25 dollar donation prescribed in this subsection.

26 4. Beginning July 1, 2005, the director shall deny the

2 driving privilege of any person who commits fraud or deception  
3 during the examination process or who makes application for an  
4 instruction permit, driver's license, or nondriver's license  
5 which contains or is substantiated with false or fraudulent  
6 information or documentation, or who knowingly conceals a  
7 material fact or otherwise commits a fraud in any such  
8 application. The period of denial shall be one year from the  
9 effective date of the denial notice sent by the director. The  
10 denial shall become effective ten days after the date the denial  
11 notice is mailed to the person. The notice shall be mailed to  
12 the person at the last known address shown on the person's  
13 driving record. The notice shall be deemed received three days  
14 after mailing unless returned by the postal authorities. No such  
15 individual shall reapply for a driver's examination, instruction  
16 permit, driver's license, or nondriver's license until the period  
17 of denial is completed. No individual who is denied the driving  
18 privilege under this section shall be eligible for a limited  
19 driving privilege issued under section 302.309.

20 5. All appeals of denials under this section shall be made  
21 as required by section 302.311.

22 6. The period of limitation for criminal prosecution under  
23 this section shall be extended under subdivision (1) of  
24 subsection 3 of section 556.036, RSMo.

25 7. The director may promulgate rules and regulations  
26 necessary to administer and enforce this section. No rule or

2 portion of a rule promulgated pursuant to the authority of this  
3 section shall become effective unless it has been promulgated  
4 pursuant to chapter 536, RSMo.

5       302.173. 1. Any applicant for a license, who does not  
6 possess a valid license issued pursuant to the laws of this  
7 state, another state, or a country which has a reciprocal  
8 agreement with the state of Missouri regarding the exchange of  
9 licenses pursuant to section 302.172 shall be examined as herein  
10 provided. Any person who has failed to renew such person's  
11 license on or before the date of its expiration or within six  
12 months thereafter must take the complete examination. Any active  
13 member of the armed forces, their adult dependents or any active  
14 member of the peace corps may apply for a renewal license without  
15 examination of any kind, unless otherwise required by sections  
16 302.700 to 302.780, provided the renewal application shows that  
17 the previous license had not been suspended or revoked. Any  
18 person honorably discharged from the armed forces of the United  
19 States who held a valid license prior to being inducted may apply  
20 for a renewal license within sixty days after such person's  
21 honorable discharge without submitting to any examination of such  
22 person's ability to safely operate a motor vehicle over the  
23 highways of this state unless otherwise required by sections  
24 302.700 to 302.780, other than the vision test provided in  
25 section 302.175, unless the facts set out in the renewal  
26 application or record of convictions on the expiring license, or



2 the records of the director show that there is good cause to  
3 authorize the director to require the applicant to submit to the  
4 complete examination. No applicant for a renewal license shall  
5 be required to submit to any examination of his or her ability to  
6 safely operate a motor vehicle over the highways of this state  
7 unless otherwise required by sections 302.700 to 302.780 or  
8 regulations promulgated thereunder, other than a test of the  
9 applicant's ability to understand highway signs regulating,  
10 warning or directing traffic and the vision test provided in  
11 section 302.175, unless the facts set out in the renewal  
12 application or record of convictions on the expiring license, or  
13 the records of the director show that there is good cause to  
14 authorize the director to require the applicant to submit to the  
15 complete examination. The examination shall be made available in  
16 each county. Reasonable notice of the time and place of the  
17 examination shall be given the applicant by the person or officer  
18 designated to conduct it. The complete examination shall include  
19 a test of the applicant's natural or corrected vision as  
20 prescribed in section 302.175, the applicant's ability to  
21 understand highway signs regulating, warning or directing  
22 traffic, the applicant's practical knowledge of the traffic laws  
23 of this state, and an actual demonstration of ability to exercise  
24 due care in the operation of a motor vehicle of the  
25 classification for which the license is sought. When an  
26 applicant for a license has a license from a state which has

2 requirements for issuance of a license comparable to the Missouri  
3 requirements or a license from a country which has a reciprocal  
4 agreement with the state of Missouri regarding the exchange of  
5 licenses pursuant to section 302.172 and such license has not  
6 expired more than six months prior to the date of application for  
7 the Missouri license, the director may waive the test of the  
8 applicant's practical knowledge of the traffic laws of this  
9 state, and the requirement of actual demonstration of ability to  
10 exercise due care in the operation of a motor vehicle. If the  
11 director has reasonable grounds to believe that an applicant is  
12 suffering from some known physical or mental ailment which  
13 ordinarily would interfere with the applicant's fitness to  
14 operate a motor vehicle safely upon the highways, the director  
15 may require that the examination include a physical or mental  
16 examination by a licensed physician of the applicant's choice, at  
17 the applicant's expense, to determine the fact. The director  
18 shall prescribe regulations to ensure uniformity in the  
19 examinations and in the grading thereof and shall prescribe and  
20 furnish all forms to the members of the highway patrol and to  
21 other persons authorized to conduct examinations as may be  
22 necessary to enable the officer or person to properly conduct the  
23 examination. The records of the examination shall be forwarded  
24 to the director who shall not issue any license hereunder if in  
25 the director's opinion the applicant is not qualified to operate  
26 a motor vehicle safely upon the highways of this state.

2           2. Beginning July 1, 2005, when the examiner has reasonable  
3 grounds to believe that an individual has committed fraud or  
4 deception during the examination process, the license examiner  
5 shall immediately forward to the director all information  
6 relevant to any fraud or deception, including but not limited to,  
7 a statement of the examiner's grounds for belief that the person  
8 committed or attempted to commit fraud or deception in the  
9 written, skills, or vision examination.

10           3. The director of revenue shall delegate the power to  
11 conduct the examinations required for a license or permit to any  
12 member of the highway patrol or any person employed by the  
13 highway patrol. The powers delegated to any examiner may be  
14 revoked at any time by the director of revenue upon notice.

15           [3.] 4. Notwithstanding the requirements of subsections 1  
16 and [2] 3 of this section, the successful completion of a  
17 motorcycle rider training course approved pursuant to sections  
18 302.133 to [302.138] 302.137 shall constitute an actual  
19 demonstration of the person's ability to exercise due care in the  
20 operation of a motorcycle or motortricycle, and no further  
21 driving test shall be required to obtain a motorcycle or  
22 motortricycle license or endorsement.

23           302.177. 1. To all applicants for a license or renewal to  
24 transport persons or property classified in section 302.015 who  
25 are at least twenty-one years of age and under the age of  
26 seventy, and who submit a satisfactory application and meet the

2 requirements set forth in sections 302.010 to 302.605, the  
3 director shall issue or renew a license upon the payment of a fee  
4 of thirty dollars; except that, no license shall be issued if an  
5 applicant's license is currently suspended, taken up, canceled,  
6 revoked, or deposited in lieu of bail.

7 2. To all applicants for a license or renewal who are  
8 between twenty-one and sixty-nine years of age, and who submit a  
9 satisfactory application and meet the requirements set forth in  
10 sections 302.010 to 302.605, the director shall issue or renew a  
11 license upon the payment of a fee of fifteen dollars; except  
12 that, no license shall be issued if an applicant's license is  
13 currently suspended, taken up, canceled, revoked, or deposited in  
14 lieu of bail.

15 3. All licenses issued pursuant to subsections 1 and 2 of  
16 this section shall expire on the applicant's birthday in the  
17 sixth year after issuance and must be renewed on or before the  
18 date of expiration, which date shall be shown on the license.  
19 The director shall have the authority to stagger the expiration  
20 date of driver's licenses and nondriver's licenses being issued  
21 or renewed over a six-year period.

22 4. To all applicants for a license or renewal to transport  
23 persons or property classified in section 302.015 who are between  
24 eighteen and twenty-one years of age or greater than sixty-nine  
25 years of age, or, beginning September 30, 2005, to an applicant  
26 for such license containing a school bus endorsement issued

2     pursuant to section 302.272, and who submit a satisfactory  
3     application and meet the requirements set forth in sections  
4     302.010 to 302.605, the director shall issue or renew a license  
5     upon the payment of a fee of fifteen dollars.

6             5. To all other applicants for a license or renewal less  
7     than twenty-one years of age or greater than sixty-nine years of  
8     age who submit a satisfactory application and meet the  
9     requirements set forth in sections 302.010 to 302.605, the  
10    director shall issue or renew a license upon the payment of a fee  
11    of seven dollars and fifty cents. All licenses issued pursuant  
12    to this subsection and subsection 4 of this section or, beginning  
13    September 30, 2005, to an applicant for a license to transport  
14    persons or property which contains a school bus endorsement  
15    issued pursuant to section 302.272, shall expire on the  
16    applicant's birthday in the third year after issuance.

17            6. Beginning July 1, 2005, the director shall not issue a  
18    driver's license for a period that exceeds an applicant's lawful  
19    presence in the United States. The director may establish  
20    procedures to verify the lawful presence of the applicant and  
21    establish the duration of any driver's license issued under this  
22    section.

23            7. The director of revenue may adopt any rules and  
24    regulations necessary to carry out the provisions of this  
25    section. No rule or portion of a rule promulgated pursuant to  
26    the authority of this section shall become effective unless it

2 has been promulgated pursuant to the provisions of chapter 536,  
3 RSMo.

4 302.181. 1. The license issued pursuant to the provisions  
5 of sections 302.010 to 302.340 shall be in such form as the  
6 director shall prescribe, but the license shall be a card made of  
7 plastic or other comparable material. All licenses shall be  
8 manufactured of materials and processes that will prohibit, as  
9 nearly as possible, the ability to reproduce, alter, counterfeit,  
10 forge, or duplicate any license without ready detection. All  
11 licenses shall bear the licensee's Social Security number, if the  
12 licensee has one, and if not, a notarized affidavit must be  
13 signed by the licensee stating that the licensee does not possess  
14 a Social Security number, or, if applicable, a certified  
15 statement must be submitted as provided in subsection 4 of this  
16 section. The license shall also bear the expiration date of the  
17 license, the classification of the license, the name, date of  
18 birth, residence address including the county of residence or a  
19 code number corresponding to such county established by the  
20 department, and brief description and colored photograph or  
21 digitized image of the licensee, and a facsimile of the signature  
22 of the licensee. The director shall provide by administrative  
23 rule the procedure and format for a licensee to indicate on the  
24 back of the license together with the designation for an  
25 anatomical gift as provided in section 194.240, RSMo, the name  
26 and address of the person designated pursuant to sections 404.800

2 to 404.865, RSMo, as the licensee's attorney in fact for the  
3 purposes of a durable power of attorney for health care  
4 decisions. No license shall be valid until it has been so signed  
5 by the licensee. If any portion of the license is prepared by a  
6 private firm, any contract with such firm shall be made in  
7 accordance with the competitive purchasing procedures as  
8 established by the state director of the division of purchasing.  
9 For all licenses issued or renewed after March 1, 1992, the  
10 applicant's Social Security number shall serve as the applicant's  
11 license number. Where the licensee has no Social Security  
12 number, or where the licensee is issued a license without a  
13 Social Security number in accordance with subsection 4 of this  
14 section, the director shall issue a license number for the  
15 licensee and such number shall also include an indicator showing  
16 that the number is not a Social Security number.

17 2. All film involved in the production of photographs for  
18 licenses shall become the property of the department of revenue.

19 3. The license issued shall be carried at all times by the  
20 holder thereof while driving a motor vehicle, and shall be  
21 displayed upon demand of any officer of the highway patrol, or  
22 any police officer or peace officer, or any other duly authorized  
23 person, for inspection when demand is made therefor. Failure of  
24 any operator of a motor vehicle to exhibit his or her license to  
25 any duly authorized officer shall be presumptive evidence that  
26 such person is not a duly licensed operator.

2           4. The director of revenue shall issue a commercial or  
3 noncommercial driver's license without a Social Security number  
4 to an applicant therefor, who is otherwise qualified to be  
5 licensed, upon presentation to the director of a certified  
6 statement that the applicant objects to the display of the Social  
7 Security number on the license. The director shall assign an  
8 identification number, that is not based on a Social Security  
9 number, to the applicant which shall be displayed on the license  
10 in lieu of the Social Security number.

11           5. The director of revenue shall not issue a license  
12 without [the] a facial photograph [to an applicant therefor, who  
13 is otherwise qualified to be licensed, upon presentation to the  
14 director of a statement on forms prescribed and made available by  
15 the department of revenue which states that the applicant is a  
16 member of a specified religious denomination which prohibits  
17 photographs of members as being contrary to its religious tenets.  
18 The license shall state thereon that no photograph is required  
19 because of the religious affiliation of the licensee. The  
20 director of revenue shall establish guidelines and furnish to  
21 each circuit court such forms as the director deems necessary to  
22 comply with this subsection. The circuit court shall not charge  
23 or receive any fee or court cost for the performance of any duty  
24 or act pursuant to this subsection] or digital image of the  
25 license applicant, except as provided pursuant to subsection 8 of  
26 this section. A photograph or digital image of the applicant's



2 full facial features shall be taken in a manner prescribed by the  
3 director. No photograph or digital image will be taken wearing  
4 anything which cloaks the facial features of the individual.

5 6. The department of revenue may issue a temporary license  
6 or a full license without the photograph or with the last  
7 photograph or digital image in the department's records to  
8 [out-of-state applicants and] members of the armed forces, except  
9 that where such temporary license is issued it shall be valid  
10 only until the applicant shall have had time to appear and have  
11 his or her picture taken and a license with his or her photograph  
12 issued.

13 7. The department of revenue shall issue upon request a  
14 nondriver's license card containing essentially the same  
15 information and photograph or digital image, except as provided  
16 pursuant to subsection 8 of this section, as the driver's license  
17 upon payment of six dollars [if the applicant is under the age of  
18 sixty-five. An applicant who is sixty-five years of age or older  
19 may purchase a nondriver's license card without a photograph for  
20 one dollar or a nondriver's license card with a photograph for  
21 six dollars]. All nondriver's licenses shall expire on the  
22 applicant's birthday in the sixth year after issuance. A person  
23 who has passed his or her seventieth birthday shall upon  
24 application be issued a nonexpiring nondriver's license card.  
25 The nondriver's license card shall be used for identification  
26 purposes only and shall not be valid as a license.

2       8. If otherwise eligible, an applicant may receive a  
3       driver's license or nondriver's license without a photograph or  
4       digital image of the applicant's full facial features except that  
5       such applicant's photograph or digital image shall be taken and  
6       maintained by the director and not printed on such license. In  
7       order to qualify for a license without a photograph or digital  
8       image pursuant to this section the applicant must:

9       (1) Present a form provided by the department of revenue  
10      requesting the applicant's photograph be omitted from the license  
11      or nondriver's license due to religious affiliations. The form  
12      shall be signed by the applicant and another member of the  
13      religious tenant verifying the photograph or digital image  
14      exemption on the license or nondriver's license is required as  
15      part of their religious affiliation. The required signatures on  
16      the prescribed form shall be properly notarized.

17      (2) Provide satisfactory proof to the director that the  
18      applicant has been a U.S. citizen for at least five years and a  
19      resident of this state for at least one year, except that an  
20      applicant moving to this state possessing a valid drivers license  
21      from another state without a photograph, shall be exempt from the  
22      one year state residency requirement. The director may establish  
23      rules necessary to determine satisfactory proof of citizenship  
24      and residency pursuant to this section.

25      (3) Applications for a driver's license or nondriver's  
26      license without a photograph or digital image must be made in

2 person at a license office determined by the director. The  
3 director is authorized to limit the number of offices that may  
4 issue a driver's or nondriver's license without a photograph or  
5 digital image pursuant to this section.

6 9. The department of revenue shall make available, at one  
7 or more locations within the state, an opportunity for  
8 individuals to have their full facial photograph taken by an  
9 employee of the department of revenue, or their designee, who is  
10 of the same sex as the individual being photographed, in a  
11 segregated location.

12 [8.] 10. Beginning July 1, 2005, the director shall not  
13 issue a driver's license or a nondriver's license for a period  
14 that exceeds an applicant's lawful presence in the United States.  
15 The director may, by rule or regulation, establish procedures to  
16 verify the lawful presence of the applicant and establish the  
17 duration of any driver's license or nondriver's license issued  
18 under this section.

19 11. No rule or portion of a rule promulgated pursuant to  
20 the authority of this chapter shall become effective unless it is  
21 promulgated pursuant to the provisions of chapter 536, RSMo.

22 302.225. 1. Every court having jurisdiction over offenses  
23 committed under sections 302.010 to 302.780, or any other law of  
24 this state, or county or municipal ordinance, regulating the  
25 operation of vehicles on highways or any other offense in which  
26 the commission of such offense involves the use of a motor

2 vehicle, including felony convictions, shall, within [ten] seven  
3 days thereafter, forward to the [Missouri state highway patrol,  
4 or at the written direction of the Missouri state highway patrol,  
5 to the] department of revenue, in a manner approved by the  
6 director of the department of public safety a record of any plea  
7 or finding of guilty of any person in the court for a violation  
8 of sections 302.010 to 302.780 or for any moving traffic  
9 violation under the laws of this state or county or municipal  
10 ordinances. The record related to offenses involving alcohol,  
11 controlled substances, or drugs shall be entered in the Missouri  
12 uniform law enforcement system records. The director of revenue  
13 shall enter the conviction information into the appropriate  
14 computer systems and transmit the conviction information as  
15 required in 49 CFR Part 384, or as amended by the Secretary of  
16 the United States Department of Transportation. The record of  
17 all convictions involving the assessment of points as provided in  
18 section 302.302 and convictions involving a commercial motor  
19 vehicle as defined in section 302.700 furnished by a court to the  
20 [highway patrol and not to the] department of revenue shall be  
21 forwarded by the [highway patrol] department of revenue within  
22 fifteen days of receipt to the [director of revenue] Missouri  
23 state highway patrol. The record related to offenses involving  
24 alcohol, controlled substances, or drugs, or in which the  
25 Missouri state highway patrol was the arresting agency shall be  
26 entered into the Missouri uniform law enforcement system records.

2           2. Whenever any person is convicted of any offense or  
3 series of offenses for which sections 302.010 to 302.340 makes  
4 mandatory the suspension or revocation of the license of such  
5 person by the director of revenue, the circuit court in which  
6 such conviction is had shall require the surrender to it of all  
7 licenses, then held by the person so convicted, and the court  
8 shall within [ten] seven days thereafter forward the same,  
9 together with a record of the conviction, to the director of  
10 revenue.

11           3. No municipal judge or municipal official shall have  
12 power to revoke any license.

13           302.230. Any person who makes a false unsworn statement or  
14 affidavit or knowingly swears or affirms falsely as to any matter  
15 or thing required by sections 302.010 to 302.540 shall be deemed  
16 guilty of a class A misdemeanor [and punishable only by a fine].  
17 No person who pleads guilty or nolo contendere, or is found  
18 guilty of making a false statement or affidavit shall be licensed  
19 to operate a motor vehicle for a period of one year after such  
20 plea, finding or conviction.

21           302.233. 1. Notwithstanding any other provision of law,  
22 any person who commits or assists another individual in  
23 committing fraud or deception during any examination process  
24 required by sections 302.010 to 302.782, or who knowingly  
25 conceals a material fact or provides information which contains  
26 or is substantiated with false or fraudulent information or

2 documentation, or otherwise commits a fraud in an application for  
3 an instruction permit, driver's license, nondriver's license, or  
4 commercial driver's license or permit is guilty of a class A  
5 misdemeanor.

6 2. An applicant who pleads guilty or nolo contendere to, or  
7 is found guilty of a violation of this section shall not be  
8 licensed to operate a motor vehicle or commercial motor vehicle  
9 for a period of one year after such plea, finding, or conviction.

10 3. Any person assisting an applicant who pleads guilty or  
11 nolo contendere to, or is found guilty of a violation of this  
12 section shall have his or her existing motor vehicle or  
13 commercial motor vehicle license revoked and lose all driving  
14 privileges for a period of one year after such plea, finding, or  
15 conviction.

16 302.272. 1. No person shall operate any school bus owned  
17 by or under contract with a public school or the state board of  
18 education unless such driver has qualified for a school bus  
19 [permit] endorsement under this section and complied with the  
20 pertinent rules and regulations of the department of revenue and  
21 any final rule issued by the secretary of the United States  
22 Department of Transportation or has a valid school bus  
23 endorsement on a valid commercial driver's license issued by  
24 another state. A school bus [permit] endorsement shall be issued  
25 to any applicant who meets the following qualifications:

26 (1) The applicant has a valid state license issued under

2 this chapter or has a license valid in any other state;

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

4 (3) The applicant has passed a medical examination,  
5 including vision and hearing tests, as prescribed by the director  
6 of revenue and, if the applicant is at least seventy years of  
7 age, the applicant shall pass the medical examination annually to  
8 maintain or renew the [permit] endorsement; and

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

20 2. Except as otherwise provided in this section, a school  
21 bus [permit] endorsement shall be renewed every three years and  
22 shall require the applicant to provide a medical examination as  
23 specified in subdivision (3) of subsection 1 of this section and  
24 to successfully pass a written skills examination as prescribed  
25 by the director of revenue in consultation with the department of  
26 elementary and secondary education. If the applicant is at least

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

13                3. The fee for a new or renewed school bus [permit]  
14       endorsement shall be three dollars.

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

21                5. The director of revenue, to the best of the director's  
22       knowledge, shall not issue or renew a school bus [permit]  
23       endorsement to any applicant:

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



2 vehicle violations;

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

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

24 6. The [department of social services or the] Missouri  
25 highway patrol[, whichever has access to applicable records,]  
26 shall provide a record of clearance or denial of clearance for

2 any applicant for a school bus [permit] endorsement for the  
3 convictions specified in subdivisions (2) and (3) of subsection 5  
4 of this section. The Missouri highway patrol in providing the  
5 record of clearance or denial of clearance for any such applicant  
6 is authorized to obtain from the Federal Bureau of Investigation  
7 any information which might aid the Missouri highway patrol in  
8 providing such record of clearance or denial of clearance. The  
9 [department of social services or the] Missouri highway patrol  
10 shall provide the record of clearance or denial of clearance  
11 within thirty days of the date requested, relying on information  
12 available at that time, except that the [department of social  
13 services or the] Missouri highway patrol shall provide any  
14 information subsequently discovered to the department of revenue.

