

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 928
AND
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1123
AND
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1280
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 15, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3463S.03C

TERRY L. SPIELER, Secretary.

AN ACT

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

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

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2 622.618, RSMo, are repealed and five new sections enacted in lieu thereof, to be known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

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

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

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

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

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

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

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

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

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

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

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

63 [6.] **5.** Any applicant who fails to timely renew his or her registration with all
64 required documents pursuant to this section or who fails to timely pay any fees and
65 penalties owed pursuant to this section shall not be issued a temporary registration for
66 a motor vehicle or a trailer issued pursuant to this section or under **reciprocity**
67 agreements [as provided for in sections 301.271 and 301.279]. Nothing in this section
68 shall prohibit the issuance of temporary registration credentials for additions to the
69 registrant's fleet subsequent to renewal.

70 [7.] **6.** The applicant for registration pursuant to this section shall affix the
71 registration plate issued [by the director] to the front of the vehicle in accordance with
72 the provisions of section 301.130. Any vehicle required to be registered pursuant to this
73 section shall display the plate issued to that vehicle no later than December thirty-first
74 of each year **or the last day of the quarter preceding the quarter in which the**
75 **registration begins, as applicable.** Failure to display the registration [plates] **plate**
76 required by this section shall constitute a class A misdemeanor.

77 [8.] **7.** The [director of revenue] **commission** may prescribe rules and
78 regulations for the effective administration of this section.

79 [9.] **8.** Any current registration or plate for which all fees have been paid for a
80 commercial trailer previously issued pursuant to **reciprocity** agreements [provided for
81 in sections 301.271 and 301.277] shall remain valid even if such agreements no longer

82 require apportionment of such trailers under such agreements, and such trailers may
83 continue to be registered pursuant to this section.

84 [10.] 9. Notwithstanding any other law to the contrary, the [highway reciprocity]
85 commission shall have the authority pursuant to this chapter to issue permanent and
86 temporary registrations on commercial trailers whether or not the registration is issued
87 pursuant to **reciprocity** agreements [as provided in sections 301.271 to 301.279]. The
88 provisions of subsection 1 of section 301.190 shall not apply to registrations issued
89 pursuant to this subsection, provided the carrier or person to whom the registration is
90 issued has at least one tractor as defined in section 301.010 registered with the state of
91 Missouri pursuant to this section.

92 [11.] 10. Commercial trailer plates issued pursuant to this section shall in all
93 other respects conform to and have the same requirements as those issued pursuant to
94 subsection 3 of section 301.067. Such plates may contain the legend ["HRC TLR"]
95 "**COMM TRL**" in preference to the words "SHOW-ME STATE".

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

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

8 2. Any organization which raises revenues or funds through the sponsorship of
9 specialized license plates issued pursuant to the provisions of this chapter enacted prior
10 to January 1, 2002, shall have until January 1, 2004, to comply with the provisions of
11 this section. The director shall verify that all organizations that are paid fees for the use
12 of their emblems for specialized license plates are complying with the provisions of this
13 section. The director shall require all organizations which receive revenues for or funds
14 for the use of their emblems to verify their status as a governmental entity or a qualified
15 not-for-profit organization as provided in subsection 1 of this section, in a format
16 prescribed by the director. Any specialized license plates issued prior to January 1,
17 2004, shall remain valid for the period in which they were registered, regardless of the
18 status of the sponsoring organization.

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

23 authorizing the use of its emblem or insignia for a specialized license plate shall derive
24 any personal pecuniary gain from any fees the organization collects.

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

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

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

- 9 (1) Successfully complete the examination required by section 302.173;
10 (2) Pay the fee required by subsection 3 of this section;
11 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
12 section 302.130 for at least a six-month period or a valid license from another state; and
13 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a
14 participant in a federal residential job training program, a driving instructor employed
15 by a federal residential job training program, sign the application stating that the
16 applicant has completed at least twenty hours of supervised driving experience under
17 a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or,
18 if the applicant is an emancipated minor, the person over twenty-one years of age who
19 supervised such driving. For purposes of this section, the term "emancipated minor"
20 means a person who is at least sixteen years of age, but less than eighteen years of age,
21 who:

22 (a) Marries with the consent of the legal custodial parent or legal guardian
23 pursuant to section 451.080, RSMo;

24 (b) Has been declared emancipated by a court of competent jurisdiction;
25 (c) Enters active duty in the armed forces;
26 (d) Has written consent to the emancipation from the custodial parent or legal
27 guardian; or
28 (e) Through employment or other means provides for such person's own food,
29 shelter and other cost-of-living expenses;
30 (5) Have had no alcohol-related enforcement contacts as defined in section
31 302.525 during the preceding twelve months; and
32 (6) Have no nonalcoholic traffic convictions for which points are assessed
33 pursuant to section 302.302, within the preceding six months.

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

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

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

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

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

67 (3) The director of revenue shall deny an application for a full driver's license
68 until the person has had no traffic convictions for which points are assessed for a period
69 of twelve months prior to the date of application for license or until the person is eligible
70 to apply for a six-year driver's license as provided for in section 302.177, provided the
71 applicant is otherwise eligible for full driving privileges. An intermediate driver's license
72 shall expire when the licensee is eligible and receives a full driver's license as prescribed
73 in subdivision (1) of this section.

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

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

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

 390.136. 1. No motor carrier, except as provided in section 390.030, shall operate
2 any motor vehicle unless such