15 7. For purposes of obtaining the record of clearance or  
16 denial for convictions specified in subdivisions (2) and (3) of  
17 subsection 5 of this section, the applicant for a school bus  
18 endorsement shall submit two sets of fingerprints. One set of  
19 fingerprints shall be used by the highway patrol in order to  
20 search the criminal history repository and the second set shall  
21 be forwarded to the Federal Bureau of Investigation for searching  
22 the federal criminal history files.

23 8. The applicant shall pay the fee for the state criminal  
24 history information pursuant to section 43.530, RSMo, and pay the  
25 appropriate fee determined by the Federal Bureau of Investigation  
26 for the federal criminal history record when he or she applies

2 for the school bus endorsement pursuant to this section. The  
3 director shall distribute the fees collected for the state and  
4 federal criminal histories to the highway patrol.

5 9. The director may adopt any rules and regulations  
6 necessary to carry out the provisions of this section. Any rule  
7 or portion of a rule, as that term is defined in section 536.010,  
8 RSMo, that is created under the authority delegated in this  
9 section shall become effective only if it complies with and is  
10 subject to all of the provisions of chapter 536, RSMo, and, if  
11 applicable, section 536.028, RSMo. This section and chapter 536,  
12 RSMo, are nonseverable and if any of the powers vested with the  
13 general assembly pursuant to chapter 536, RSMo, to review, to  
14 delay the effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2004,  
17 shall be invalid and void.

18 10. Except as otherwise provided in this section, an  
19 applicant who possesses a valid driver's license from another  
20 state with a valid school bus endorsement and who is otherwise  
21 qualified to receive a school bus endorsement in this state,  
22 shall be issued a school bus permit. The requirements to obtain  
23 and retain such permit shall be identical to those requirements  
24 for a school bus endorsement issued pursuant to this section.

25 302.273. 1. Notwithstanding any provisions of section  
26 302.272, any individual who operates a school bus as that term is

2 defined in 49 CFR Part 383, section 383.5, shall meet the  
3 requirements for and be issued a school bus endorsement as  
4 required by the secretary pursuant to 49 CFR, part 383, section  
5 383.123.

6 2. The director is authorized to promulgate any rules and  
7 regulations necessary to carry out the provisions of this  
8 section. Any rule or portion of a rule, as that term is defined  
9 in section 536.010, RSMo, that is created under the authority  
10 delegated in this section shall become effective only if it  
11 complies with and is subject to all of the provisions of chapter  
12 536, RSMo, and, if applicable, section 536.028, RSMo. This  
13 section and chapter 536, RSMo, are nonseverable and if any of the  
14 powers vested with the general assembly pursuant to chapter 536,  
15 RSMo, to review, to delay the effective date, or to disapprove  
16 and annul a rule are subsequently held unconstitutional, then the  
17 grant of rulemaking authority and any rule proposed or adopted  
18 after August 28, 2004, shall be invalid and void.

19 302.302. 1. The director of revenue shall put into effect  
20 a point system for the suspension and revocation of licenses.  
21 Points shall be assessed only after a conviction or forfeiture of  
22 collateral. The initial point value is as follows:

23 (1) Any moving violation of a state law or  
24 county or municipal or federal traffic ordinance or  
25 regulation not listed in this section, other than a  
26 violation of vehicle equipment provisions or a

court-ordered supervision as provided in  
 section 302.303 . . . . . 2 points  
 (except any violation of municipal stop sign  
 ordinance where no accident is involved . . . . . 1 point)  
 (2) Speeding  
 In violation of a state law . . . . . 3 points  
 In violation of a county or municipal ordinance . . . . . 2 points  
 (3) Leaving the scene of an accident in  
 violation of section 577.060, RSMo . . . . . 12 points  
 In violation of any county or municipal  
 ordinance . . . . . 6 points  
 (4) Careless and imprudent driving in  
 violation of subsection 4 of section 304.016, RSMo . . . 4 points  
 In violation of a county or municipal ordinance . . . . . 2 points  
 (5) Operating without a valid license in  
 violation of subdivision (1) or (2) of subsection 1  
 of section 302.020:  
 (a) For the first conviction . . . . . 2 points  
 (b) For the second conviction . . . . . 4 points  
 (c) For the third conviction . . . . . 6 points  
 (6) Operating with a suspended or  
 revoked license prior to restoration of operating  
 privileges . . . . . 12 points  
 (7) Obtaining a license by misrepresentation . . . 12 points  
 (8) For the first conviction of driving

2 while in an intoxicated condition or under the  
3 influence of controlled substances or drugs . . . . . 8 points

4 (9) For the second or subsequent  
5 conviction of any of the following offenses however  
6 combined: driving while in an intoxicated condition,  
7 driving under the influence of controlled substances  
8 or drugs or driving with a blood alcohol content  
9 of eight-hundredths of one percent or more by weight . 12 points

10 (10) For the first conviction for driving  
11 with blood alcohol content eight-hundredths of  
12 one percent or more by weight

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

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

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

18 (12) Knowingly permitting unlicensed operator  
19 to operate a motor vehicle . . . . . 4 points

20 (13) For a conviction for failure to maintain  
21 financial responsibility pursuant to county or municipal  
22 ordinance or pursuant to section 303.025, RSMo . . . . 4 points

23 2. The director shall, as provided in subdivision (5) of  
24 subsection 1 of this section, assess an operator points for a  
25 conviction pursuant to subdivision (1) or (2) of subsection 1 of  
26 section 302.020, when the director issues such operator a license

2 or permit pursuant to the provisions of sections 302.010 to  
3 302.340.

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

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

18 5. The director of revenue shall put into effect a system  
19 for staying the assessment of points against an operator. The  
20 system shall provide that the satisfactory completion of a  
21 driver-improvement program or, in the case of violations  
22 committed while operating a motorcycle, a motorcycle-rider  
23 training course approved by the director of the department of  
24 public safety, by an operator, when so ordered and verified by  
25 any court having jurisdiction over any law of this state or  
26 county or municipal ordinance, regulating motor vehicles, other

2 than a violation committed in a commercial motor vehicle as  
3 defined in section 302.700 or a violation committed by an  
4 individual who has been issued a commercial driver's license or  
5 is required to obtain a commercial driver's license in this state  
6 or any other state, shall be accepted by the director in lieu of  
7 the assessment of points for a violation pursuant to subdivision  
8 (1), (2) or (4) of subsection 1 of this section or pursuant to  
9 subsection 3 of this section. For the purposes of this  
10 subsection, the driver-improvement program shall meet or exceed  
11 the standards of the National Safety Council's eight-hour  
12 "Defensive Driving Course" or, in the case of a violation which  
13 occurred during the operation of a motorcycle, the program shall  
14 meet the standards established by the director of the department  
15 of public safety pursuant to sections 302.133 to 302.138. The  
16 completion of a driver-improvement program or a motorcycle-rider  
17 training course shall not be accepted in lieu of points more than  
18 one time in any thirty-six-month period and shall be completed  
19 within sixty days of the date of conviction in order to be  
20 accepted in lieu of the assessment of points. Every court having  
21 jurisdiction pursuant to the provisions of this subsection shall,  
22 within fifteen days after completion of the driver-improvement  
23 program or motorcycle-rider training course by an operator,  
24 forward a record of the completion to the director, all other  
25 provisions of the law to the contrary notwithstanding. The  
26 director shall establish procedures for record keeping and the



administration of this subsection.

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

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

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

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

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs; or
- (e) Any other circumstance the court or director finds would create an undue hardship on the operator;

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

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

2 complied with chapter 303, RSMo, for that vehicle, and the  
3 limited driving privilege must state such restriction. When  
4 operating such vehicle under such restriction the person shall  
5 carry proof that the owner has complied with chapter 303, RSMo,  
6 for that vehicle.

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

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

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

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

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

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

24           (e) Due to a revocation for the first time for failure to  
25 submit to a chemical test pursuant to section 577.041, RSMo, or  
26 due to a refusal to submit to a chemical test in any other state,

2 if such person has not completed the first ninety days of such  
3 revocation;

4 (f) Violation more than once of the provisions of section  
5 577.041, RSMo, or a similar implied consent law of any other  
6 state; or

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

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

22 (6) No person who possesses a commercial driver's license  
23 shall receive a limited driving privilege issued for the purpose  
24 of operating a commercial motor vehicle if such person's driving  
25 privilege is suspended, revoked, canceled, denied, or  
26 disqualified. Nothing in this section shall prohibit the

2 issuance of a limited driving privilege for the purpose of  
3 operating a noncommercial motor vehicle provided that pursuant to  
4 the provisions of this section, the applicant is not otherwise  
5 ineligible for a limited driving privilege.

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

21 (b) Provided that pursuant to the provisions of this  
22 section, the applicant is not otherwise ineligible for a limited  
23 driving privilege or convicted of involuntary manslaughter while  
24 operating a motor vehicle in an intoxicated condition, a circuit  
25 court or the director may, in the manner prescribed in this  
26 subsection, allow a person who has had such person's license to

2 operate a motor vehicle revoked where that person cannot obtain a  
3 new license for a period of five years because of two convictions  
4 of driving while intoxicated, as prescribed in subdivision (10)  
5 of section 302.060, to apply for a limited driving privilege  
6 pursuant to this subsection if such person has served at least  
7 two years of such disqualification or revocation. Such person  
8 shall present evidence satisfactory to the court or the director  
9 that such person has not been convicted of any offense related to  
10 alcohol, controlled substances or drugs during the preceding two  
11 years and that the person's habits and conduct show that the  
12 person no longer poses a threat to the public safety of this  
13 state. Any person who is denied a license permanently in this  
14 state because of an alcohol-related conviction subsequent to a  
15 restoration of such person's driving privileges pursuant to  
16 subdivision (9) of section 302.060 shall not be eligible for  
17 limited driving privilege pursuant to the provisions of this  
18 subdivision.

19 4. Any person who has received notice of denial of a  
20 request of limited driving privilege by the director of revenue  
21 may make a request for a review of the director's determination  
22 in the circuit court of the county in which the person resides or  
23 the county in which is located the person's principal place of  
24 business or employment within thirty days of the date of mailing  
25 of the notice of denial. Such review shall be based upon the  
26 records of the department of revenue and other competent evidence

2 and shall be limited to a review of whether the applicant was  
3 statutorily entitled to the limited driving privilege.

4 5. The director of revenue shall promulgate rules and  
5 regulations necessary to carry out the provisions of this  
6 section. Any rule or portion of a rule, as that term is defined  
7 in section 536.010, RSMo, that is created under the authority  
8 delegated in this section shall become effective only if it  
9 complies with and is subject to all of the provisions of chapter  
10 536, RSMo, and, if applicable, section 536.028, RSMo. This  
11 section and chapter 536, RSMo, are nonseverable and if any of the  
12 powers vested with the general assembly pursuant to chapter 536,  
13 RSMo, to review, to delay the effective date or to disapprove and  
14 annul a rule are subsequently held unconstitutional, then the  
15 grant of rulemaking authority and any rule proposed or adopted  
16 after August 28, 2001, shall be invalid and void.

17 302.345. Notwithstanding any other provision of law, no  
18 federal, state, county, municipal, or local court shall defer  
19 imposition of judgment, suspend imposition of sentence, or allow  
20 an individual who possesses a commercial driver's license or is  
21 required to possess a commercial driver's license issued pursuant  
22 to chapter 302, RSMo, or the laws of another state, to enter into  
23 a diversion program that would prevent a conviction for any  
24 violation, in any type of motor vehicle, of a federal, state,  
25 county, municipal, or local traffic control law from appearing on  
26 the driver's record maintained by the director of revenue.



2           302.347. The director of revenue shall adopt the materials  
3           incorporated by reference and record keeping requirements as  
4           prescribed in 49 CFR Part 384, or as amended by the secretary.

5           302.700. 1. Sections 302.700 to 302.780 may be cited as  
6           the "Uniform Commercial Driver's License Act".

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

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

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

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

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

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

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

2 used to transport passengers or property:

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

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

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

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

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

20 (8) "Conviction", an unvacated adjudication of guilt,  
21 including pleas of guilt and nolo contendere, or a determination  
22 that a person has violated or failed to comply with the law in a  
23 court of original jurisdiction or an authorized administrative  
24 proceeding, an unvacated forfeiture of bail or collateral  
25 deposited to secure the person's appearance in court, the payment  
26 of a fine or court cost, or violation of a condition of release

2 without bail, regardless of whether the penalty is rebated,  
3 suspended or prorated;

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

6 (10) "Disqualification", [a withdrawal of the privilege to  
7 drive a commercial motor vehicle;] means any of the following  
8 three actions:

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

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

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

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

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

25 (13) "Driving under the influence of alcohol", the  
26 commission of any one or more of the following acts [in a

commercial motor vehicle]:

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

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

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

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

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of

2     one percent or more;

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

6           (a) Driving a commercial or noncommercial motor vehicle  
7 while under the influence of any substance so classified under  
8 Section 102(6) of the Controlled Substances Act (21 U.S.C.  
9 802(6)), including any substance listed in schedules I through V  
10 of 21 CFR part 1308, as they may be revised from time to time;

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

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

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

21          (16) "Farm vehicle", a commercial motor vehicle controlled  
22 and operated by a farmer used exclusively for the transportation  
23 of agricultural products, farm machinery, farm supplies, or a  
24 combination of these, within one hundred fifty miles of the farm,  
25 other than one which requires placarding for hazardous materials  
26 as defined in this section, or used in the operation of a common

2 or contract motor carrier, except that a farm vehicle shall not  
3 be a commercial motor vehicle when the total combined gross  
4 weight rating does not exceed twenty-six thousand one pounds when  
5 transporting fertilizers as defined in subdivision (20) of this  
6 subsection;

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

9 (18) "Felony", any offense under state or federal law that  
10 is punishable by death or imprisonment for a term exceeding one  
11 year;

12 ~~[(18)]~~ (19) "Gross combination weight rating" or "GCWR",  
13 the value specified by the manufacturer as the loaded weight of a  
14 combination (articulated) vehicle. In the absence of a value  
15 specified by the manufacturer, GCWR will be determined by adding  
16 the GVWR of the power unit and the total weight of the towed unit  
17 and any load thereon;

18 ~~[(19)]~~ (20) "Gross vehicle weight rating" or "GVWR", the  
19 value specified by the manufacturer as the loaded weight of a  
20 single vehicle;

21 ~~[(20)]~~ (21) "Hazardous materials", hazardous materials as  
22 specified in Section 103 of the Hazardous Materials  
23 Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,  
24 including but not limited to ammonium nitrate, phosphate,  
25 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special  
26 fuel, shall not be considered hazardous materials when

2 transported by a farm vehicle provided all other provisions of  
3 this definition are followed;

4 (22) "Imminent hazard", the existence of a condition that  
5 presents a substantial likelihood that death, serious illness,  
6 severe personal injury, or a substantial endangerment to health,  
7 property, or the environment may occur before the reasonably  
8 foreseeable completion date of a formal proceeding begins to  
9 lessen the risk of that death, illness, injury, or endangerment;

10 (23) "Issuance", the initial licensure, license transfers,  
11 license renewals, and license upgrades;

12 [(21)] (24) "Motor vehicle", any self-propelled vehicle not  
13 operated exclusively upon tracks;

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

17 [(22)] (26) "Out of service", a temporary prohibition  
18 against the operation of a commercial motor vehicle by a  
19 particular driver, or the operation of a particular commercial  
20 motor vehicle, or the operation of a particular motor carrier;

21 [(23)] (27) "Out-of-service order", a declaration by the  
22 Federal Highway Administration, or any authorized enforcement  
23 officer of a federal, state, Commonwealth of Puerto Rico,  
24 Canadian, Mexican or any local jurisdiction, that a driver, or a  
25 commercial motor vehicle, or a motor carrier operation, is out of  
26 service;

2        (28) "School bus", a commercial motor vehicle used to  
3        transport preprimary, primary, or secondary school students from  
4        home to school, from school to home, or to and from school-  
5        sponsored events. School bus does not include a bus used as a  
6        common carrier as defined by the secretary;

7        [(24)] (29) "Secretary", the Secretary of Transportation of  
8        the United States;

9        [(25)] (30) "Serious traffic violation", driving a  
10       commercial motor vehicle in such a manner that the driver  
11       receives a conviction for the following offenses or driving a  
12       noncommercial motor vehicle when the driver receives a conviction  
13       for the following offenses and the conviction results in the  
14       suspension or revocation of the driver's license or noncommercial  
15       motor vehicle driving privilege:

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

18       (b) Careless, reckless or imprudent driving which includes,  
19       but shall not be limited to, any violation of section 304.016,  
20       RSMo, any violation of section 304.010, RSMo, or any other  
21       violation of federal or state law, or any county or municipal  
22       ordinance while driving a commercial motor vehicle in a willful  
23       or wanton disregard for the safety of persons or property, or  
24       improper or erratic traffic lane changes, or following the  
25       vehicle ahead too closely, but shall not include careless and  
26       imprudent driving by excessive speed;



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

6 (d) Driving a commercial motor vehicle without obtaining a  
7 commercial driver's license in violation of any federal or state  
8 or county or municipal ordinance;

9 (e) Driving a commercial motor vehicle without a commercial  
10 driver's license in the driver's possession in violation of any  
11 federal or state or county or municipal ordinance. Any  
12 individual who provides proof to the court which has jurisdiction  
13 over the issued citation that the individual held a valid  
14 commercial driver's license on the date that the citation was  
15 issued, shall not be guilty of this offense;

16 (f) Driving a commercial motor vehicle without the proper  
17 commercial driver's license class or endorsement for the specific  
18 vehicle group being operated or for the passengers or type of  
19 cargo being transported in violation of any federal or state law  
20 or county or municipal ordinance; or

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

25 [(26)] (31) "State", a state, territory or possession of  
26 the United States, the District of Columbia, the Commonwealth of

2 Puerto Rico, Mexico, and any province of Canada;

3 [(27)] (32) "United States", the fifty states and the  
4 District of Columbia.

5 302.720. 1. Except when operating under an instruction  
6 permit as described in this section, no person may drive a  
7 commercial motor vehicle unless the person has been issued a  
8 commercial driver's license with applicable endorsements valid  
9 for the type of vehicle being operated as specified in sections  
10 302.700 to 302.780. A commercial driver's instruction permit  
11 shall allow the holder of a valid license to operate a commercial  
12 motor vehicle when accompanied by the holder of a commercial  
13 driver's license valid for the vehicle being operated and who  
14 occupies a seat beside the individual, or reasonably near the  
15 individual in the case of buses, for the purpose of giving  
16 instruction in driving the commercial motor vehicle. A  
17 commercial driver's instruction permit shall be valid for the  
18 vehicle being operated for a period of not more than six months,  
19 and shall not be issued until the permit holder has met all other  
20 requirements of sections 302.700 to 302.780, except for the  
21 driving test. A permit holder, unless otherwise disqualified,  
22 may be granted one six-month renewal within a one-year period.  
23 The fee for such permit or renewal shall be five dollars. In the  
24 alternative, a commercial driver's instruction permit shall be  
25 issued for a thirty-day period to allow the holder of a valid  
26 driver's license to operate a commercial motor vehicle if the

2 applicant has completed all other requirements except the driving  
3 test. The permit may be renewed for one additional thirty-day  
4 period and the fee for the permit and for renewal shall be five  
5 dollars.

6 2. No person may be issued a commercial driver's license  
7 until he has passed written and driving tests for the operation  
8 of a commercial motor vehicle which complies with the minimum  
9 federal standards established by the secretary and has satisfied  
10 all other requirements of the Commercial Motor Vehicle Safety Act  
11 of 1986 (Title XII of Pub. Law 99-570), as well as any other  
12 requirements imposed by state law. Applicants for a hazardous  
13 materials endorsement must also meet the requirements of the U.S.  
14 Patriot Act of 2001 (Title X of Public Law 107-56) as specified  
15 and required by regulations promulgated by the secretary.  
16 Nothing contained in this subsection shall be construed as  
17 prohibiting the director from establishing alternate testing  
18 formats for those who are functionally illiterate; provided,  
19 however, that any such alternate test must comply with the  
20 minimum requirements of the Commercial Motor Vehicle Safety Act  
21 of 1986 (Title XII of Pub. Law 99-570) as established by the  
22 secretary.

23 (1) The written and driving tests shall be held at such  
24 times and in such places as the superintendent may designate. A  
25 twenty-five dollar examination fee shall be paid by the applicant  
26 upon completion of any written or driving test. The director

2 shall delegate the power to conduct the examinations required  
3 under sections 302.700 to 302.780 to any member of the highway  
4 patrol or any person employed by the highway patrol qualified to  
5 give driving examinations.

6 (2) The director shall adopt and promulgate rules and  
7 regulations governing the certification of third-party testers by  
8 the department of revenue. Such rules and regulations shall  
9 substantially comply with the requirements of 49 CFR Part 383,  
10 Section 383.75. A certification to conduct third-party testing  
11 shall be valid for one year, and the department shall charge a  
12 fee of one hundred dollars to issue or renew the certification of  
13 any third-party tester. Any third-party tester who violates any  
14 of the rules and regulations adopted and promulgated pursuant to  
15 this section shall be subject to having his certification revoked  
16 by the department. The department shall provide written notice  
17 and an opportunity for the third-party tester to be heard in  
18 substantially the same manner as provided in chapter 536, RSMo.  
19 If any applicant submits evidence that he has successfully  
20 completed a test administered by a third-party tester, the actual  
21 driving test for a commercial driver's license may then be  
22 waived.

23 (3) Every applicant for renewal of a commercial driver's  
24 license shall provide such certifications and information as  
25 required by the secretary and if such person transports a  
26 hazardous material must also meet the requirements of the U.S.

2 Patriot Act of 2001 (Title X of Public Law 107-56) as specified  
3 and required by regulations promulgated by the secretary, such  
4 person shall be required to take the written test for such  
5 endorsement. A twenty-five dollar examination fee shall be paid  
6 for upon completion of such tests.

7 3. A commercial driver's license may not be issued to a  
8 person while the person is disqualified from driving a commercial  
9 motor vehicle, when a disqualification is pending in any state or  
10 while the person's driver's license is suspended, revoked, or  
11 canceled in any state; nor may a commercial driver's license be  
12 issued unless the person first surrenders in a manner prescribed  
13 by the director any commercial driver's license issued by another  
14 state, which license shall be returned to the issuing state for  
15 cancellation.

16 4. Beginning July 1, 2005, the director shall not issue an  
17 instruction permit under this section unless the director  
18 verifies that the applicant is lawfully present in the United  
19 States before accepting the application. The director may, by  
20 rule or regulation, establish procedures to verify the lawful  
21 presence of the applicant under this section. No rule or portion  
22 of a rule promulgated pursuant to the authority of this section  
23 shall become effective unless it has been promulgated pursuant to  
24 chapter 536, RSMo.

25 302.725. Any person who drives a commercial motor vehicle  
26 without the proper class of license or applicable endorsements

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

2       302.727. 1. A person commits the crime of driving a  
3       commercial motor vehicle while revoked if such person operates a  
4       commercial motor vehicle when, as a result of prior violations  
5       committed operating a commercial motor vehicle, the driver's  
6       commercial driver license is revoked, suspended, or canceled, or  
7       the driver is disqualified from operating a commercial motor  
8       vehicle.

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

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

20 302.735. 1. An application shall not be taken from a  
21 nonresident after September 30, 2005. The application for a  
22 commercial driver's license shall include, but not be limited to,  
23 the applicant's legal name, mailing and residence address, if  
24 different, a physical description of the person, including sex,  
25 height, weight and eye color, the person's Social Security  
26 number, date of birth and any other information deemed



2 appropriate by the director. The application shall also require,  
3 beginning September 30, 2005, the applicant to provide the names  
4 of all states where the applicant has been previously licensed to  
5 drive any type of motor vehicle during the preceding ten years.

6 2. The application for a commercial driver's license or  
7 renewal shall be accompanied by the payment of a fee of forty  
8 dollars. The fee for a duplicate commercial driver's license  
9 shall be twenty dollars. A commercial driver's license shall  
10 expire on the applicant's birthday in the sixth year after  
11 issuance and must be renewed on or before the date of expiration.  
12 The director shall have the authority to stagger the issuance or  
13 renewal of commercial driver's license applicants over a six-year  
14 period. When a person changes such person's name an application  
15 for a duplicate license shall be made to the director of revenue.  
16 When a person changes such person's mailing address or residence  
17 the applicant shall notify the director of revenue of said  
18 change, however, no application for a duplicate license is  
19 required. To all applicants for a commercial license or renewal  
20 who are between eighteen and twenty-one years of age and seventy  
21 years of age and older, the application shall be accompanied by a  
22 fee of twenty dollars. A commercial license issued pursuant to  
23 this section to an applicant less than twenty-one years of age  
24 and seventy years of age and older or, beginning September 30,  
25 2005, to an applicant for a commercial driver's license  
26 containing a school bus or hazardous materials endorsement shall

2 expire on the applicant's birthday in the third year after  
3 issuance.

4 3. Within thirty days after moving to this state, the  
5 holder of a commercial driver's license shall apply for a  
6 commercial driver's license in this state. The applicant shall  
7 meet all other requirements of sections 302.700 to 302.780,  
8 except that the director may waive the driving test for a  
9 commercial driver's license as required in section 302.720 if the  
10 applicant for a commercial driver's license has a valid  
11 commercial driver's license from a state which has requirements  
12 for issuance of such license comparable to those in this state.

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

19 5. Beginning July 1, 2005, the director shall not issue a  
20 commercial driver's license under this section unless the  
21 director verifies that the applicant is lawfully present in the  
22 United States before accepting the application. If lawful  
23 presence is granted for a temporary period, no commercial  
24 driver's license shall be issued. The director may, by rule or  
25 regulation, establish procedures to verify the lawful presence of  
26 the applicant and establish the duration of any commercial

2 driver's license issued under this section. No rule or portion  
3 of a rule promulgated pursuant to the authority of this section  
4 shall become effective unless it has been promulgated pursuant to  
5 chapter 536, RSMo.

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

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

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

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

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

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

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

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

8           (3) Driving a commercial motor vehicle while revoked  
9 pursuant to section 302.727;

10          (4) Leaving the scene of an accident involving a commercial  
11 or noncommercial motor vehicle operated by the person;

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

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

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

26          4. Any person is disqualified from driving a commercial

2 motor vehicle for life who uses a commercial or noncommercial  
3 motor vehicle in the commission of any felony involving the  
4 manufacture, distribution, or dispensing of a controlled  
5 substance, or possession with intent to manufacture, distribute,  
6 or dispense a controlled substance.

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

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

17 7. Any person who is convicted of operating a commercial  
18 motor vehicle [during a continuous twenty-four-hour period]  
19 beginning at the time of issuance of the out-of-service order  
20 until its expiration is guilty of a class A misdemeanor.

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

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

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

6           11. Any person convicted of a first violation of an  
7 out-of-service order while transporting hazardous materials or  
8 while operating a motor vehicle designed to transport [more than  
9 fifteen] sixteen or more passengers, including the driver, is  
10 disqualified for a period of one hundred eighty days.

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

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

20           14. After suspending, revoking, canceling or disqualifying  
21 a driver, the director shall update records to reflect such  
22 action and notify a nonresident's licensing authority and the  
23 commercial driver's license information system within ten days in  
24 the manner prescribed in 49 CFR Part 384, or as amended by the  
25 secretary.

26           15. Any person disqualified from operating a commercial

2 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section  
3 shall have such commercial driver's license canceled, and upon  
4 conclusion of the period of disqualification shall take the  
5 written and driving tests and meet all other requirements of  
6 sections 302.700 to 302.780. Such disqualification and  
7 cancellation shall not be withdrawn by the director until such  
8 person reapplies for a commercial driver's license in this or any  
9 other state after meeting all requirements of sections 302.700 to  
10 302.780.

11 16. The director shall disqualify a driver upon receipt of  
12 notification that the secretary has determined a driver to be an  
13 imminent hazard pursuant to 49 CFR, Part 383.52. Due process of  
14 a disqualification determined by the secretary pursuant to this  
15 section shall be held in accordance with regulations promulgated  
16 by the secretary. The period of disqualification determined by  
17 the secretary pursuant to this section shall be served  
18 concurrently to any other period of disqualification which may be  
19 imposed by the director pursuant to this section. Both  
20 disqualifications shall appear on the driving record of the  
21 driver.

22 302.756. 1. Notwithstanding any other provision of law to  
23 the contrary, any driver who violates or fails to comply with an  
24 out-of-service order is subject to a civil penalty [of one  
25 thousand dollars] not to exceed an amount as determined by the  
26 secretary pursuant to 49 CFR Part 383, or as amended by the



2 secretary, in addition to disqualification as provided by law.  
3 Any civil penalty established in this section shall not become  
4 effective and enforced until October 1, 1996.

5 2. Any employer who violates an out-of-service order, or  
6 who knowingly requires or permits or authorizes a driver to  
7 violate or fail to comply with an out-of-service order or to  
8 commit a railroad crossing violation, is subject to a civil  
9 penalty [of two thousand five hundred dollars] not to exceed an  
10 amount as determined by the secretary pursuant to 49 CFR Part  
11 383, or as amended by the secretary.

12 3. The [general] chief counsel to the [division of motor  
13 carrier and railroad safety within the department of economic  
14 development] state highways and transportation commission shall  
15 bring an action in accordance with the procedures under section  
16 390.156, RSMo, to recover a civil penalty under this section  
17 against a driver who violates or fails to comply with an  
18 out-of-service order, or against an employer who violates an  
19 out-of-service order or knowingly requires or permits a driver to  
20 violate or fail to comply with an out-of-service order, or both.

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

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

12          304.013. 1. No person shall operate an all-terrain  
13          vehicle, as defined in section 301.010, RSMo, upon the highways  
14          of this state, except as follows:

15               (1) All-terrain vehicles owned and operated by a  
16               governmental entity for official use;

17               (2) All-terrain vehicles operated for agricultural purposes  
18               or industrial on-premises purposes between the official sunrise  
19               and sunset on the day of operation;

20               (3) All-terrain vehicles operated by handicapped persons  
21               for short distances occasionally only on the state's secondary  
22               roads when operated between the hours of sunrise and sunset;

23               (4) Governing bodies of cities may issue special permits to  
24               licensed drivers for special uses of all-terrain vehicles on  
25               highways within the city limits. Fees of fifteen dollars may be  
26               collected and retained by cities for such permits;

2           (5) Governing bodies of counties may issue special permits  
3 to licensed drivers for special uses of all-terrain vehicles on  
4 county roads within the county. Fees of fifteen dollars may be  
5 collected and retained by the counties for such permits.

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

19           3. A person operating an all-terrain vehicle on a highway  
20 pursuant to an exception covered in this section shall have a  
21 valid operator's or chauffeur's license, except that a  
22 handicapped person operating such vehicle pursuant to subdivision  
23 (3) of subsection 1 of this section, but shall not be required to  
24 have passed an examination for the operation of a motorcycle, and  
25 the vehicle shall be operated at speeds of less than thirty miles  
26 per hour. When operated on a highway, an all-terrain vehicle

2 shall have a bicycle safety flag, which extends not less than  
3 seven feet above the ground, attached to the rear of the vehicle.  
4 The bicycle safety flag shall be triangular in shape with an area  
5 of not less than thirty square inches and shall be day-glow in  
6 color.

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

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

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

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

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

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

2 per day of violation.

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

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

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

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

23 5. Each person operating a low-speed vehicle on a highway

20 in this state shall possess a valid driver's license issued  
21 pursuant to chapter 302, RSMo.

22 6. For purposes of this section a "low-speed vehicle" shall  
23 have the meaning ascribed to it in 49 CFR, section 571.3, as  
24 amended.

25 7. All low-speed vehicles shall be manufactured in  
26 compliance with the National Highway Traffic Safety  
27 Administration standards for low-speed vehicles in 49 CFR  
28 571.500, as amended.

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

38 304.031. 1. As used in this section, "Traffic Signal  
2 Preemption System (TSPS)" shall mean a traffic-control system  
3 designated for use by emergency vehicles, as defined in section  
4 304.031, to improve traffic movement by temporarily controlling  
5 signalized intersections.

6 2. The owner of a traffic control signal may authorize use  
7 of a TSPS by the following persons for the following purposes:

2       (1) An authorized operator in an authorized emergency  
3       vehicle, or an authorized person who is an employee or member of  
4       an agency or entity which operates emergency vehicles, who may  
5       activate a TSPS from a station where the entity's emergency  
6       vehicles are based to control a traffic signal near that station,  
7       in order to improve the safety and efficiency of emergency  
8       response operations;

9       (2) An authorized operator in a bus, in order to interrupt  
10      the cycle of the traffic control signal in such a way as to keep  
11      the green light showing for longer than it otherwise would;

12      (3) An authorized operator in a traffic signal maintenance  
13      vehicle, in order to facilitate traffic signal maintenance  
14      activities.

15      3. A TSPS used by an authorized person in an emergency  
16      vehicle or at a station where emergency vehicles are stationed  
17      shall preempt and override a device operated by any other person.

18      4. A traffic control signal operating device used as  
19      authorized under this section must operate in such a way that the  
20      device does not continue to control the signal once the vehicle  
21      containing the device has arrived at the intersection, regardless  
22      of whether the vehicle remains at the intersection. No motor  
23      vehicle driver shall be convicted of any traffic violation if  
24      there is evidence that TSPS has been used by a government  
25      official to improperly change the sequence of the traffic  
26      signals.

2           5. It shall be unlawful for any person not approved herein  
3           to use a TSPS to control traffic.

4           6. Violation of this section shall be deemed a class B  
5           misdemeanor.

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



2 crossing when there is not sufficient space to drive completely  
3 through the crossing.

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

8 5. Every commercial motor vehicle as defined in section  
9 302.700, RSMo, shall, upon approaching a railroad grade crossing,  
10 be driven at a rate of speed which will permit said commercial  
11 motor vehicle to be stopped before reaching the nearest rail of  
12 such crossing and shall not be driven upon or over such crossing  
13 until due caution has been taken to ascertain that the course is  
14 clear. This section does not apply to vehicles which are  
15 required to stop at railroad crossings pursuant to section  
16 304.030.

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

19 304.070. 1. Any person who violates any of the provisions  
20 of subsections 1, 3, and 6 of section 304.050 is guilty of a  
21 class A misdemeanor. In addition, beginning July 1, 2005, the  
22 court may suspend the driver's license of any person who violates  
23 the provision of subsection 1 of section 304.050. If ordered by  
24 the court, the director shall suspend the driver's license for  
25 ninety days for a first offense of subsection 1 of section  
26 304.050, and one hundred twenty days for a second or subsequent

2 offense of subsection 1 of section 304.050.

3 2. Any appeal of a suspension imposed under subsection 1 of  
4 this section shall be a direct appeal of the court order and  
5 subject to review by the presiding judge of the circuit court or  
6 another judge within the circuit other than the judge who issued  
7 the original order to suspend the driver's license. The director  
8 of revenue's entry of the court ordered suspension on the driving  
9 record is not a decision subject to review pursuant to section  
10 302.311, RSMo. Any suspension of the driver's license ordered by  
11 the court under this section shall be in addition to any other  
12 suspension that may occur as a result of the conviction pursuant  
13 to other provisions of law.

14 304.154. 1. Beginning January 1, 2005, a towing company  
15 operating a tow truck pursuant to the authority granted in  
16 section 304.155 or 304.157 shall:

17 (1) Have and occupy a verifiable business address;

18 (2) Have a fenced, secure, and lighted storage lot or an  
19 enclosed, secure building for the storage of motor vehicles;

20 (3) Be available twenty-four hours a day, seven days a  
21 week. Availability shall mean that an employee of the towing  
22 company or an answering service answered by a person is able to  
23 respond to a tow request;

24 (4) Maintain a valid insurance policy issued by an insurer  
25 authorized to do business in this state, or a bond or other  
26 acceptable surety providing coverage for the death of, or injury

2 to, persons and damage to property for each accident or  
3 occurrence in the amount of at least five hundred thousand  
4 dollars per incident;

5 (5) Provide workers' compensation insurance for all  
6 employees of the towing company if required by chapter 287, RSMo;  
7 and

8 (6) Maintain current motor vehicle registrations on all tow  
9 trucks currently operated within the towing company fleet.

10 2. Counties may adopt ordinances with respect to towing  
11 company standards in addition to the minimum standards contained  
12 in this section. A towing company located in a county of the  
13 second, third, and fourth classification is exempt from the  
14 provisions of this section.

15 304.155. 1. Any law enforcement officer within the  
16 officer's jurisdiction, or an officer of a government agency  
17 where that agency's real property is concerned, may authorize a  
18 towing company to remove to a place of safety:

19 (1) Any abandoned property on the right-of-way of:

20 (a) Any interstate highway or freeway in an urbanized area,  
21 left unattended for ten hours, or after four hours if a law  
22 enforcement officer determines that the abandoned property is a  
23 serious hazard to other motorists, provided that commercial motor  
24 vehicles not hauling waste designated as hazardous under 49  
25 U.S.C. 5103(a) may only be removed under this subdivision to a  
26 place of safety until the owner or owner's representative has had

2     a reasonable opportunity to contact a towing company of choice;

3           (b) Any interstate highway or freeway outside of an  
4     urbanized area, left unattended for forty-eight hours, or after  
5     four hours if a law enforcement officer determines that the  
6     abandoned property is a serious hazard to other motorists,  
7     provided that commercial motor vehicles not hauling waste  
8     designated as hazardous under 49 U.S.C. 5103(a) may only be  
9     removed under this subdivision to a place of safety until the  
10    owner or owner's representative has had a reasonable opportunity  
11    to contact a towing company of choice;

12           (c) Any state highway other than an interstate highway or  
13    freeway in an urbanized area, left unattended for more than ten  
14    hours; or

15           (d) Any state highway other than an interstate highway or  
16    freeway outside of an urbanized area, left unattended for more  
17    than forty-eight hours; provided that commercial motor vehicles  
18    not hauling waste designated as hazardous under 49 U.S.C. 5103(a)  
19    may only be removed under this subdivision to a place of safety  
20    until the owner or owner's representative has had a reasonable  
21    opportunity to contact a towing company of choice;

22           (2) Any unattended abandoned property illegally left  
23    standing upon any highway or bridge if the abandoned property is  
24    left in a position or under such circumstances as to obstruct the  
25    normal movement of traffic where there is no reasonable  
26    indication that the person in control of the property is

2       arranging for its immediate control or removal;

3               (3) Any abandoned property which has been abandoned under  
4       section 577.080, RSMo;

5               (4) Any abandoned property which has been reported as  
6       stolen or taken without consent of the owner;

7               (5) Any abandoned property for which the person operating  
8       such property is arrested for an alleged offense for which the  
9       officer is required to take the person into custody and where  
10      such person is unable to arrange for the property's timely  
11      removal;

12              (6) Any abandoned property which due to any other state law  
13      or local ordinance is subject to towing because of the owner's  
14      outstanding traffic or parking violations;

15              (7) Any abandoned property left unattended in violation of  
16      a state law or local ordinance where signs have been posted  
17      giving notice of the law or where the violation causes a safety  
18      hazard; or

19              (8) Any abandoned property illegally left standing on the  
20      waters of this state as defined in section 306.010, RSMo, where  
21      the abandoned property is obstructing the normal movement of  
22      traffic, or where the abandoned property has been unattended for  
23      more than ten hours or is floating loose on the water.

24              2. The state transportation department may immediately  
25      remove any abandoned, unattended, wrecked, burned or partially  
26      dismantled property, spilled cargo or other personal property

2 from the roadway of any state highway if the abandoned property,  
3 cargo or personal property is creating a traffic hazard because  
4 of its position in relation to the state highway. In the event  
5 the property creating a traffic hazard is a commercial motor  
6 vehicle, as defined in section 302.700, RSMo, the department's  
7 authority under this subsection shall be limited to authorizing a  
8 towing company to remove the commercial motor vehicle to a place  
9 of safety, except that the owner of the commercial motor vehicle  
10 or the owner's designated representative shall have a reasonable  
11 opportunity to contact a towing company of choice. The  
12 provisions of this subsection shall not apply to vehicles  
13 transporting any material which has been designated as hazardous  
14 under Section 5103(a) of Title 49, U.S.C.

15 3. Any law enforcement agency authorizing a tow pursuant to  
16 this section in which the abandoned property is moved from the  
17 immediate vicinity shall complete a crime inquiry and inspection  
18 report. Any state or federal government agency other than a law  
19 enforcement agency authorizing a tow pursuant to this section in  
20 which the abandoned property is moved away from the immediate  
21 vicinity in which it was abandoned shall report the towing to the  
22 state highway patrol or water patrol within two hours of the tow  
23 along with a crime inquiry and inspection report as required in  
24 this section. Any local government agency, other than a law  
25 enforcement agency, authorizing a tow pursuant to this section  
26 where property is towed away from the immediate vicinity shall

2 report the tow to the local law enforcement agency within two  
3 hours along with a crime inquiry and inspection report.

4 4. Neither the law enforcement officer, government agency  
5 official nor anyone having custody of abandoned property under  
6 his direction shall be liable for any damage to such abandoned  
7 property occasioned by a removal authorized by this section or by  
8 ordinance of a county or municipality licensing and regulating  
9 the sale of abandoned property by the municipality, other than  
10 damages occasioned by negligence or by willful or wanton acts or  
11 omissions.

12 5. The owner of abandoned property removed as provided in  
13 this section or in section 304.157 shall be responsible for  
14 payment of all reasonable charges for towing and storage of such  
15 abandoned property as provided in section 304.158.

16 6. Upon the towing of any abandoned property pursuant to  
17 this section or under authority of a law enforcement officer or  
18 local government agency pursuant to section 304.157, the law  
19 enforcement agency that authorized such towing or was properly  
20 notified by another government agency of such towing shall  
21 promptly make an inquiry with the national crime information  
22 center and any statewide Missouri law enforcement computer system  
23 to determine if the abandoned property has been reported as  
24 stolen and shall enter the information pertaining to the towed  
25 property into the statewide law enforcement computer system. If  
26 the abandoned property is not claimed within ten working days of

2 the towing, the tower who has online access to the department of  
3 revenue's records shall make an inquiry to determine the  
4 abandoned property owner and lienholder, if any, of record. In  
5 the event that the records of the department of revenue fail to  
6 disclose the name of the owner or any lienholder of record, the  
7 tower shall comply with the requirements of subsection 3 of  
8 section 304.156. If the tower does not have online access, the  
9 law enforcement agency shall submit a crime inquiry and  
10 inspection report to the director of revenue. A towing company  
11 that does not have online access to the department's records and  
12 that is in possession of abandoned property after ten working  
13 days shall report such fact to the law enforcement agency with  
14 which the crime inquiry and inspection report was filed. The  
15 crime inquiry and inspection report shall be designed by the  
16 director of revenue and shall include the following:

17 (1) The year, model, make and property identification  
18 number of the property and the owner and any lienholders, if  
19 known;

20 (2) A description of any damage to the property noted by  
21 the officer authorizing the tow;

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

24 (4) The storage location of the towed property;

25 (5) The name, telephone number and address of the towing  
26 company;



2           (6) The date, place and reason for the towing of the  
3 abandoned property;

4           (7) The date of the inquiry of the national crime  
5 information center, any statewide Missouri law enforcement  
6 computer system and any other similar system which has titling  
7 and registration information to determine if the abandoned  
8 property had been stolen. This information shall be entered only  
9 by the law enforcement agency making the inquiry;

10          (8) The signature and printed name of the officer  
11 authorizing the tow [and the towing operator]; and

12          (9) The name of the towing company, the signature and  
13 printed name of the towing operator, and an indicator disclosing  
14 whether the tower has online access to the department's records;

15          (10) Any additional information the director of revenue  
16 deems appropriate.

17          7. One copy of the crime inquiry and inspection report  
18 shall remain with the agency which authorized the tow. One copy  
19 shall be provided to and retained by the storage facility and one  
20 copy shall be retained by the towing facility in an accessible  
21 format in the business records for a period of three years from  
22 the date of the tow or removal.

23          8. The owner of such abandoned property, or the holder of a  
24 valid security interest of record, may reclaim it from the towing  
25 company upon proof of ownership or valid security interest of  
26 record and payment of all reasonable charges for the towing and

2 storage of the abandoned property.

3 9. Any person who removes abandoned property at the  
4 direction of a law enforcement officer or an officer of a  
5 government agency where that agency's real property is concerned  
6 as provided in this section shall have a lien for all reasonable  
7 charges for the towing and storage of the abandoned property  
8 until possession of the abandoned property is voluntarily  
9 relinquished to the owner of the abandoned property or to the  
10 holder of a valid security interest of record. Any personal  
11 property within the abandoned property need not be released to  
12 the owner thereof until the reasonable or agreed charges for such  
13 recovery, transportation or safekeeping have been paid or  
14 satisfactory arrangements for payment have been made, except that  
15 any medication prescribed by a physician shall be released to the  
16 owner thereof upon request. The company holding or storing the  
17 abandoned property shall either release the personal property to  
18 the owner of the abandoned property or allow the owner to inspect  
19 the property and provide an itemized receipt for the contents.  
20 The company holding or storing the property shall be strictly  
21 liable for the condition and safe return of the personal  
22 property. Such lien shall be enforced in the manner provided  
23 under section 304.156.

24 10. Towing companies shall keep a record for three years on  
25 any abandoned property towed and not reclaimed by the owner of  
26 the abandoned property. Such record shall contain information

2 regarding the authorization to tow, copies of all correspondence  
3 with the department of revenue concerning the abandoned property,  
4 including copies of any online records of the towing company  
5 accessed and information concerning the final disposition of the  
6 possession of the abandoned property.

7 11. If a lienholder repossesses any motor vehicle, trailer,  
8 all-terrain vehicle, outboard motor or vessel without the  
9 knowledge or cooperation of the owner, then the reposessor shall  
10 notify the local law enforcement agency where the repossession  
11 occurred within two hours of the repossession and shall further  
12 provide the local law enforcement agency with any additional  
13 information the agency deems appropriate. The local law  
14 enforcement agency shall make an inquiry with the national crime  
15 information center and the Missouri statewide law enforcement  
16 computer system and shall enter the repossessed vehicle into the  
17 statewide law enforcement computer system.

18 12. Notwithstanding the provisions of section 301.227,  
19 RSMo, any towing company who has complied with the notification  
20 provisions in section 304.156, including notice that any property  
21 remaining unredeemed after thirty days may be sold as scrap  
22 property may then dispose of such property as provided in this  
23 subsection. Such sale shall only occur if at least thirty days  
24 has passed since the date of such notification, the abandoned  
25 property remains unredeemed with no satisfactory arrangements  
26 made with the towing company for continued storage, and the owner

2 or holder of a security agreement has not requested a hearing as  
3 provided in section 304.156. The towing company may dispose of  
4 such abandoned property by selling the property on a bill of sale  
5 as prescribed by the director of revenue to a scrap metal  
6 operator or licensed salvage dealer for destruction purposes  
7 only. The towing company shall forward a copy of the bill of  
8 sale provided by the scrap metal operator or licensed salvage  
9 dealer to the director of revenue within two weeks of the date of  
10 such sale. The towing company shall keep a record of each such  
11 vehicle sold for destruction for three years that shall be  
12 available for inspection by law enforcement and authorized  
13 department of revenue officials. The record shall contain the  
14 year, make, identification number of the property, date of sale,  
15 and name of the purchasing scrap metal operator or licensed  
16 salvage dealer and copies of all notifications issued by the  
17 towing company as required in this chapter. Scrap metal  
18 operators or licensed salvage dealers shall keep a record of the  
19 purchase of such property as provided in section 301.227, RSMo.  
20 Scrap metal operators and licensed salvage dealers may obtain a  
21 junk certificate as provided in 301.227, RSMo, on vehicles  
22 purchased on a bill of sale pursuant to this section.

23 304.156. 1. Within five working days of receipt of the  
24 crime inquiry and inspection report under section 304.155 or the  
25 abandoned property report under section 304.157, the director of  
26 revenue shall search the records of the department of revenue, or

2 initiate an inquiry with another state, if the evidence presented  
3 indicated the abandoned property was registered or titled in  
4 another state, to determine the name and address of the owner and  
5 lienholder, if any. After ascertaining the name and address of  
6 the owner and lienholder, if any, the department shall, within  
7 fifteen working days, notify the towing company. Any towing  
8 company which comes into possession of abandoned property  
9 pursuant to section 304.155 or 304.157 and who claims a lien for  
10 recovering, towing or storing abandoned property shall give  
11 notice to the title owner and to all persons claiming a lien  
12 thereon, as disclosed by the records of the department of revenue  
13 or of a corresponding agency in any other state. The towing  
14 company shall notify the owner and any lienholder within ten  
15 business days of the date of mailing indicated on the notice sent  
16 by the department of revenue, by certified mail, return receipt  
17 requested. The notice shall contain the following:

18 (1) The name, address and telephone number of the storage  
19 facility;

20 (2) The date, reason and place from which the abandoned  
21 property was removed;

22 (3) A statement that the amount of the accrued towing,  
23 storage and administrative costs are the responsibility of the  
24 owner, and that storage and/or administrative costs will continue  
25 to accrue as a legal liability of the owner until the abandoned  
26 property is redeemed;

2           (4) A statement that the storage firm claims a possessory  
3     lien for all such charges;

4           (5) A statement that the owner or holder of a valid  
5     security interest of record may retake possession of the  
6     abandoned property at any time during business hours by proving  
7     ownership or rights to a secured interest and paying all towing  
8     and storage charges;

9           (6) A statement that, should the owner consider that the  
10    towing or removal was improper or not legally justified, the  
11    owner has a right to request a hearing as provided in this  
12    section to contest the propriety of such towing or removal;

13          (7) A statement that if the abandoned property remains  
14    unclaimed for thirty days from the date of mailing the notice,  
15    title to the abandoned property will be transferred to the person  
16    or firm in possession of the abandoned property free of all prior  
17    liens; and

18          (8) A statement that any charges in excess of the value of  
19    the abandoned property at the time of such transfer shall remain  
20    a liability of the owner.

21          2. A towing company may only assess reasonable storage  
22    charges for abandoned property towed without the consent of the  
23    owner. Reasonable storage charges shall not exceed the charges  
24    for vehicles which have been towed with the consent of the owner  
25    on a negotiated basis. Storage charges may be assessed only for  
26    the time in which the towing company complies with the procedural

2 requirements of sections 304.155 to 304.158.

3           3. In the event that the records of the department of  
4 revenue fail to disclose the name of the owner or any lienholder  
5 of record, the department shall notify the towing company which  
6 shall attempt to locate documents or other evidence of ownership  
7 on or within the abandoned property itself. The towing company  
8 must certify that a physical search of the abandoned property  
9 disclosed that no ownership documents were found and a good faith  
10 effort has been made. For purposes of this section, "good faith  
11 effort" means that the following checks have been performed by  
12 the company to establish the prior state of registration and  
13 title:

14           (1) Check of the abandoned property for any type of license  
15 plates, license plate record, temporary permit, inspection  
16 sticker, decal or other evidence which may indicate a state of  
17 possible registration and title;

18           (2) Check the law enforcement report for a license plate  
19 number or registration number if the abandoned property was towed  
20 at the request of a law enforcement agency;

21           (3) Check the tow ticket/report of the tow truck operator  
22 to see if a license plate was on the abandoned property at the  
23 beginning of the tow, if a private tow; and

24           (4) If there is no address of the owner on the impound  
25 report, check the law enforcement report to see if an  
26 out-of-state address is indicated on the driver license

2 information.

3 4. If no ownership information is discovered, the director  
4 of revenue shall be notified in writing and title obtained in  
5 accordance with subsection 7 of this section.

6 5. (1) The owner of the abandoned property removed  
7 pursuant to the provisions of section 304.155 or 304.157 or any  
8 person claiming a lien, other than the towing company, within ten  
9 days after the receipt of notification from the towing company  
10 pursuant to subsection 1 of this section may file a petition in  
11 the associate circuit court in the county where the abandoned  
12 property is stored to determine if the abandoned property was  
13 wrongfully taken or withheld from the owner. The petition shall  
14 name the towing company among the defendants. The petition may  
15 also name the agency ordering the tow or the owner, lessee or  
16 agent of the real property from which the abandoned property was  
17 removed. The director of revenue shall not be a party to such  
18 petition but a copy of the petition shall be served on the  
19 director of revenue who shall not issue title to such abandoned  
20 property pursuant to this section until the petition is finally  
21 decided.

22 (2) Upon filing of a petition in the associate circuit  
23 court, the owner or lienholder may have the abandoned property  
24 released upon posting with the court a cash or surety bond or  
25 other adequate security equal to the amount of the charges for  
26 towing and storage to ensure the payment of such charges in the



2 event he does not prevail. Upon the posting of the bond and the  
3 payment of the applicable fees, the court shall issue an order  
4 notifying the towing company of the posting of the bond and  
5 directing the towing company to release the abandoned property.  
6 At the time of such release, after reasonable inspection, the  
7 owner or lienholder shall give a receipt to the towing company  
8 reciting any claims for loss or damage to the abandoned property  
9 or the contents thereof.

10 (3) Upon determining the respective rights of the parties,  
11 the final order of the court shall provide for immediate payment  
12 in full of recovery, towing, and storage fees by the abandoned  
13 property owner or lienholder or the owner, lessee, or agent  
14 thereof of the real property from which the abandoned property  
15 was removed.

16 6. A towing and storage lien shall be enforced as provided  
17 in subsection 7 of this section.

18 7. Thirty days after the notification form has been mailed  
19 to the abandoned property owner and holder of a security  
20 agreement and the property is unredeemed and no satisfactory  
21 arrangement has been made with the lienholder in possession for  
22 continued storage, and the owner or holder of a security  
23 agreement has not requested a hearing as provided in subsection 5  
24 of this section, the lienholder in possession may apply to the  
25 director of revenue for a certificate. The application for title  
26 shall be accompanied by:

2           (1) An affidavit from the lienholder in possession that he  
3 has been in possession of the abandoned property for at least  
4 thirty days and the owner of the abandoned property or holder of  
5 a security agreement has not made arrangements for payment of  
6 towing and storage charges;

7           (2) An affidavit that the lienholder in possession has not  
8 been notified of any application for hearing as provided in this  
9 section;

10          (3) A copy of the abandoned property report or crime  
11 inquiry and inspection report;

12          (4) A copy of the thirty-day notice given by certified mail  
13 to any owner and person holding a valid security interest and a  
14 copy of the certified mail receipt indicating that the owner and  
15 lienholder of record was sent a notice as required in this  
16 section; and

17          (5) A copy of the envelope or mailing container showing the  
18 address and postal markings indicating that the notice was "not  
19 forwardable" or "address unknown".

20          8. If notice to the owner and holder of a security  
21 agreement has been returned marked "not forwardable" or  
22 "addressee unknown", the lienholder in possession shall comply  
23 with subsection 3 of this section.

24          9. Any municipality or county may adopt an ordinance  
25 regulating the removal and sale of abandoned property provided  
26 such ordinance is consistent with sections 304.155 to 304.158,

2 and, for a home rule city with more than four hundred thousand  
3 inhabitants and located in more than one county, includes the  
4 following provisions:

5 (1) That the department of revenue records must be searched  
6 to determine the registered owner or lienholder of the abandoned  
7 property;

8 (2) That if a registered owner or lienholder is disclosed  
9 in the records, that the owner and lienholder or owner or  
10 lienholder are mailed a notice by the local governmental agency,  
11 by U.S. mail, advising of the towing and impoundment;

12 (3) That if the vehicle is older than six years and more  
13 than fifty percent damaged by collision, fire, or decay, and has  
14 a fair market value of less than two hundred dollars as  
15 determined by using any nationally recognized appraisal book or  
16 method, it must be held no less than ten days after the notice is  
17 sent pursuant to this section before being sold to a licensed  
18 salvage or scrap business; provided however where a title is  
19 required under this chapter an affidavit from a certified  
20 appraiser attesting that the value of the vehicle is less than  
21 two hundred dollars;

22 (4) That all other vehicles must be held no less than  
23 thirty days after the notice is sent pursuant to this subsection  
24 before they may be sold.

25 10. Any municipality or county which has physical  
26 possession of the abandoned property and which sells abandoned

2 property in accordance with a local ordinance may transfer  
3 ownership by means of a bill of sale signed by the municipal or  
4 county clerk or deputy and sealed with the official municipal or  
5 county seal. Such bill of sale shall contain the make and model  
6 of the abandoned property, the complete abandoned property  
7 identification number and the odometer reading of the abandoned  
8 property if available and shall be lawful proof of ownership for  
9 any dealer registered under the provisions of section 301.218,  
10 RSMo, or section 301.560, RSMo, or for any other person. Any  
11 dealer or other person purchasing such property from a  
12 municipality or county shall apply within thirty days of purchase  
13 for a certificate. Anyone convicted of a violation of this  
14 section shall be guilty of an infraction.

15 11. Any persons who have towed abandoned property prior to  
16 August 28, 1996, may, until January 1, 2000, apply to the  
17 department of revenue for a certificate. The application shall  
18 be accompanied by:

19 (1) A notarized affidavit explaining the circumstances by  
20 which the abandoned property came into their possession,  
21 including the name of the owner or possessor of real property  
22 from which the abandoned property was removed;

23 (2) The date of the removal;

24 (3) The current location of the abandoned property;

25 (4) An inspection of the abandoned property as prescribed  
26 by the director; and

2           (5) A copy of the thirty-day notice given by certified mail  
3 to any owner and person holding a valid security interest of  
4 record and a copy of the certified mail receipt.

5           12. If the director is satisfied with the genuineness of  
6 the application and supporting documents submitted pursuant to  
7 this section, the director shall issue one of the following:

8           (1) An original certificate of title if the vehicle owner  
9 has obtained a vehicle examination certificate as provided in  
10 section 301.190, RSMo, which indicates that the vehicle was not  
11 previously in a salvaged condition or rebuilt;

12           (2) An original certificate of title designated as prior  
13 salvage if the vehicle examination certificate as provided in  
14 section 301.190, RSMo, indicates the vehicle was previously in a  
15 salvage condition or rebuilt;

16           (3) A salvage certificate of title designated with the  
17 words "salvage/abandoned property" or junking certificate based  
18 on the condition of the abandoned property as stated in the  
19 abandoned property report or crime inquiry and inspection report;

20           (4) Notwithstanding the provisions of section 301.573,  
21 RSMo, to the contrary, if satisfied with the genuineness of the  
22 application and supporting documents, the director shall issue an  
23 original title to abandoned property previously issued a salvage  
24 title as provided in this section, if the vehicle examination  
25 certificate as provided in section 301.190, RSMo, does not  
26 indicate the abandoned property was previously in a salvage

2 condition or rebuilt.

3 13. If abandoned property is insured and the insurer of  
4 property regards the property as a total loss and the insurer  
5 satisfies a claim by the owner for the property, then the insurer  
6 or lienholder shall claim and remove the property from the  
7 storage facility or make arrangements to transfer the title, and  
8 such transfer of title subject to agreement shall be in complete  
9 satisfaction of all claims for towing and storage, to the towing  
10 company or storage facility. The owner of the abandoned vehicle,  
11 lienholder or insurer, to the extent the vehicle owner's  
12 insurance policy covers towing and storage charges, shall pay  
13 reasonable fees assessed by the towing company and storage  
14 facility. The property shall be claimed and removed or title  
15 transferred to the towing company or storage facility within  
16 thirty days of the date that the insurer paid a claim for the  
17 total loss of the property or is notified as to the location of  
18 the abandoned property, whichever is the later event. Upon  
19 request, the insurer of the property shall supply the towing  
20 company and storage facility with the name, address and phone  
21 number of the insurance company and of the insured and with a  
22 statement regarding which party is responsible for the payment of  
23 towing and storage charges under the insurance policy.

24 304.157. 1. If a person abandons property, as defined in  
25 section 304.001, on any real property owned by another without  
26 the consent of the owner or person in possession of the property,

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

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

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

13 2. A local government agency may also provide for the  
14 towing of motor vehicles from real property under the authority  
15 of any local ordinance providing for the towing of vehicles which  
16 are derelict, junk, scrapped, disassembled or otherwise harmful  
17 to the public health under the terms of the ordinance. Any local  
18 government agency authorizing a tow under this subsection shall  
19 report the tow to the local law enforcement agency within two  
20 hours with a crime inquiry and inspection report pursuant to  
21 section 304.155.

22 3. Neither the law enforcement officer, local government  
23 agency nor anyone having custody of abandoned property under his  
24 or her direction shall be liable for any damage to such abandoned  
25 property occasioned by a removal authorized by this section other  
26 than damages occasioned by negligence or by willful or wanton

2 acts or omissions.

3 4. The owner of real property or lessee in lawful  
4 possession of the real property or the property or security  
5 manager of the real property may authorize a towing company to  
6 remove abandoned property or property parked in a restricted or  
7 assigned area without authorization by a law enforcement officer  
8 only when the owner, lessee or property or security manager of  
9 the real property is present. A property or security manager  
10 must be a full-time employee of a business entity. An  
11 authorization to tow pursuant to this subsection may be made only  
12 under any of the following circumstances:

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

26 (2) The abandoned property is left unattended on



owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification.

5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue and shall contain the following:

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

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

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

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

4           (5) The date the report is completed;

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

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

9           (8) The signature of the towing operator;

10          (9) The signature of the owner, lessee or property or  
11 security manager attesting to the facts that the property has  
12 been abandoned for the time required by this section and that all  
13 statements on the report are true and correct to the best of the  
14 person's knowledge and belief and that the person is subject to  
15 the penalties for making false statements;

16          (10) Space for the name of the law enforcement agency  
17 notified of the towing of the abandoned property and for the  
18 signature of the law enforcement official receiving the report;  
19 and

20          (11) Any additional information the director of revenue  
21 deems appropriate.

22          6. Any towing company which tows abandoned property without  
23 authorization from a law enforcement officer pursuant to  
24 subsection 4 of this section shall deliver a copy of the  
25 abandoned property report to the local law enforcement agency  
26 having jurisdiction over the location from which the abandoned

2 property was towed. The copy may be produced and sent by  
3 facsimile machine or other device which produces a near exact  
4 likeness of the print and signatures required, but only if the  
5 law enforcement agency receiving the report has the technological  
6 capability of receiving such copy and has registered the towing  
7 company for such purpose. The registration requirements shall  
8 not apply to law enforcement agencies located in counties of the  
9 third or fourth classification. The report shall be delivered  
10 within two hours if the tow was made from a signed location  
11 pursuant to subdivision (1) of subsection 4 of this section,  
12 otherwise the report shall be delivered within twenty-four hours.

13 7. The law enforcement agency receiving such abandoned  
14 property report must record the date on which the abandoned  
15 property report is filed with such agency and shall promptly make  
16 an inquiry into the national crime information center and any  
17 statewide Missouri law enforcement computer system to determine  
18 if the abandoned property has been reported as stolen. The law  
19 enforcement agency shall enter the information pertaining to the  
20 towed property into the statewide law enforcement computer  
21 system, and an officer shall sign the abandoned property report  
22 and provide the towing company with a signed copy. The  
23 department of revenue may design and sell to towing companies  
24 informational brochures outlining owner or lessee of real  
25 property obligations pursuant to this section.

26 8. The law enforcement agency receiving notification that

2 abandoned property has been towed by a towing company shall  
3 search the records of the department of revenue and provide the  
4 towing company with the latest owner and lienholder information  
5 on the abandoned property, and if the tower has online access to  
6 the department of revenue's records, the tower shall comply with  
7 the requirements of section 301.155, RSMo. If the abandoned  
8 property is not claimed within ten working days, the towing  
9 company shall send a copy of the abandoned property report signed  
10 by a law enforcement officer to the department of revenue.

11 9. If any owner or lessee of real property knowingly  
12 authorizes the removal of abandoned property in violation of this  
13 section, then the owner or lessee shall be deemed guilty of a  
14 class C misdemeanor.

15 304.170. 1. No vehicle operated upon the highways of this  
16 state shall have a width, including load, in excess of ninety-six  
17 inches, except clearance lights, rearview mirrors or other  
18 accessories required by federal, state or city law or regulation;  
19 except that, vehicles having a width, including load, not in  
20 excess of one hundred two inches, exclusive of clearance lights,  
21 rearview mirrors or other accessories required by law or  
22 regulations, may be operated on the interstate highways and such  
23 other highways as may be designated by the highways and  
24 transportation commission for the operation of such vehicles plus  
25 a distance not to exceed ten miles from such interstate or  
26 designated highway. Provided however, a recreational vehicle as

2 defined in section 700.010, RSMo, may exceed the foregoing width  
3 limits if the appurtenances on such recreational vehicle extend  
4 no further than the rearview mirrors. Such mirrors may only  
5 extend the distance necessary to provide the required field of  
6 view before the appurtenances were attached.

7 2. No vehicle operated upon the interstate highway system  
8 or upon any route designated by the chief engineer of the state  
9 transportation department shall have a height, including load, in  
10 excess of fourteen feet. On all other highways, no vehicle shall  
11 have a height, including load, in excess of thirteen and one-half  
12 feet, except that any vehicle or combination of vehicles  
13 transporting automobiles or other motor vehicles may have a  
14 height, including load, of not more than fourteen feet.

15 3. No single motor vehicle operated upon the highways of  
16 this state shall have a length, including load, in excess of  
17 forty-five feet, except as otherwise provided in this section.

18 4. No bus, recreational motor vehicle or trackless trolley  
19 coach operated upon the highways of this state shall have a  
20 length in excess of forty-five feet, except that such vehicles  
21 may exceed the forty-five feet length when such excess length is  
22 caused by the projection of a front safety bumper or a rear  
23 safety bumper or both. Such safety bumper shall not cause the  
24 length of the bus or recreational motor vehicle to exceed the  
25 forty-five feet length limit by more than one foot in the front  
26 and one foot in the rear. The term "safety bumper" means any

2 device which may be fitted on an existing bumper or which  
3 replaces the bumper and is so constructed, treated, or  
4 manufactured that it absorbs energy upon impact.

5 5. No combination of truck-tractor and semitrailer or  
6 truck-tractor equipped with dromedary and semitrailer operated  
7 upon the highways of this state shall have a length, including  
8 load, in excess of sixty feet; except that in order to comply  
9 with the provisions of Title 23 of the United States Code (Public  
10 Law 97-424), no combination of truck-tractor and semitrailer or  
11 truck-tractor equipped with dromedary and semitrailer operated  
12 upon the interstate highway system of this state shall have an  
13 overall length, including load, in excess of the length of the  
14 truck-tractor plus the semitrailer or truck-tractor equipped with  
15 dromedary and semitrailer, the length of such semitrailer shall  
16 not exceed fifty-three feet.

17 6. In order to comply with the provisions of Title 23 of  
18 the United States Code (Public Law 97-424), no combination of  
19 truck-tractor, semitrailer and trailer operated upon the  
20 interstate highway system of this state shall have an overall  
21 length, including load, in excess of the length of the  
22 truck-tractor plus the semitrailer and trailer, neither of which  
23 semitrailer or trailer shall exceed twenty-eight feet in length,  
24 except that any existing semitrailer or trailer up to  
25 twenty-eight and one-half feet in length actually and lawfully  
26 operated on December 1, 1982, within a sixty-five foot overall

length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not

2 in excess of seventy-five feet may be operated on the interstate  
3 highways of this state and such other highways as may be  
4 designated by the highways and transportation commission for the  
5 operation of such vehicles plus a distance not to exceed ten  
6 miles from such interstate or designated highway. Saddlemount  
7 combinations must comply with the safety requirements of Section  
8 393.71 of Title 49 of the Code of Federal Regulations and may  
9 contain no more than three saddlemounted vehicles and one  
10 fullmount.

11 9. No truck-tractor semitrailer-semitrailer combination  
12 vehicles operated upon the interstate and designated primary  
13 highway system of this state shall have a semitrailer length in  
14 excess of twenty-eight feet or twenty-eight and one-half feet if  
15 the semitrailer was in actual and lawful operation in any state  
16 on December 1, 1982, operating in a truck-tractor  
17 semitrailer-semitrailer combination. The B-train assembly is  
18 excluded from the measurement of semitrailer length when used  
19 between the first and second semitrailer of a truck-tractor  
20 semitrailer-semitrailer combination, except that when there is no  
21 semitrailer mounted to the B-train assembly, it shall be included  
22 in the length measurement of the semitrailer.

23 10. The highways and transportation commission is  
24 authorized to designate routes on the state highway system other  
25 than the interstate system over which those combinations of  
26 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9



2 of this section may be operated. Combinations of vehicles  
3 operated under the provisions of subsections 5, 6, 7, 8 and 9 of  
4 this section may be operated at a distance not to exceed ten  
5 miles from the interstate system and such routes as designated  
6 under the provisions of this subsection.

7 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10  
8 of this section, no other combination of vehicles operated upon  
9 the primary or interstate highways of this state plus a distance  
10 of ten miles from a primary or interstate highway shall have an  
11 overall length, unladen or with load, in excess of sixty-five  
12 feet or in excess of fifty-five feet on any other highway, except  
13 the state highways and transportation commission may designate  
14 additional routes for use by sixty-five foot combinations,  
15 seventy-five foot stinger-steered combinations or seventy-five  
16 foot saddlemount combinations. Any vehicle or combination of  
17 vehicles transporting automobiles, boats or other motor vehicles  
18 may carry a load which extends no more than three feet beyond the  
19 front and four feet beyond the rear of the transporting vehicle  
20 or combination of vehicles.

21 12. (1) Except as hereinafter provided, these restrictions  
22 shall not apply to agricultural implements operating occasionally  
23 on the highways for short distances, or to self-propelled  
24 hay-hauling equipment or to implements of husbandry, or to the  
25 movement of farm products as defined in section 400.9-109, RSMo,  
26 or to vehicles temporarily transporting agricultural implements

2 or implements of husbandry or roadmaking machinery, or road  
3 materials or towing for repair purposes vehicles that have become  
4 disabled upon the highways; or to implement dealers delivering or  
5 moving farm machinery for repairs on any state highway other than  
6 the interstate system.

7 (2) Implements of husbandry and vehicles transporting such  
8 machinery or equipment and the movement of farm products as  
9 defined in section 400.9.109, RSMo, may be operated occasionally  
10 for short distances on state highways when operated between the  
11 hours of sunrise and sunset by a driver licensed as an operator  
12 or chauffeur.

13 13. As used in this chapter the term "implements of  
14 husbandry" means all self-propelled machinery operated at speeds  
15 of less than thirty miles per hour, specifically designed for, or  
16 especially adapted to be capable of, incidental over-the-road and  
17 primary offroad usage and used exclusively for the application of  
18 commercial plant food materials or agricultural chemicals, and  
19 not specifically designed or intended for transportation of such  
20 chemicals and materials. [No implement of husbandry may exceed a  
21 width of eleven feet, six inches.]

22 14. The purpose of this section is to permit a single trip  
23 per day by the implement of husbandry from the source of supply  
24 to a given farm.

25 15. Sludge disposal units may be operated on all state  
26 highways other than the interstate system. Such units shall not

2 exceed one hundred thirty-eight inches in width and may be  
3 equipped with over-width tires. Such units shall observe all  
4 axle weight limits. The chief engineer of the state  
5 transportation department shall issue special permits for the  
6 movement of such disposal units and may by such permits restrict  
7 the movements to specified routes, days and hours.

8 304.190. 1. No motor vehicle, unladen or with load,  
9 operating exclusively within the corporate limits of cities  
10 containing seventy-five thousand inhabitants or more or within  
11 two miles of the corporate limits of the city or within the  
12 commercial zone of the city shall exceed fifteen feet in height.

13 2. No motor vehicle operating exclusively within any said  
14 area shall have a greater weight than twenty-two thousand four  
15 hundred pounds on one axle.

16 3. The "commercial zone" of the city is defined to mean  
17 that area within the city together with the territory extending  
18 one mile beyond the corporate limits of the city and one mile  
19 additional for each fifty thousand population or portion thereof  
20 provided, however, the commercial zone surrounding a city not  
21 within a county shall extend eighteen miles beyond the corporate  
22 limits of any such city not located within a county and shall  
23 also extend throughout any first class charter county which  
24 adjoins that city; further, provided, however, the commercial  
25 zone of a city with a population of at least four hundred  
26 thousand inhabitants but not more than four hundred fifty

2 thousand inhabitants shall extend twelve miles beyond the  
3 corporate limits of any such city; except that this zone shall  
4 extend from the southern border of such city's limits, beginning  
5 with the western-most freeway, following said freeway south to  
6 the first intersection with a multilane undivided highway, where  
7 the zone shall extend south along said freeway to include a city  
8 of the fourth classification with more than eight thousand nine  
9 hundred but less than nine thousand inhabitants, and shall extend  
10 north from the intersection of said freeway and multilane  
11 undivided highway along the multilane undivided highway to the  
12 city limits of a city with a population of at least four hundred  
13 thousand inhabitants but not more than four hundred fifty  
14 thousand inhabitants. In no case shall the commercial zone of a  
15 city be reduced due to a loss of population. The provisions of  
16 this section shall not apply to motor vehicles operating on the  
17 interstate highways in the area beyond two miles of a corporate  
18 limit of the city unless the United States Department of  
19 Transportation increases the allowable weight limits on the  
20 interstate highway system within commercial zones. In such case,  
21 the mileage limits established in this section shall be  
22 automatically increased only in the commercial zones to conform  
23 with those authorized by the United States Department of  
24 Transportation.

25 4. Nothing in this section shall prevent a city, county, or  
26 municipality, by ordinance, from designating the routes over

2       which such vehicles may be operated.

3               306.461. 1. A sole owner of an outboard motor or vessel,  
4       and multiple owners of an outboard motor or vessel who hold their  
5       interest as joint tenants with right of survivorship or as  
6       tenants by the entirety, on application and payment of the fee  
7       required for an original certificate of title, may request the  
8       director of revenue to issue a certificate of title for the  
9       outboard motor or vessel in beneficiary form which includes a  
10      directive to the director of revenue to transfer the certificate  
11      of title on death of the sole owner or on death of all multiple  
12      owners to one beneficiary or to two or more beneficiaries as  
13      joint tenants with right of survivorship or as tenants by the  
14      entirety named on the face of the certificate.

15             2. A certificate of title in beneficiary form may not be  
16      issued to persons who hold their interest in an outboard motor or  
17      vessel as tenants in common.

18             3. A certificate of title issued in beneficiary form shall  
19      include after the name of the owner, or after the names of  
20      multiple owners, the words "transfer on death to" or the  
21      abbreviation "TOD" followed by the name of the beneficiary or  
22      beneficiaries.

23             4. (1) During the lifetime of a sole owner and during the  
24      lifetime of all multiple owners, the signature or consent of the  
25      beneficiary or beneficiaries shall not be required for any  
26      transaction relating to the outboard motor or vessel for which a

2 certificate of title in beneficiary form has been issued.

3 (2) A certificate of title in beneficiary form may be  
4 revoked or the beneficiary or beneficiaries changed at any time  
5 before the death of the sole owner or surviving multiple owner  
6 only by the following methods:

7 (a) By a sale of the outboard motor or vessel with proper  
8 assignment and delivery of the certificate of title to another  
9 person; or

10 (b) By surrender of the outstanding certificate of title  
11 and filing an application to reissue the certificate of title  
12 with no designation of a beneficiary or with the designation of a  
13 different beneficiary or beneficiaries with the director of  
14 revenue in proper form and accompanied by the payment of the fee  
15 for an original certificate of title.

16 (3) The beneficiary's or beneficiaries' interest in the  
17 outboard motor or vessel at death of the owner or surviving owner  
18 shall be subject to any contract of sale, assignment of ownership  
19 or security interest to which the owner or owners of the outboard  
20 motor or vessel were subject during their lifetime.

21 (4) The designation of a beneficiary or beneficiaries in a  
22 certificate of title issued in beneficiary form may not be  
23 changed or revoked by a will, any other instrument, or a change  
24 in circumstances, or otherwise be changed or revoked except as  
25 provided by subdivision (2) of this subsection.

26 5. (1) On proof of death of one of the owners of two or

2 more multiple owners, or of a sole owner, surrender of the  
3 outstanding certificate of title, and on application and payment  
4 of the fee for an original certificate of title, the director of  
5 revenue shall issue a new certificate of title for the outboard  
6 motor or vessel to the surviving owner or owners or, if none, to  
7 the surviving beneficiary or beneficiaries, subject to any  
8 outstanding security interest; and the current valid certificate  
9 of number shall be so transferred. If the surviving beneficiary  
10 or beneficiaries makes a request of the director of revenue, the  
11 director may allow the beneficiary or beneficiaries to make one  
12 assignment of title.

13 (2) The director of revenue may rely on a death certificate  
14 or record or report that constitutes prima facie proof or  
15 evidence of death under subdivisions (1) and (2) of section  
16 472.290, RSMo.

17 (3) The transfer of an outboard motor or vessel at death  
18 pursuant to this section is effective by reason of sections  
19 301.675 to 301.682, RSMo, and sections 306.455 to 306.465, and is  
20 not to be considered testamentary, or to be subject to the  
21 requirements of section 473.087, RSMo, or section 474.320, RSMo.

22 306.530. 1. The owner of an outboard motor kept within  
23 this state shall cause it to be registered in the office of the  
24 director of revenue who shall issue a certificate of title for  
25 the same.

26 2. The owner of any outboard motor acquired or brought into

2 the state shall file his application for registration and pay the  
3 fee within sixty days after it is acquired or brought into this  
4 state. The director of revenue may grant extensions of time for  
5 registration to any person in deserving cases.

6 3. Any make of outboard motor older than 1960 which is  
7 owned solely as a collector's item and which is used and intended  
8 to be used for exhibition and educational purposes only and will  
9 not be used on the waterways of this state, will be exempt from  
10 titling and registration pursuant to this chapter.

11 307.020. As used in sections 307.020 to 307.120, unless the  
12 context requires another or different construction:

13 (1) "Approved" means approved by the director of revenue  
14 and when applied to lamps and other illuminating devices means  
15 that such lamps and devices must be in good working order;

16 (2) "Auxiliary lamp" means an additional lighting device on  
17 a motor vehicle used primarily to supplement the headlamps in  
18 providing general illumination ahead of a vehicle;

19 (3) "Headlamp" means a major lighting device capable of  
20 providing general illumination ahead of a vehicle;

21 (4) "Mounting height" means the distance from the center of  
22 the lamp to the surface on which the vehicle stands;

23 (5) "Multiple-beam headlamps" means headlamps or similar  
24 devices arranged so as to permit the driver of the vehicle to use  
25 one of two or more distributions of light on the road;

26 (6) "Reflector" means an approved device designed and used



2 to give an indication by reflected light;

3 (7) "Single-beam headlamps" means headlamps or similar  
4 devices arranged so as to permit the driver of the vehicle to use  
5 but one distribution of light on the road;

6 (8) "Vehicle" means every device in, upon or by which a  
7 person or property is or may be transported upon a highway,  
8 excepting devices moved by human power or used exclusively upon  
9 stationary rails or tracks;

10 (9) "When lighted lamps are required" means at any time  
11 from a half-hour after sunset to a half-hour before sunrise and  
12 at any other time when there is not sufficient light to render  
13 clearly discernible persons and vehicles on the highway at a  
14 distance of five hundred feet ahead. Lighted lamps shall also be  
15 required any time the weather conditions require usage of the  
16 motor vehicle's windshield wipers to operate the vehicle in a  
17 careful and prudent manner as defined in section 304.012, RSMo.  
18 The provisions of this section shall be interpreted to require  
19 lighted lamps during periods of fog even if usage of the  
20 windshield wipers is not necessary to operate the vehicle in a  
21 careful and prudent manner.

22 307.040. 1. No person shall drive, move, park or be in  
23 custody of any vehicle or combination of vehicles on any street  
24 or highway during the times when lighted lamps are required  
25 unless such vehicle or combination of vehicles displays lighted  
26 lamps and illuminating devices as hereinafter in this chapter

2 required. No person shall use on any vehicle any approved  
3 electric lamp or similar device unless the light source of such  
4 lamp or device complies with the conditions of approval as to  
5 focus and rated candlepower.

6 2. Notwithstanding the provisions of section 307.120, or  
7 any other provision of law, violation of this section shall be  
8 deemed an infraction and any person who violates this section as  
9 it relates to violations of the usage of lighted lamps required  
10 due to weather conditions or fog shall only be fined ten dollars  
11 and no court costs shall be assessed.

12 307.100. 1. Any lighted lamp or illuminating device upon a  
13 motor vehicle other than headlamps, spotlamps, front direction  
14 signals or auxiliary lamps which projects a beam of light of an  
15 intensity greater than three hundred candlepower shall be so  
16 directed that no part of the beam will strike the level of the  
17 roadway on which the vehicle stands at a distance of more than  
18 seventy-five feet from the vehicle. Alternately flashing warning  
19 signals may be used on school buses when used for school purposes  
20 and on motor vehicles when used to transport United States mail  
21 from post offices to boxes of addressees thereof and on emergency  
22 vehicles as defined in section 304.022, RSMo, [and] on buses  
23 owned or operated by churches, mosques, synagogues, temples or  
24 other houses of worship, and on commercial passenger transport  
25 vehicles or railroad passenger cars that are stopped to load or  
26 unload passengers, but are prohibited on other motor vehicles,

2 motorcycles and motor-drawn vehicles except as a means for  
3 indicating a right or left turn.

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

6 307.400. 1. It is unlawful for any person to operate any  
7 commercial motor vehicle as defined in Title 49, Code of Federal  
8 Regulations, Part 390.5, either singly or in combination with a  
9 trailer, as both vehicles are defined in Title 49, Code of  
10 Federal Regulations, Part 390.5, unless such vehicles are  
11 equipped and operated as required by Parts 390 through 397, Title  
12 49, Code of Federal Regulations, as such regulations have been  
13 and may periodically be amended, whether intrastate  
14 transportation or interstate transportation. Members of the  
15 Missouri state highway patrol are authorized to enter the cargo  
16 area of a commercial motor vehicle or trailer to inspect the  
17 contents when reasonable grounds exist to cause belief that the  
18 vehicle is transporting hazardous materials as defined by Title  
19 49 of the Code of Federal Regulations. The director of the  
20 department of public safety is hereby authorized to further  
21 regulate the safety of commercial motor vehicles and trailers as  
22 he deems necessary to govern and control their operation on the  
23 public highways of this state by promulgating and publishing  
24 rules and regulations consistent with this chapter. Any such  
25 rules shall, in addition to any other provisions deemed necessary  
26 by the director, require:

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

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

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

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

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

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

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

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

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

18           7. Notwithstanding the provisions of subsection 1 of this  
19 section to the contrary, Parts 390 through 397, Title 49, Code of  
20 Federal Regulations shall not apply to commercial motor vehicles  
21 operated in intrastate commerce to transport property, which have  
22 a gross vehicle weight rating or gross combination weight rating  
23 of twenty-six thousand pounds or less. The exception provided by  
24 this subsection shall not apply to vehicles transporting  
25 hazardous materials or to vehicles designed to transport sixteen  
26 or more passengers including the driver as defined by Title 49 of

2 the Code of Federal Regulations. Nothing in this subsection  
3 shall be construed to prohibit persons designated by the  
4 department of public safety from inspecting vehicles defined in  
5 this subsection.

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

8 [8.] 9. No rule or portion of a rule promulgated under the  
9 authority of this chapter shall become effective unless it has  
10 been promulgated pursuant to the provisions of section 536.024,  
11 RSMo.

12 365.020. Unless otherwise clearly indicated by the context,  
13 the following words and phrases have the meanings indicated:

14 (1) "Cash sale price", the price stated in a retail  
15 installment contract for which the seller would have sold to the  
16 buyer, and the buyer would have bought from the seller, the motor  
17 vehicle which is the subject matter of the retail installment  
18 contract, if the sale had been a sale for cash or at a cash price  
19 instead of a retail installment transaction at a time sale price.  
20 The cash sale price may include any taxes, registration,  
21 certificate of title, license and other fees and charges for  
22 accessories and their installment and for delivery, servicing,  
23 repairing or improving the motor vehicle;

24 (2) "Director", the office of the director of the division  
25 of finance;

26 (3) "Holder" of a retail installment contract, the retail

2 seller of the motor vehicle under the contract or, if the  
3 contract is purchased by a sales finance company or other  
4 assignee, the sales finance company or other assignee;

5 (4) "Insurance company", any form of lawfully authorized  
6 insurer in this state;

7 (5) "Motor vehicle", any new or used automobile, mobile  
8 home, motorcycle, all-terrain vehicle, motorized bicycle, moped,  
9 motortricycle, truck, trailer, semitrailer, truck tractor, or bus  
10 [having a cash sale price of seven thousand five hundred dollars  
11 or less] primarily designed or used to transport persons or  
12 property on a public highway, road or street;

13 (6) "Official fees", the fees prescribed by law for filing,  
14 recording or otherwise perfecting and releasing or satisfying any  
15 title or lien retained or taken by a seller in connection with a  
16 retail installment transaction;

17 (7) "Person", an individual, partnership, corporation,  
18 association, and any other group however organized;

19 (8) "Principal balance", the cash sale price of the motor  
20 vehicle which is the subject matter of the retail installment  
21 transaction plus the amounts, if any, included in the sale, if a  
22 separate identified charge is made therefor and stated in the  
23 contract, for insurance and other benefits, including any amounts  
24 paid or to be paid by the seller pursuant to an agreement with  
25 the buyer to discharge a security interest, lien, or lease  
26 interest on property traded in and official fees, minus the



2 amount of the buyer's down payment in money or goods.

3 Notwithstanding any law to the contrary, any amount actually paid  
4 by the seller pursuant to an agreement with the buyer to  
5 discharge a security interest, lien or lease on property traded  
6 in which was included in a contract prior to August 28, 1999, is  
7 valid and legal;

8 (9) "Retail buyer" or "buyer", a person who buys a motor  
9 vehicle from a retail seller in a retail installment transaction  
10 under a retail installment contract;

11 (10) "Retail installment contract" or "contract", an  
12 agreement evidencing a retail installment transaction entered  
13 into in this state pursuant to which the title to or a lien upon  
14 the motor vehicle, which is the subject matter of the retail  
15 installment transaction is retained or taken by the seller from  
16 the buyer as security for the buyer's obligation. The term  
17 includes a chattel mortgage or a conditional sales contract;

18 (11) "Retail installment transaction", a sale of a motor  
19 vehicle by a retail seller to a retail buyer on time under a  
20 retail installment contract for a time sale price payable in one  
21 or more deferred installments;

22 (12) "Retail seller" or "seller", a person who sells a  
23 motor vehicle, not principally for resale, to a retail buyer  
24 under a retail installment contract;

25 (13) "Sales finance company", a person engaged, in whole or  
26 in part, in the business of purchasing retail installment

2 contracts from one or more sellers. The term includes but is not  
3 limited to a bank, trust company, loan and investment company,  
4 savings and loan association, financing institution, or  
5 registrant pursuant to sections 367.100 to 367.200, RSMo, if so  
6 engaged. The term shall not include a person who makes only  
7 isolated purchases of retail installment contracts, which  
8 purchases are not being made in the course of repeated or  
9 successive purchases of retail installment contracts from the  
10 same seller;

11 (14) "Time price differential", the amount, however  
12 denominated or expressed, as limited by section 365.120, in  
13 addition to the principal balance to be paid by the buyer for the  
14 privilege of purchasing the motor vehicle on time to be paid for  
15 by the buyer in one or more deferred installments;

16 (15) "Time sale price", the total of the cash sale price of  
17 the motor vehicle and the amount, if any, included for insurance  
18 and other benefits if a separate identified charge is made  
19 therefor and the amounts of the official fees and time price  
20 differential.

21 365.080. 1. The amount, if any, included in any retail  
22 installment transaction for insurance, if a separate identified  
23 charge is made for the insurance, which insurance may be  
24 purchased by the holder of the contract, shall not exceed the  
25 applicable premiums chargeable in accordance with the rates  
26 approved by the department of insurance of this state where the

2 rates are required by law to be approved by the department. All  
3 insurance shall be written by an insurance company authorized to  
4 do business in this state and all policies written in this state  
5 shall be countersigned by a duly licensed resident agent  
6 authorized to engage in the insurance business in this state,  
7 unless otherwise provided by law. A buyer may be required to  
8 provide insurance on the motor vehicle at his own cost for the  
9 protection of the seller or holder, as well as the buyer, but the  
10 insurance shall be limited to insurance against substantial risk  
11 of loss, damage or destruction of the motor vehicle. Any other  
12 insurance, including insurance providing involuntary unemployment  
13 coverage, may be included in a retail installment transaction at  
14 the buyer's expense only if contracted for voluntarily by the  
15 buyer. If the insurance for which the identified charge is made  
16 insures the safety or health of the buyer or his interest in the  
17 motor vehicle and is purchased by the holder, it shall be subject  
18 to the limitations provided for in the regulations promulgated  
19 and issued by the director pursuant to the provision of  
20 subsection 1 of section 365.060. The holder shall within thirty  
21 days after the execution of the retail installment contract send  
22 or cause to be sent to the buyer a policy or certificate of  
23 insurance, clearly setting forth the amount of the cost of the  
24 policy or certificate of insurance, the kinds of insurance, and,  
25 if a policy, all the terms, exceptions, limitations, restrictions  
26 and conditions of the contract of insurance, or, if a

2 certificate, a summary of the certificate. The seller shall not  
3 decline existing insurance written by an insurance company  
4 authorized to do business in this state and the buyer shall have  
5 the privilege of purchasing insurance from an agent or broker of  
6 his own selection and of selecting his insurance company; except,  
7 that the insurance company shall be acceptable to the holder, and  
8 further, that the inclusion of the cost of the insurance in the  
9 retail installment contract when the buyer selects his agent,  
10 broker or company, shall be optional with the seller.

11 2. If any insurance is canceled, or the premium adjusted,  
12 any refund of the insurance premium received by the holder shall  
13 be credited to the final maturing installments of the contract  
14 except to the extent applied toward payment for similar insurance  
15 protecting the interests of the buyer and the holder or either of  
16 them.

17 3. The amount of any life insurance shall not exceed the  
18 amount of the total unpaid balance from time to time; except,  
19 that where the buyer's obligation is repayable in payments which  
20 are not substantially equal in amount, the insurance may be level  
21 term insurance in an amount which shall not exceed by more than  
22 five dollars the time balance as determined under subsection 6 of  
23 section 365.070.

24 4. Nothing in this chapter shall be construed to prohibit  
25 the sale of a deficiency waiver addendum, guaranteed asset  
26 protection, extended service contract, or other similar products

2 purchased at the time of sale, as part of a retail sale  
3 transaction involving any motor vehicle, or including the cost  
4 therefore within a retail installment transaction, provided the  
5 requirements of section 365.070 are met.

6 365.100. For contracts entered into on or after August 28,  
7 2005, if the contract so provides, the holder thereof may charge,  
8 finance, and collect:

9 (1) A charge for late payment on each installment or  
10 minimum payment in default for a period of not less than fifteen  
11 days in an amount not to exceed five percent of each installment  
12 due or the minimum payment due or twenty-five dollars, whichever  
13 is less; except that, a minimum charge of ten dollars may be  
14 made, or when the installment is for twenty-five dollars or less,  
15 a charge for late payment for a period of not less than fifteen  
16 days shall not exceed five dollars, provided, however, that a  
17 minimum charge of one dollar may be made;

18 (2) Interest on each delinquent payment at a rate which  
19 shall not exceed the highest lawful contract rate. In addition  
20 to such charge, the contract may provide for the payment of  
21 attorney fees not exceeding fifteen percent of the amount due and  
22 payable under the contract where the contract is referred for  
23 collection to any attorney not a salaried employee of the holder,  
24 plus court costs; [and]

25 (3) A dishonored or insufficient funds check fee equal to  
26 such fee as provided in section 408.653, RSMo, in addition to

2 fees charged by a bank for each check, draft, order or like  
3 instrument which is returned unpaid; and

4 (4) All other reasonable expenses incurred in the  
5 origination, servicing, and collection of the amount due under  
6 the contract.

7 390.020. As used in this chapter, unless the context  
8 clearly requires otherwise, the words and terms mean:

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

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

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

2           (4) "Commercial zone", unless otherwise increased pursuant  
3 to the provisions of subdivision (4) of section 390.041, any  
4 municipality within this state together with that territory  
5 either within or without the state of Missouri, extending one  
6 mile beyond the corporate limits of such municipality and one  
7 additional mile for each fifty thousand inhabitants or portion  
8 thereof; however, any commercial zone of a city not within a  
9 county shall extend eighteen miles beyond that city's corporate  
10 limits and shall also extend throughout any first class charter  
11 county which adjoins that zone;

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

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

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

25           (8) "Corporate family", a group of corporations consisting  
26 of a parent corporation and all subsidiaries in which the parent

2 corporation owns directly or indirectly a one hundred percent  
3 interest;

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

6 (10) "Driveaway operator"[,]:

7 (a) Any motor carrier who moves any commercial motor  
8 vehicle or assembled automobile singly under its own power or in  
9 any other combination of two or more vehicles under the power of  
10 one of said vehicles upon any public highway for the purpose of  
11 delivery for sale or for delivery either before or after sale;

12 (b) A person engaged in the business of furnishing drivers  
13 and operators for the purpose of transporting vehicles in transit  
14 from one place to another by the driveaway or towaway methods; or

15 (c) A person who is lawfully engaged in the business of  
16 transporting or delivering vehicles that are not the person's own  
17 and vehicles of a type otherwise required to be registered, by  
18 the driveaway or towaway methods, from a point of manufacture,  
19 assembly or distribution or from the owner of the vehicles to a  
20 dealer or sales agent of a manufacturer or to any consignee  
21 designated by the shipper or consignor;

22 (11) "Dump truck", any open-top vehicle, including dump  
23 trailers, and those trailers commonly referred to as hopper  
24 trailers and/or belly dump trailers, that discharges its load by  
25 tipping or opening the body in such a manner that the load is  
26 ejected or dumped by gravity but does not include tank or other



2 closed-top vehicles, or vehicles that discharge cargo by means of  
3 an auger, conveyor belt, air pressure, pump or other mechanical  
4 means;

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

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

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

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

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

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

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

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

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

25           (21) "Permit", a permit issued under the provisions of this  
26 chapter to a contract carrier to engage in intrastate or

2 interstate commerce or to a common carrier to engage in  
3 interstate commerce;

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

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

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

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

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

26 (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.

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

2           2. Any [annual] regulatory license issued to a motor  
3 carrier for use in driveaway operations, as defined in this  
4 section, shall be issued to such motor carrier without reference  
5 to any particular vehicle and may be used interchangeably by the  
6 holder thereof on any motor vehicle or combinations thereof  
7 moving in driveaway operations under such carrier's property  
8 carrier registration, certificate, or permit.

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

22           4. The [division, upon] commission shall collect the  
23 applicable license fee prior to the issuance of such license or  
24 licenses provided for in this section, and shall [notify the  
25 director of revenue, who shall] receive the license fee or fees  
26 and immediately deposit the same [with the state treasurer in] to

2 the credit of the state [highway] highways and transportation  
3 department fund except as otherwise provided in section 622.095,  
4 RSMo, or when an agreement has been negotiated with another  
5 jurisdiction whereby prepayment is not required. In such cases,  
6 section 622.095, RSMo, if applicable, or the [term] terms of the  
7 agreement shall prevail.

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

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

15 7. The commission shall prescribe, for every regulatory  
16 license issued pursuant to this section, an effective date and an  
17 expiration date. Notwithstanding any provision of law to the  
18 contrary, the commission may stagger the issuance of licenses  
19 pursuant to this section to begin at quarterly intervals during  
20 any calendar year. Not later than the expiration date of the  
21 current license, or as otherwise prescribed, each motor carrier  
22 shall pay the regulatory license fee for each vehicle that the  
23 carrier will operate during the next yearly period. The  
24 commission may issue partial or over one-year licenses during the  
25 transition from an annual license, to accommodate motor carriers  
26 in adding vehicles to their operations during the year, to

2 coordinate the dates for a single carrier's licensing of multiple  
3 licenses, or for such other reasons as approved by the  
4 commission.

5 407.567. 1. If the manufacturer, through its authorized  
6 dealer or its agent, cannot conform the new motor vehicle to any  
7 applicable express warranty by repairing or correcting any  
8 default or condition which impairs the use, market value, or  
9 safety of the new motor vehicle to the consumer after a  
10 reasonable number of attempts, the manufacturer shall, at its  
11 option, either replace the new motor vehicle with a comparable  
12 new vehicle acceptable to the consumer, or take title of the  
13 vehicle from the consumer and refund to the consumer the full  
14 purchase price, including all reasonably incurred collateral  
15 charges, less a reasonable allowance for the consumer's use of  
16 the vehicle. The subtraction of a reasonable allowance for use  
17 shall apply when either a replacement or refund of the new motor  
18 vehicle occurs.

19 2. Refunds shall be made to the consumer and lienholder of  
20 record, if any, as their interests may appear.

21 3. (1) Upon taking the title to a vehicle under this  
22 section, the manufacturer may apply to the department of revenue  
23 for a reimbursement equal to any amounts refunded to a consumer  
24 for any sales tax, license fees, registration fees, and title  
25 fees paid by the consumer as a result of purchasing the vehicle.  
26 Upon the receipt of a written request for a refund, accompanied

2 by satisfactory proof that such sales tax and fees on the vehicle  
3 were paid when or after the vehicle was purchased and that the  
4 manufacturer has refunded such sales tax and fees to the  
5 consumer, lienholder, or lessor of the vehicle, the department of  
6 revenue shall refund to the manufacturer an amount equal to the  
7 amounts refunded to a consumer for such sales tax and fees paid  
8 by the consumer as a result of purchasing the vehicle.

9 (2) The manufacturer may, in lieu of applying to the  
10 department of revenue for a reimbursement under this subsection,  
11 direct the consumer to apply to the department of revenue for a  
12 refund of any sales tax, license fees, registration fees, and  
13 title fees paid by the consumer as a result of purchasing the  
14 vehicle. The manufacturer shall provide the consumer with the  
15 documentation required to prove that the consumer paid such sales  
16 tax and fees to the manufacturer. Upon the receipt of a written  
17 request by the consumer for a refund, accompanied by satisfactory  
18 proof that such sales tax and fees on the vehicle were paid when  
19 or after the vehicle was purchased, and a written statement from  
20 the manufacturer that such sales tax and fees were not refunded  
21 to the consumer, lienholder, or lessor of the vehicle, the  
22 department of revenue shall refund to the consumer an amount  
23 equal to the amounts for such sales tax and fees paid by the  
24 consumer as a result of purchasing the vehicle.

25 407.730. As used in sections 407.730 to 407.748, the  
26 following terms mean:



2           (1) "Authorized driver":

3           (a) The renter;

4           (b) The renter's spouse if the spouse is a licensed driver  
5 and satisfies the car rental company's minimum age requirement;

6           (c) The renter's employee or co-worker if they are engaged  
7 in business activity with the person to whom the vehicle is  
8 rented, are licensed drivers, and satisfy the rental company's  
9 minimum age requirements;

10          (d) Any person who operates the vehicle during an emergency  
11 situation; and

12          (e) Any person expressly listed by the car rental company  
13 on the renter's contract as an authorized driver;

14          (2) "Blackout date", any date on which an advertised price  
15 is totally unavailable to the public;

16          (3) "Car rental company", any person or entity in the  
17 business of renting private passenger vehicles to the public;

18          [(2)] (4) "Clear and conspicuous", that the statement,  
19 representation or term being disclosed is of such size, color  
20 contrast, and audibility and is so presented as to be readily  
21 noticed and understood by the person to whom it is being  
22 disclosed. All language and terms should be used in accordance  
23 with their common or ordinary usage and meaning;

24          [(3)] (5) "Collision damage waiver", any product a consumer  
25 purchases from a car rental company in order to waive all or part  
26 of his [liability in the event of a collision, other damage to]

2     responsibility for damages, or loss [due to theft] of, a rental  
3     vehicle;

4             [(4)] (6) "Limited time availability", that the advertised  
5     rental price is only available for a specific period of time or  
6     that the price is not available during certain blackout periods;

7             [(5)] (7) "Material restriction", a restriction, limitation  
8     or other requirement which significantly affects the price of,  
9     use of, or a consumer's financial responsibility for a rental  
10    car;

11            [(6)] (8) "Mandatory charge", any charge, fee, or surcharge  
12    consumers must generally pay in order to obtain or operate a  
13    rental vehicle;

14            (9) "Car rental insurance", products and services that are  
15    offered in connection with and incidental to the rental of a  
16    motor vehicle under subdivision (10) of subsection 1 of section  
17    375.786, RSMo. This definition of optional car rental insurance  
18    or any other definition of insurance shall not include collision  
19    damage waiver;

20            (10) "Rental agreement", any document or combination of  
21    documents, which, when read together and incorporated by  
22    reference to each other, relate to and establish the terms and  
23    conditions of the rental of a motor vehicle by an individual; or  
24    when such a combination of documents is entered into as part of  
25    any written master, corporate, group or individual agreement  
26    setting forth the terms and conditions governing the use of a

2     rental car rented by a car rental company;

3             (11) "Master rental agreement", those documents used by a  
4     car rental company for expedited service to members in a program  
5     sponsored by the car rental company in which renters establish a  
6     profile and select preferences for rental needs which establish  
7     the terms and conditions governing the use of a rental car rented  
8     by a car rental company by a participant in a master rental  
9     agreement;

10            [(7)] (12) "Advertisement", oral, written, graphic or  
11     pictorial statements made in the course of solicitation of  
12     business including, without limitation, any statement or  
13     representation made in a newspaper, magazine, the car rental  
14     company's proprietary web site, or other publication, or  
15     contained in any notice, sign, poster, display, circular,  
16     pamphlet, or letter which may collectively be called "print  
17     advertisements", or on radio or television, which may be referred  
18     to as "broadcast commercials".

19            407.735. 1. Any business practices utilized by car rental  
20     companies in furtherance of their business of renting vehicles to  
21     the public shall be nondeceptive, fair and shall not be  
22     unconscionable.

23            2. Any collision damage waiver product offered for sale to  
24     the public shall not contain any provisions that are deceptive,  
25     unfair or unconscionable. It is deceptive, unfair, and  
26     unconscionable to require a consumer to assume absolute liability

2 for damage or loss up to the total value of a rental vehicle  
3 regardless of fault as a condition of the rental agreement, and  
4 then not include as part of any collision damage waiver product,  
5 a waiver of liability for any damage or loss which occurs as a  
6 result of the consumer's ordinary negligence, except where:

7 (1) The damage is caused intentionally by an authorized  
8 driver or as a result of his willful and wanton misconduct;

9 (2) The damage arises out of the authorized driver's  
10 operation of the vehicle while intoxicated or under the influence  
11 of any illegal or unauthorized drug;

12 (3) The rental transaction is based on fraudulent  
13 information supplied by the renter;

14 (4) The damage arises out of the use of the vehicle while  
15 committing or otherwise engaged in a criminal act in which the  
16 automobile usage is substantially related to the nature of the  
17 criminal activity;

18 (5) The damage arises out of the use of the vehicle to  
19 carry persons or property for hire;

20 (6) The damage occurs while the vehicle is operated by a  
21 person other than an authorized driver[. For the purposes of  
22 this subsection, "authorized driver" means the person to whom the  
23 vehicle is rented; the renter's spouse or other family members  
24 who are licensed drivers and satisfy the rental company's minimum  
25 age requirement; the renter's employer or co-worker if they are  
26 engaged in business activity with the person to whom the vehicle

2 is rented, are licensed drivers, and satisfy the rental company's  
3 minimum age requirement; any person who operates the vehicle  
4 during an emergency situation or while parking the vehicle at a  
5 commercial establishment; and any person expressly listed by the  
6 rental company on the rental agreement as an authorized driver]  
7 as defined in section 407.730;

8 (7) The damage arises out of the use of the vehicle outside  
9 of the United States unless such use is specifically authorized  
10 by the rental agreement;

11 (8) Towing or pushing anything or if operation of the  
12 vehicle on an unpaved road has resulted in damage or loss which  
13 is a direct result of the road or driving conditions;

14 (9) Loss due to the theft of the rental vehicle. However,  
15 the renter shall be presumed to have no liability for any loss  
16 due to theft if (A) an authorized driver has possession of the  
17 ignition key furnished by the rental company or an authorized  
18 driver establishes that the ignition key furnished by the car  
19 rental company was not in the vehicle at the time of the theft,  
20 and (B) an authorized driver files an official report of the  
21 theft with the police or other law enforcement agency within  
22 twenty-four hours of learning of the theft and reasonably  
23 cooperates with the car rental company and the police or other  
24 law enforcement agency in providing information concerning the  
25 theft. The presumption set forth in this paragraph is a  
26 presumption affecting the burden of proof which the car rental

2 company may rebut by establishing that an authorized driver  
3 committed, or aided and abetted the commission of, the theft.

4 3. Any claim resulting from damage to or loss of a rental  
5 vehicle shall be reasonably and rationally related to the actual  
6 loss incurred. The car rental company shall not assert or  
7 collect any claim for physical or mechanical damage to or loss of  
8 a rental vehicle which exceeds: the actual cash value of the  
9 vehicle immediately before the loss less any proceeds from the  
10 vehicle's disposal after the loss, or the actual cost to repair  
11 the damaged vehicle including all discounts or price reductions,  
12 whichever is less. Such claim shall be based on an estimate of  
13 damage or repair invoice made by an independent appraisal  
14 company, an insurance company, or a repair facility that  
15 completed or would complete the repairs. A car rental company's  
16 charge for loss of use shall not exceed a reasonable estimate of  
17 the actual income lost.

18 4. It is a deceptive and unfair practice for a car rental  
19 company or employee to knowingly and intentionally misrepresent  
20 any material element of a rental agreement transaction [or to  
21 fail to disclose to consumers all material facts and restrictions  
22 applicable to the rental of a vehicle or in the sale of optional  
23 products or services] including the sale of collision damage  
24 waiver and car rental insurance. The company shall disclose in  
25 the rental agreement the extent of the consumer's liability for  
26 the vehicle and applicable mileage limitations and charges. When

2 the consumer elects the collision damage waiver or car rental  
3 insurance, the price for collision damage waiver and [applicable  
4 mileage limitations and charges] car rental insurance shall  
5 appear on the rental agreement. A car rental company shall not  
6 require the purchase of collision damage waiver or car rental  
7 insurance. No car rental company shall sell to a consumer or  
8 offer to sell a consumer a collision damage waiver [product] or  
9 car rental insurance as a part of the rental agreement unless the  
10 car rental company [first] provides the consumer with the  
11 following written notice:

12 [NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A  
13 COLLISION DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE  
14 TO THE VEHICLE. BEFORE YOU DECIDE WHETHER TO PURCHASE THE  
15 COLLISION DAMAGE WAIVER PRODUCT, YOU MAY WISH TO DETERMINE  
16 WHETHER YOUR OWN VEHICLE INSURANCE AFFORDS YOU COVERAGE FOR  
17 DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE DEDUCTIBLE  
18 UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS  
19 COLLISION DAMAGE WAIVER PRODUCT IS NOT MANDATORY AND MAY BE  
20 DECLINED.] COLLISION DAMAGE WAIVER AND CAR RENTAL INSURANCE  
21 NOTICE: OUR CONTRACT OFFERS FOR AN ADDITIONAL CHARGE COLLISION  
22 DAMAGE AND CAR RENTAL INSURANCE PRODUCTS. BEFORE DECIDING  
23 WHETHER TO PURCHASE ANY OF THESE OPTIONAL PRODUCTS, YOU MAY WISH  
24 TO DETERMINE WHETHER YOUR PERSONAL INSURANCE OR CREDIT CARD  
25 PROVIDES YOU COVERAGE DURING THE RENTAL PERIOD. THE PURCHASE OF  
26 ANY OF THESE OPTIONAL PRODUCTS IS NOT REQUIRED TO RENT A VEHICLE.

2           THIS NOTICE REQUIREMENT SHALL BE DEEMED SATISFIED IF THIS  
3           WRITTEN NOTICE APPEARS IN MATERIALS FURNISHED TO A CONSUMER  
4           DURING THE ENROLLMENT PROCESS INTO A MASTER RENTAL AGREEMENT OR  
5           IF PLACED ON THE RENTAL COMPANY'S PROPRIETARY WEB SITE AFTER THE  
6           EFFECTIVE DATE OF THIS STATUTE. THIS NOTICE PROVISION IS DEEMED  
7           COMPLIED WITH FOR ALL CONSUMERS WHO HAVE PREVIOUSLY ENROLLED INTO  
8           A MASTER RENTAL AGREEMENT PRIOR TO THE EFFECTIVE DATE OF THIS  
9           STATUTE AND NO FURTHER NOTICE SHALL BE REQUIRED.

10          Such notice shall be made on the face of the rental agreement as  
11          part of the written contract[, ] and shall be set apart in  
12          boldface type and in no smaller print than 10-point type[, and  
13          shall include a space for the consumer to acknowledge his receipt  
14          of this notice].

15          5. The car rental company shall provide a notice at the  
16          rental office in the form of a sign, placard, or brochure that  
17          informs the consumer of the following:

18               (1) The availability of collision damage waiver;

19               (2) The availability of car rental insurance;

20               (3) A statement that the purchase of collision damage  
21          waiver and/or car rental insurance is not required in order to  
22          rent.

23          The following language may be used to comply with the  
24          requirements of this section, but shall not be considered the



2 exclusive language that may be used:

3 COLLISION DAMAGE WAIVER AND CAR RENTAL INSURANCE NOTICE:

4 Our contract offers for an additional charge optional  
5 products which provide you protection during your rental,  
6 including:

7 1. Collision Damage Waiver: You are responsible for all  
8 damages to or loss of the rental vehicle. A Collision Damage  
9 Waiver will relieve you of responsibility for all or part of the  
10 damage to the rental vehicle that may occur during the rental  
11 period.

12 2. Personal Accident Insurance: Personal Accident  
13 Insurance provides accidental death and accident medical  
14 insurance that protects you during the rental period in or out of  
15 the rental vehicle and your passengers while in the rental  
16 vehicle.

17 3. Personal Effects Coverage: Personal Effects Coverage  
18 protects your possessions from loss or damage during the rental  
19 period.

20 4. Liability Insurance: Liability Insurance provides  
21 protection to cover injuries or death to third parties or damage  
22 to a third party's property if you are at fault in an accident  
23 with the rental vehicle during the rental period.

24 Before deciding to purchase any of these optional products,  
25 you may wish to determine whether your personal insurance or  
26 credit card provides you coverage during the rental period.

2       The purchase of any of these products is not required to  
3       rent a vehicle.

4       6. Car rental companies shall not place a hold against a  
5       consumer's credit limit or charge a consumer's credit card in a  
6       deceptive or unfair manner, and without full and complete  
7       disclosure of such practice.

8       7. The sole and exclusive remedies for any violation by a  
9       car rental company of any provision of sections 407.730 to  
10      407.735, or for any conduct, act, or practice prescribed by any  
11      provisions of sections 407.730 to 407.735, shall be injunctive  
12      relief and monetary damages in an amount not to exceed fifty  
13      dollars for each violation. The aggregate amount of monetary  
14      damages which may be assessed against a car rental company for  
15      violations of any provisions of sections 407.730 to 407.735, or  
16      for any conduct, act, or practice prescribed by any provisions of  
17      sections 407.730 to 407.735, shall not exceed the sum of ten  
18      thousand dollars in the aggregate during any calendar year.  
19      These remedies are in lieu of, and supercede, all other remedies  
20      provided by this chapter, other Missouri statutes, common law, or  
21      equity.

22      407.1200. As used in sections 407.1200 to 407.1227, the  
23      following terms shall mean:

24      (1) "Administrator", the person who is responsible for the  
25      administration of the service contracts or the service contracts  
26      plan and who is responsible for any filings required by sections

2 407.1200 to 407.1227;

3 (2) "Consumer", a natural person who buys other than for  
4 purposes of resale any motor vehicle that is distributed in  
5 commerce and that is normally used for personal, family, or  
6 household purposes and not for business or research purposes;

7 (3) "Director", the director of the department of  
8 insurance;

9 (4) "Maintenance agreement", a contract of limited duration  
10 that provides for scheduled maintenance only;

11 (5) "Manufacturer", a person that:

12 (a) Manufactures or produces the property and sells the  
13 property under its own name or label;

14 (b) Is a wholly owned subsidiary of the person who  
15 manufactures or produces the property;

16 (c) Is a corporation which owns one hundred percent of the  
17 person who manufactures or produces the property;

18 (d) Does not manufacture or produce the property, but the  
19 property is sold under its trade name label;

20 (e) Manufactures or produces the property and the property  
21 is sold under the trade name or label of another person; or

22 (f) Does not manufacture or produce the property but,  
23 pursuant to a written contract, licenses the use of its trade  
24 name or label to another person that sells the property under the  
25 licensor's trade name or label;

26 (6) "Mechanical breakdown insurance", a policy, contract,

2 or agreement issued by an authorized insurer that provides for  
3 the repair, replacement, or maintenance of a motor vehicle or  
4 indemnification for repair, replacement, or service, for the  
5 operational or structural failure of a motor vehicle due to a  
6 defect in materials or workmanship or to normal wear and tear;

7 (7) "Motor vehicle extended service contract" or "service  
8 contract", a contract or agreement for a separately stated  
9 consideration or for a specific duration to perform the repair,  
10 replacement, or maintenance of a motor vehicle or indemnification  
11 for repair, replacement, or maintenance, for the operational or  
12 structural failure due to a defect in materials, workmanship, or  
13 normal wear and tear, with or without additional provision for  
14 incidental payment of indemnity under limited circumstances,  
15 including, but not limited to, towing, rental, and emergency road  
16 service, but does not include mechanical breakdown insurance or  
17 maintenance agreements;

18 (8) "Nonoriginal manufacturer's parts", replacement parts  
19 not made for or by the original manufacturer of the property,  
20 commonly referred to as "after market parts";

21 (9) "Person", an individual, partnership, corporation,  
22 incorporated or unincorporated association, joint stock company,  
23 reciprocal, syndicate, or any similar entity or combination of  
24 entities acting in concert;

25 (10) "Premium", the consideration paid to an insurer for a  
26 reimbursement insurance policy;

2       (11) "Provider", a person who administers, issues, makes,  
3       provides, sells, or offers to sell a motor vehicle extended  
4       service contract, or who is contractually obligated to provide  
5       service under a motor vehicle extended service contract such as  
6       sellers, administrators, and other intermediaries;

7       (12) "Provider fee", the consideration paid for a service  
8       contract in excess of the premium;

9       (13) "Reimbursement insurance policy", a policy of  
10       insurance issued to a provider and pursuant to which the insurer  
11       agrees, for the benefit of the service contract holders, to  
12       discharge all of the obligations and liabilities of the provider  
13       under the terms of the service contracts in the event of  
14       nonperformance by the provider. All obligations and liabilities  
15       include, but are not limited to, failure of the provider to  
16       perform under the service contract and the return of the unearned  
17       provider fee in the event of the provider's unwillingness or  
18       inability to reimburse the unearned provider fee in the event of  
19       termination of a service contract;

20       (14) "Service contract holder" or "contract holder", a  
21       person who is the purchaser or holder of a services contract;

22       (15) "Warranty", a warranty made solely by the  
23       manufacturer, importer, or seller of property or services without  
24       charge, that is not negotiated or separated from the sale of the  
25       product and is incidental to the sale of the product, that  
26       guarantees indemnity for defective parts, mechanical or

2 electrical breakdown, labor, or other remedial measures, such as  
3 repair or replacement of the property or repetition of services.

4 407.1203. 1. Service contracts shall not be issued, sold,  
5 or offered for sale in this state unless the administrator or its  
6 designee has:

7 (1) Provided a receipt for the purchase of the service  
8 contract to the contract holder at the date of purchase;

9 (2) Provided a copy of the service contract to the service  
10 contract holder within a reasonable period of time from the date  
11 of purchase; and

12 (3) Complied with the provisions of sections 407.1200 to  
13 407.1227.

14 2. All administrators of service contracts sold in this  
15 state shall file a registration with the director on a form, at a  
16 fee and at a frequency prescribed by the director.

17 3. In order to assure the faithful performance of a  
18 provider's obligations to its contract holders, each provider who  
19 is contractually obligated to provide service under a service  
20 contract shall:

21 (1) Insure all service contracts under a reimbursement  
22 insurance policy issued by an insurer authorized to transact  
23 insurance in this state; or

24 (2) (a) Maintain a funded reserve account for its  
25 obligation under its contracts issued and outstanding in this  
26 state. The reserves shall not be less than forty percent of

2 gross consideration received, less claims paid, on the sale of  
3 the service contract for all in-force contracts. The reserve  
4 account shall be subject to examination and review by the  
5 director; and

6 (b) Place in trust with the director a financial security  
7 deposit, having a value of not less than five percent of the  
8 gross consideration received, less claims paid, on the sale of  
9 the service contract for all service contracts issued and in  
10 force, but not less than twenty-five thousand dollars, consisting  
11 of one of the following:

12 a. A surety bond issued by an authorized surety;

13 b. Securities of the type eligible for deposit by  
14 authorized insurers in this state;

15 c. Cash;

16 d. A letter of credit issued by a qualified financial  
17 institution; or

18 e. Another form of security prescribed by regulations  
19 issued by the director; or

20 (3) (a) Maintain a net worth of one hundred million  
21 dollars; and

22 (b) Upon request, provide the director with a copy of the  
23 provider's or, if the provider's financial statements are  
24 consolidated with those of its parent company, the provider's  
25 parent company's most recent Form 10-K filed with the Securities  
26 and Exchange Commission (SEC) within the last calendar year, or

2 if the company does not file with the SEC, a copy of the  
3 company's audited financial statements, which shows a net worth  
4 of the provider or its parent company of at least one hundred  
5 million dollars. If the provider's parent company's Form 10-K or  
6 audited financial statements are filed to meet the provider's  
7 financial stability requirement, then the parent company shall  
8 agree to guarantee the obligations of the obligor relating to  
9 service contracts sold by the provider in this state.

10 4. Provider fees collected on service contracts shall not  
11 be subject to premium taxes. Premiums for reimbursement  
12 insurance policies shall be subject to applicable premium taxes.

13 5. Except for the registration requirement in subsection 2  
14 of this section, persons marketing, selling, or offering to sell  
15 service contracts for providers that comply with sections  
16 407.1200 to 407.1227 are exempt from this state's licensing  
17 requirements.

18 6. Providers complying with the provisions of sections  
19 407.1200 to 407.1227 are not required to comply with other  
20 provisions of chapters 374 or 375, or any other provisions  
21 governing insurance companies, except as specifically provided.

22 407.1206. Reimbursement insurance policies insuring service  
23 contracts issued, sold, or offered for sale in this state shall  
24 conspicuously state that, upon failure of the provider to perform  
25 under the contract, such as failure to return the unearned  
26 provider fee, the insurer that issued the policy shall pay on



2 behalf of the provider any sums the provider is legally obligated  
3 to pay or shall provide the service which the provider is legally  
4 obligated to perform according to the provider's contractual  
5 obligations under the service contracts issued or sold by the  
6 provider.

7 407.1209. 1. Service contracts issued, sold, or offered  
8 for sale in this state shall be written in clear, understandable  
9 language and the entire contract shall be printed or typed in  
10 easy to read ten point type or larger and conspicuously disclose  
11 the requirements in this section, as applicable.

12 2. Service contracts insured under a reimbursement  
13 insurance policy pursuant to subsection 3 of section 407.1203  
14 shall contain a statement in substantially the following form:  
15 "Obligations of the provider under this service contract are  
16 guaranteed under a service contract reimbursement insurance  
17 policy. If the provider fails to pay or provide service on a  
18 claim within sixty days after proof of loss has been filed, the  
19 contract holder is entitled to make a claim directly against the  
20 insurance company." A claim against the provider shall also  
21 include a claim for return of the unearned provider fee. The  
22 service contract shall also conspicuously state the name and  
23 address of the insurer.

24 3. Service contracts not insured under a reimbursement  
25 insurance policy pursuant to subsection 3 of section 407.1203  
26 shall contain a statement in substantially the following form:

2 "Obligations of the provider under this service contract are  
3 backed only by the full faith and credit of the provider (issuer)  
4 and are not guaranteed under a service contract reimbursement  
5 insurance policy.". A claim against the provider shall also  
6 include a claim for return of the unearned provider fee. The  
7 service contract shall also conspicuously state the name and  
8 address of the provider.

9 4. Service contracts shall identify any administrator, the  
10 provider obligated to perform the service under the contract, the  
11 service contract seller, and the service contract holder to the  
12 extent that the name and address of the service contract holder  
13 has been furnished by the service contract holder.

14 5. Service contracts shall conspicuously state the total  
15 purchase price and the terms under which the service contract is  
16 sold. The purchase price is not required to be pre-printed on  
17 the service contract and may be negotiated at the time of sale  
18 with the service contract holder.

19 6. If prior approval of repair work is required, the  
20 service contracts shall conspicuously state the procedure for  
21 obtaining prior approval and for making a claim, including a  
22 toll-free telephone number for claim service and a procedure for  
23 obtaining emergency repairs performed outside of normal business  
24 hours.

25 7. Service contracts shall conspicuously state the  
26 existence of any deductible amount.

2       8. Service contracts shall specify the merchandise and  
3 services to be provided and any limitations, exceptions, and  
4 exclusions.

5       9. Service contracts shall state the conditions upon which  
6 the use of nonoriginal manufacturer's parts, or substitute  
7 service, may be allowed. Conditions stated shall comply with  
8 applicable state and federal laws.

9       10. Service contracts shall state any terms, restrictions,  
10 or conditions governing the transferability of the service  
11 contract.

12       11. Service contracts shall state the terms, restrictions,  
13 or conditions governing termination of the service contract by  
14 the service contract holder. The provider of the service  
15 contract shall mail a written notice to the contract holder  
16 within fifteen days of the date of termination.

17       12. Service contracts shall require every provider to  
18 permit the service contract holder to return the contract within  
19 at least twenty business days of the date of mailing of the  
20 service contract or within at least ten days if the service  
21 contract is delivered at the time of sale or within a longer time  
22 period permitted under the contract. If no claim has been made  
23 under the contract, the contract is void and the provider shall  
24 refund to the contract holder the full purchase price of the  
25 contract. A ten percent penalty per month shall be added to a  
26 refund that is not paid within thirty days of return of the

2 contract to the provider. The applicable free-look time periods  
3 on service contracts shall only apply to the original service  
4 contract purchaser.

5 13. Service contracts shall set forth all of the  
6 obligations and duties of the service contract holder, such as  
7 the duty to protect against any further damage and the  
8 requirement for certain service and maintenance.

9 14. Service contracts shall clearly state whether or not  
10 the service contract provides for or excludes consequential  
11 damages or preexisting conditions.

12 407.1212. 1. A provider shall not use in its name the  
13 words insurance, casualty, guaranty, surety, mutual, or any other  
14 words descriptive of the insurance, casualty, guaranty, or surety  
15 business; or a name deceptively similar to the name or  
16 description of any insurance or surety corporation, or any other  
17 provider. This section shall not apply to a company that was  
18 using any of the prohibited language in its name prior to August  
19 28, 2004. However, a company using the prohibited language in  
20 its name shall conspicuously disclose in its service contract the  
21 following statement: "This agreement is not an insurance  
22 contract."

23 2. A provider or its representative shall not in its  
24 service contracts or literature make, permit, or cause to be made  
25 any false or misleading statement, or deliberately omit any  
26 material statement that would be considered misleading if

2 omitted, in connection with the sale, offer to sell or  
3 advertisement of a service contract.

4 3. A person, such as a bank, savings and loan association,  
5 lending institution, manufacturer or seller of any product, shall  
6 not require the purchase of a service contract as a condition of  
7 a loan or a condition for the sale of any property.

8 407.1215. 1. An administrator, provider, or other  
9 intermediary shall keep accurate accounts, books, and records  
10 concerning transactions regulated by sections 407.1200 to  
11 407.1227.

12 2. An administrator's, provider's, or other intermediary's  
13 accounts, books, and records shall include:

14 (1) Copies of each type of service contract issued;

15 (2) The name and address of each service contract holder to  
16 the extent that the name and address have been furnished by the  
17 service contract holder;

18 (3) A list of the provider locations where service  
19 contracts are marketed, sold, or offered for sale; and

20 (4) Claims files which shall contain at least the dates,  
21 amounts, and description of all receipts, claims, and  
22 expenditures related to the service contracts.

23 3. Except as provided in this section, an administrator  
24 shall retain all records pertaining to each service contract  
25 holder for at least three years after the specified period of  
26 coverage has expired.

2       4. An administrator, provider, or other intermediary may  
3       keep all records required pursuant to sections 407.1200 to  
4       407.1227 on a computer disk or other similar technology. If an  
5       administrator, provider, or other intermediary maintains records  
6       in other than hard copy, records shall be accessible from a  
7       computer terminal available to the director and be capable of  
8       duplication to legible hard copy.

9       5. An administrator, provider, or other intermediary  
10       discontinuing business in this state shall maintain its records  
11       until it furnishes the director satisfactory proof that it has  
12       discharged all obligations to contract holders in this state.

13       6. An administrator, provider, or other intermediary shall  
14       make all accounts, books, and records concerning transactions  
15       regulated pursuant to sections 407.1200 to 407.1227 or other  
16       pertinent laws available to the director upon request.

17       407.1218. As applicable, an insurer that issued a  
18       reimbursement insurance policy shall not terminate the policy  
19       until a notice of termination, in a form and time frame  
20       prescribed by the director, has been mailed or delivered to the  
21       director. The termination of a reimbursement insurance policy  
22       shall not reduce the issuer's responsibility for service  
23       contracts issued by providers prior to the date of the  
24       termination.

25       407.1221. 1. Providers are considered to be the agent of  
26       the insurer that issued the reimbursement insurance policy. In

2 cases where a provider is acting as an administrator and enlists  
3 other providers, the provider acting as the administrator shall  
4 notify the insurer of the existence and identities of the other  
5 providers.

6 2. The provisions of sections 407.1200 to 407.1227 shall  
7 not prevent or limit the right of an insurer which issued a  
8 reimbursement insurance policy to seek indemnification or  
9 subrogation against a provider if the insurer pays or is  
10 obligated to pay the service contract holder sums that the  
11 provider was obligated to pay pursuant to the provisions of the  
12 service contract or under a contractual agreement.

13 407.1224. 1. The director may conduct investigations or  
14 examinations of providers, administrators, insurers, or other  
15 persons to enforce the provisions of sections 407.1200 to  
16 407.1227 and protect service contract holders in this state.

17 2. The director may take action that is necessary or  
18 appropriate to enforce the provisions of sections 407.1200 to  
19 407.1227 and the director's regulations and orders, and to  
20 protect service contract holders in this state.

21 3. The director may order a service contract provider to  
22 cease and desist from committing violations of sections 407.1200  
23 to 407.1227 or the director's regulations or orders, may issue an  
24 order prohibiting a service contract provider from selling or  
25 offering for sale service contracts, or may issue an order  
26 imposing a civil penalty, or any combination of these, if the

2 provider has violated the provisions of sections 407.1200 to  
3 407.1227 or the director's regulations or orders.

4 4. A person aggrieved by an order pursuant to this section  
5 may request a hearing before the director. The hearing request  
6 shall be filed with the director within twenty days of the date  
7 the director's order is effective.

8 5. Pending the hearing and the decision by the director,  
9 the director shall suspend the effective date of the order. At  
10 the hearing, the burden shall be on the director to show why the  
11 order issued pursuant to this section is justified. Such hearing  
12 shall be held in accordance with the provisions of chapter 536,  
13 RSMo.

14 6. The director may bring an action in the circuit court of  
15 Cole county for an injunction or other appropriate relief to  
16 enjoin threatened or existing violations of sections 407.1200 to  
17 407.1227 or of the director's orders or regulations. An action  
18 filed pursuant to this section may also seek restitution on  
19 behalf of persons aggrieved by a violation of sections 407.1200  
20 to 407.1227 or orders or regulations of the director.

21 7. A person in violation of sections 407.1200 to 407.1227  
22 or orders or regulation of the director may be assessed a civil  
23 penalty not to exceed one thousand dollars per violation.

24 8. The authority of the director pursuant to this section  
25 is in addition to other authority of the director.

26 407.1225. The director may promulgate rules to effectuate



2 sections 407.1200 to 407.1227. Any rule or portion of a rule, as  
3 that term is defined in section 536.010, RSMo, that is created  
4 under the authority delegated in this section shall become  
5 effective only if it complies with and is subject to all of the  
6 provisions of chapter 536, RSMo, and, if applicable, section  
7 536.028, RSMo. This section and chapter 536, RSMo, are  
8 nonseverable and if any of the powers vested with the general  
9 assembly pursuant to chapter 536, RSMo, to review, to delay the  
10 effective date, or to disapprove and annul a rule are  
11 subsequently held unconstitutional, then the grant of rulemaking  
12 authority and any rule proposed or adopted after August 28, 2004,  
13 shall be invalid and void.

14 407.1227. 1. The provisions of sections 407.1200 to  
15 407.1224 shall not apply to:

16 (1) Warranties;  
17 (2) Maintenance agreements;  
18 (3) Commercial transactions; and  
19 (4) Service contracts sold or offered for sale to persons  
20 other than consumers.

21 2. Manufacturer's contracts on the manufacturer's products  
22 need only comply with the provisions of sections 407.1209,  
23 407.1212, and 407.1224.

24 408.140. 1. No further or other charge or amount  
25 whatsoever shall be directly or indirectly charged, contracted  
26 for or received for interest, service charges or other fees as an

2 incident to any such extension of credit except as provided and  
3 regulated by sections 367.100 to 367.200, RSMo, and except:

4 (1) On loans for thirty days or longer which are other than  
5 "open-end credit" as such term is defined in the federal Consumer  
6 Credit Protection Act and regulations thereunder, a fee, not to  
7 exceed five percent of the principal amount loaned not to exceed  
8 seventy-five dollars may be charged by the lender; however, no  
9 such fee shall be permitted on any extension, refinance,  
10 restructure or renewal of any such loan, unless any investigation  
11 is made on the application to extend, refinance, restructure or  
12 renew the loan;

13 (2) The lawful fees actually and necessarily paid out by  
14 the lender to any public officer for filing, recording, or  
15 releasing in any public office any instrument securing the loan,  
16 which fees may be collected when the loan is made or at any time  
17 thereafter; however, premiums for insurance in lieu of perfecting  
18 a security interest required by the lender may be charged if the  
19 premium does not exceed the fees which would otherwise be  
20 payable;

21 (3) If the contract so provides, a charge for late payment  
22 on each installment or minimum payment in default for a period of  
23 not less than fifteen days in an amount not to exceed five  
24 percent of each installment due or the minimum payment due or  
25 fifteen dollars, whichever is greater, not to exceed fifty  
26 dollars; except that, a minimum charge of ten dollars may be

2 made. If the contract so provides, a charge for late payment on  
3 each twenty-five dollars or less installment in default for a  
4 period of not less than fifteen days shall not exceed five  
5 dollars;

6 (4) If the contract so provides, a charge for late payment  
7 for a single payment note in default for a period of not less  
8 than fifteen days in an amount not to exceed five percent of the  
9 payment due; provided that, the late charge for a single payment  
10 note shall not exceed fifty dollars;

11 (5) Charges or premiums for insurance written in connection  
12 with any loan against loss of or damage to property or against  
13 liability arising out of ownership or use of property as provided  
14 in section 367.170, RSMo; however, notwithstanding any other  
15 provision of law, with the consent of the borrower, such  
16 insurance may cover property all or part of which is pledged as  
17 security for the loan, and charges or premiums for insurance  
18 providing life, health, accident, or involuntary unemployment  
19 coverage;

20 (6) Reasonable towing costs and expenses of retaking,  
21 holding, preparing for sale, and selling any personal property in  
22 accordance with section 400.9, RSMo;

23 7. Charges assessed by any institution for processing a  
24 refused instrument plus a handling fee of not more than  
25 twenty-five dollars;

26 [(7)] (8) If the contract or promissory note, signed by the

2 borrower, provides for attorney fees, and if it is necessary to  
3 bring suit, such attorney fees may not exceed fifteen percent of  
4 the amount due and payable under such contract or promissory  
5 note, together with any court costs assessed. The attorney fees  
6 shall only be applicable where the contract or promissory note is  
7 referred for collection to an attorney, and is not handled by a  
8 salaried employee of the holder of the contract;

9 [(8)] (9) Provided the debtor agrees in writing, the lender  
10 may collect a fee in advance for allowing the debtor to defer up  
11 to three monthly loan payments, so long as the fee is no more  
12 than the lesser of fifty dollars or ten percent of the loan  
13 payments deferred, no extensions are made until the first loan  
14 payment is collected and no more than one deferral in a  
15 twelve-month period is agreed to and collected on any one loan;  
16 this subdivision applies to nonprecomputed loans only and does  
17 not affect any other subdivision;

18 [(9)] (10) If the open-end credit contract is tied to a  
19 transaction account in a depository institution, such account is  
20 in the institution's assets and such contract provides for loans  
21 of thirty-one days or longer which are "open-end credit", as such  
22 term is defined in the federal Consumer Credit Protection Act and  
23 regulations thereunder, the creditor may charge a credit advance  
24 fee of the lesser of twenty-five dollars or five percent of the  
25 credit advanced from time to time from the line of credit; such  
26 credit advance fee may be added to the open-end credit

2 outstanding along with any interest, and shall not be considered  
3 the unlawful compounding of interest as that term is defined in  
4 section 408.120.

5 2. Other provisions of law to the contrary notwithstanding,  
6 an open-end credit contract under which a credit card is issued  
7 by a company, financial institution, savings and loan or other  
8 credit issuing company whose credit card operations are located  
9 in Missouri may charge an annual fee, provided that no finance  
10 charge shall be assessed on new purchases other than cash  
11 advances if such purchases are paid for within twenty-five days  
12 of the date of the periodic statement therefor.

13 3. Notwithstanding any other provision of law to the  
14 contrary, in addition to charges allowed pursuant to section  
15 408.100, an open-end credit contract provided by a company,  
16 financial institution, savings and loan or other credit issuing  
17 company which is regulated pursuant to this chapter may charge an  
18 annual fee not to exceed fifty dollars.

19 577.054. 1. After a period of not less than ten years, an  
20 individual who has pleaded guilty or has been convicted for a  
21 first alcohol-related driving offense which is a misdemeanor or a  
22 county or city ordinance violation and which is not a conviction  
23 for driving a commercial motor vehicle while under the influence  
24 of alcohol and who since such date has not been convicted of any  
25 other alcohol-related driving offense may apply to the court in  
26 which he or she pled guilty or was sentenced for an order to

2 expunge from all official records all recordations of his or her  
3 arrest, plea, trial or conviction. If the court determines,  
4 after hearing, that such person has not been convicted of any  
5 alcohol-related driving offense in the ten years prior to the  
6 date of the application for expungement, and has no other  
7 alcohol-related enforcement contacts as defined in section  
8 302.525, RSMo, during that ten-year period, the court shall enter  
9 an order of expungement. The effect of such order shall be to  
10 restore such person to the status he or she occupied prior to  
11 such arrest, plea or conviction and as if such event had never  
12 taken place. No person as to whom such order has been entered  
13 shall be held thereafter under any provision of any law to be  
14 guilty of perjury or otherwise giving a false statement by reason  
15 of his or her failure to recite or acknowledge such arrest, plea,  
16 trial, conviction or expungement in response to any inquiry made  
17 of him or her for any purpose whatsoever and no such inquiry  
18 shall be made for information relating to an expungement under  
19 this section. A person shall only be entitled to one expungement  
20 pursuant to this section. Nothing contained in this section  
21 shall prevent the director from maintaining such records as to  
22 ensure that an individual receives only one expungement pursuant  
23 to this section for the purpose of informing the proper  
24 authorities of the contents of any record maintained pursuant to  
25 this section.

26 2. The provisions of this section shall not apply to any

2 individual who has been issued a commercial driver's license or  
3 is required to possess a commercial driver's license issued by  
4 this state or any other state.

5 577.080. 1. A person commits the crime of abandoning a  
6 motor vehicle or trailer if he abandons any motor vehicle or  
7 trailer on the right-of-way of any public road or state highway  
8 or on or in any of the waters in this state or on the banks of  
9 any stream, or on any land or water owned, operated or leased by  
10 the state, any board, department, agency or commission thereof,  
11 or any political subdivision thereof or on any land or water  
12 owned, operated or leased by the federal government or on any  
13 private real property owned by another without his consent.

14 2. For purposes of this section, the last owner of record  
15 of a motor vehicle or trailer found abandoned and not shown to be  
16 transferred pursuant to sections 301.196 and 301.197, RSMo, shall  
17 be deemed prima facie to have been the owner of such motor  
18 vehicle or trailer at the time it was abandoned and to have been  
19 the person who abandoned the motor vehicle or trailer or caused  
20 or procured its abandonment. The registered owner of the  
21 abandoned motor vehicle or trailer shall not be subject to the  
22 penalties provided by this section if the motor vehicle or  
23 trailer was in the care, custody, or control of another person at  
24 the time of the violation. In such instance, the owner shall  
25 submit such evidence in an affidavit permitted by the court  
26 setting forth the name, address, and other pertinent information

2 of the person who leased, rented, or otherwise had care, custody,  
3 or control of the motor vehicle or trailer at the time of the  
4 alleged violation. The affidavit submitted pursuant to this  
5 subsection shall be admissible in a court proceeding adjudicating  
6 the alleged violation and shall raise a rebuttable presumption  
7 that the person identified in the affidavit was in actual control  
8 of the motor vehicle or trailer. In such case, the court has the  
9 authority to terminate the prosecution of the summons issued to  
10 the owner and issue a summons to the person identified in the  
11 affidavit as the operator. If the motor vehicle or trailer is  
12 alleged to have been stolen, the owner of the motor vehicle or  
13 trailer shall submit proof that a police report was filed in a  
14 timely manner indicating that the vehicle was stolen at the time  
15 of the alleged violation.

16 3. Abandoning a motor vehicle or trailer is a class A  
17 misdemeanor.

18 4. Any person convicted pursuant to this section shall be  
19 civilly liable for all reasonable towing, storage, and  
20 administrative costs associated with the abandonment of the motor  
21 vehicle or trailer. Any reasonable towing, storage, and  
22 administrative costs in excess of the value of the abandoned  
23 motor vehicle or trailer that exist at the time the motor vehicle  
24 is transferred pursuant to section 304.156, RSMo, shall remain  
25 the liability of the person convicted pursuant to this section so  
26 long as the towing company, as defined in chapter 304, RSMo,



2 provided the title owner and lienholders, as ascertained by the  
3 department of revenue records, a notice within the timeframe and  
4 in the form as described in subsection 1 of section 304.156,  
5 RSMo.

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

22 (1) Delegate to other participating jurisdictions the  
23 authority and responsibility to collect and pay over [to the  
24 division] statutory registration, administration or license fees;  
25 to receive, approve and maintain the required proof of public  
26 liability insurance coverage; to receive, process, maintain and

2 transmit registration information and documentation; to issue  
3 evidence of proper registration in lieu of [interstate]  
4 certificates, licenses, or permits [under section 390.071, RSMo;  
5 to] which the commission may issue motor vehicle licenses or  
6 identifiers in lieu of [annual] regulatory licenses under section  
7 390.136, RSMo; and to suspend or revoke any credential, approval,  
8 registration, certificate, permit, license, or identifier  
9 referred to in this section, as agents on behalf of the  
10 [division] commission with regard to motor vehicle operations by  
11 persons having a base jurisdiction other than this state;

12 (2) Assume the authority and responsibility on behalf of  
13 other jurisdictions participating in such agreements or contracts  
14 to collect and direct the department of revenue to pay over to  
15 the appropriate jurisdictions statutory registration,  
16 administration or license fees, and to perform all other  
17 activities described in subdivision (1) of this subsection, on  
18 its own behalf or as an agent on behalf of other participating  
19 jurisdictions, with regard to motor vehicle operations in  
20 interstate commerce by persons having this state as their base  
21 jurisdiction;

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

26 (4) Modify, cancel or terminate any of the agreements or

2 contracts.

3           2. Notwithstanding the provisions of section 390.136, RSMo,  
4 statutory registration, administration or license fees collected  
5 by the [division] commission on behalf of other jurisdictions  
6 under such agreements or contracts are hereby designated as  
7 "nonstate funds" within the meaning of section 15, article IV,  
8 Constitution of Missouri, and shall be immediately transmitted to  
9 the department of revenue of the state for deposit to the credit  
10 of a special fund which is hereby created and designated as the  
11 "Base State Registration Fund". The [division] commission shall  
12 [not less frequently than once each month] direct the payment of,  
13 and the director of revenue shall pay, the fees so collected to  
14 the appropriate other jurisdictions. All income derived from the  
15 investment of the base state registration fund by the director of  
16 revenue shall be credited to the [highway] state highways and  
17 transportation department fund.

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

21           4. Every person who has properly registered his or her  
22 interstate [commerce commission] operating authority or exempt  
23 operations with his or her base jurisdiction and maintains such  
24 registration in force in accordance with such agreements or  
25 contracts is authorized to operate in interstate commerce within  
26 this state any motor vehicle which is accompanied by a valid

2 annual license or identifier issued by his base jurisdiction in  
3 accordance with such agreements or contracts, notwithstanding any  
4 provision of section 390.071, 390.126 or 390.136, RSMo, or rules  
5 of the [division] commission to the contrary.

6 5. Notwithstanding any provision of law to the contrary,  
7 the commission may stagger and prorate the payment and collection  
8 of license fees pursuant to this section for the purposes of:

9 (1) Coordinating the issuance of regulatory licenses under  
10 this section with issuance of other motor carrier credentials;  
11 and

12 (2) Complying with any federal law or regulation.

13 700.320. 1. The owner of any new or used manufactured  
14 home, as defined in section 700.010, shall make application to  
15 the director of revenue for an official certificate of title to  
16 such manufactured home in the manner prescribed by law for the  
17 acquisition of certificates of title to motor vehicles, and the  
18 rules promulgated pursuant thereto. All fees required by section  
19 301.190, RSMo, for the titling of motor vehicles and all  
20 penalties provided by law for the failure to title motor vehicles  
21 shall apply to persons required to make application for an  
22 official certificate of title by this subsection. In case there  
23 is any duplication in serial numbers assigned any manufactured  
24 homes, or no serial number has been assigned by the manufacturer,  
25 the director shall assign the serial numbers for the manufactured  
26 homes involved.

2           2. At the time the owner of any new manufactured home, as  
3 defined in section 700.010, which was acquired in a transaction  
4 subject to sales tax under the Missouri sales tax law makes  
5 application to the director of revenue for an official  
6 certificate of title for such manufactured home, he shall present  
7 to the director of revenue evidence satisfactory to the director  
8 of revenue showing the purchase price exclusive of any charge  
9 incident to the extension of credit paid by or charged to the  
10 applicant in the acquisition of the manufactured home, or that no  
11 sales tax was incurred in its acquisition, and if sales tax was  
12 incurred in its acquisition, the applicant shall pay or cause to  
13 be paid to the director of revenue the sales tax provided by the  
14 Missouri sales tax law in addition to the registration fees now  
15 or hereafter required according to law, and the director of  
16 revenue shall not issue a certificate of title for any new  
17 manufactured home subject to sales tax as provided in the  
18 Missouri sales tax law until the tax levied for the sale of the  
19 same under sections 144.010 to 144.510, RSMo, has been paid as  
20 provided in this section. As used in this subsection, the term  
21 "purchase price" shall mean the total amount of the contract  
22 price agreed upon between the seller and the applicant in the  
23 acquisition of the new manufactured home regardless of the medium  
24 of payment therefor. In the event that the purchase price is  
25 unknown or undisclosed, or that the evidence thereof is not  
26 satisfactory to the director of revenue, the same shall be fixed

2 by appraisement by the director. The director of the department  
3 of revenue shall endorse upon the official certificate of title  
4 issued by him upon such application an entry showing that such  
5 sales tax has been paid or that the manufactured home represented  
6 by the certificate is exempt from sales tax and state the ground  
7 for such exemption.

8 3. A certificate of title for a manufactured home issued in  
9 the names of two or more persons that does not show on the face  
10 of the certificate that the persons hold their interest in the  
11 manufactured home as tenants in common, on death of one of the  
12 named persons, may be transferred to the surviving owner or  
13 owners. On proof of death of one of the persons in whose names  
14 the certificate was issued, surrender of the outstanding  
15 certificate of title, and on application and payment of the fee  
16 for an original certificate of title, the director of revenue  
17 shall issue a new certificate of title for the manufactured home  
18 to the surviving owner or owners; and the current valid  
19 certificate of number shall be so transferred.

20 4. A certificate of title for a manufactured home issued in  
21 the names of two or more persons that shows on its face that the  
22 persons hold their interest in the manufactured home as tenants  
23 in common, on death of one of the named persons, may be  
24 transferred by the director of revenue on application by the  
25 surviving owners and the personal representative or successors of  
26 the deceased owner. Upon being presented proof of death of one

2 of the persons in whose names the certificate of title was  
3 issued, surrender of the outstanding certificate of title, and on  
4 application and payment of the fee for an original certificate of  
5 title, the director of revenue shall issue a new certificate of  
6 title for the manufactured home to the surviving owners and  
7 personal representative or successors of the deceased owner; and  
8 the current valid certificate of number shall be so transferred.

9 Section 1. 1. A sole owner of a manufactured home, and  
10 multiple owners of a manufactured home who hold their interest as  
11 joint tenants with right of survivorship or as tenants by the  
12 entirety, on application and payment of the fee required for an  
13 original certificate of ownership, may request the director of  
14 revenue to issue a certificate of ownership for the manufactured  
15 home in beneficiary form which includes a directive to the  
16 director of revenue to transfer the certificate of ownership on  
17 death of the sole owner or on death of all multiple owners to one  
18 beneficiary or to two or more beneficiaries as joint tenants with  
19 right of survivorship or as tenants by the entirety named on the  
20 face of the certificate. The directive to the director of  
21 revenue shall also permit the beneficiary or beneficiaries to  
22 make one reassignment of the original certificate of ownership  
23 upon the death of the owner to another owner without transferring  
24 the certificate to the beneficiary or beneficiaries' name.

25 2. A certificate of ownership in beneficiary form may not  
26 be issued to persons who hold their interest in a manufactured

2 home as tenants in common.

3 3. A certificate of ownership issued in beneficiary form  
4 shall include after the name of the owner, or after the names of  
5 multiple owners, the words "transfer on death to" or the  
6 abbreviation "TOD" followed by the name of the beneficiary or  
7 beneficiaries.

8 4. (1) During the lifetime of a sole owner and during the  
9 lifetime of all multiple owners, the signature or consent of the  
10 beneficiary or beneficiaries shall not be required for any  
11 transaction relating to the manufactured home for which a  
12 certificate of ownership in beneficiary form has been issued.

13 (2) A certificate of ownership in beneficiary form may be  
14 revoked or the beneficiary or beneficiaries changed at any time  
15 before the death of a sole owner or surviving multiple owner only  
16 by the following methods:

17 (a) By a sale of the manufactured home with proper  
18 assignment and delivery of the certificate of ownership to  
19 another person; or

20 (b) By filing an application to reissue the certificate of  
21 ownership with no designation of a beneficiary or with the  
22 designation of a different beneficiary or beneficiaries with the  
23 director of revenue in proper form and accompanied by the payment  
24 of the fee for an original certificate of ownership.

25 (3) The beneficiary's or beneficiaries' interest in the  
26 manufactured homes at death of the owner or surviving owner shall



2 be subject to any contract of sale, assignment of ownership or  
3 security interest to which the owner or owners of the  
4 manufactured home were subject during their lifetime.

5 (4) The designation of a beneficiary or beneficiaries in a  
6 certificate of ownership issued in beneficiary form may not be  
7 changed or revoked by a will, any other instrument, or a change  
8 in circumstances, or otherwise be changed or revoked except as  
9 provided by subdivision (2) of this subsection.

10 5. (1) On proof of death of one of the owners of two or  
11 more multiple owners, or of a sole owner, surrender of the  
12 outstanding certificate of ownership, and on application and  
13 payment of the fee for an original certificate of ownership, the  
14 director of revenue shall issue a new certificate of ownership  
15 for the manufactured home to the surviving owner or owners or, if  
16 none, to the surviving beneficiary or beneficiaries, subject to  
17 any outstanding security interest; and the current valid  
18 certificate of number shall be so transferred. If the surviving  
19 beneficiary or beneficiaries makes a request of the director of  
20 revenue, the director may allow the beneficiary or beneficiaries  
21 to make one assignment of title.

22 (2) The director of revenue may rely on a death certificate  
23 or record or report that constitutes prima facie proof or  
24 evidence of death under subdivisions (1) and (2) of section  
25 472.290, RSMo.

26 (3) The transfer of a manufactured home at death pursuant

2 to this section is not to be considered as testamentary, or to be  
3 subject to the requirements of section 473.087, RSMo, or section  
4 474.320, RSMo.

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

25           [622.618. Notwithstanding any  
26 provisions of section 390.136, RSMo, to the  
27 contrary, beginning with the first calendar  
28 year after August 28, 1996, the annual  
29 licenses required pursuant to section  
30 390.136, RSMo, with reference to motor  
31 vehicles operated by motor carriers shall be  
32 effective from January first to December  
33 thirty-first of the year for which they are  
34 issued, and the annual license fees for each  
35 calendar year shall be due and payable on or  
36 before the thirty-first day of December in  
37 the year immediately preceding the year for  
38 which they are issued. The division shall  
39 begin issuing the annual licenses on August  
40 first of each year for the succeeding  
41 calendar year, but this shall not preclude  
42 the division from continuing to issue the  
43 current year's licenses as needed for the  
44 remainder of the current calendar year.]

45           Section B. Because immediate action is necessary to deter

2 the commission of fraud in the obtaining of driver's licenses in  
3 this state, the repeal and reenactment of section 302.230 of  
4 section A of this act and the enactment of section 302.233 of  
5 section A of this act is deemed necessary for the immediate  
6 preservation of the public health, welfare, peace and safety, and  
7 is hereby declared to be an emergency act within the meaning of  
8 the constitution, and the repeal and reenactment of section  
9 302.230 of section A of this act and the enactment of section  
10 302.233 of section A of this act shall be in full force and  
11 effect upon its passage and approval.

12 Section C. The repeal and reenactment of sections 21.795,  
13 67.1808, 301.132, 301.144, 301.190, and 301.444, and the  
14 enactment of sections 67.1813, 301.134, 301.3032, 301.3074,  
15 301.3079, 301.3098, 301.3106, 301.3122, 301.3124, 301.3125,  
16 301.3126, 301.3128, 301.3130, 301.3131, 301.3132, 301.3133,  
17 301.3137, 301.3139, 301.3142, 301.3143, 301.3144, 301.3146,  
18 301.3147, 301.3150, 301.3152, 301.3154, 301.3155, 301.3999,  
19 304.155, 304.156, and 304.157 of section A of this act shall  
20 become effective January 1, 2005.

21 Section D. The repeal and reenactment of sections 365.020,  
22 365.080, and 365.100 of section A of this act shall become  
23 effective August 28, 2005.

24 Section E. The repeal and reenactment of sections 302.225,  
25 302.272, 302.302, 302.309, 302.700, 302.725, 302.740, 302.755,  
26 302.756, 302.760, and 577.054, and the enactment of sections

2       302.273, 302.345, 302.347, and 302.727 of section A of this act  
3       shall become effective September 30, 2005.

4           Section F. The repeal and reenactment of sections 301.280  
5       and 577.080 of section A of this act shall become effective  
6       January 1, 2006.

7           Section G. The repeal and reenactment of sections 301.055,  
8       301.057, 301.058, and 301.130, and the enactment of sections  
9       407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215,  
10       407.1218, 407.1221, 407.1224, 407.1225, and 407.1227 of section A  
11       of this act shall become effective January 1, 2007.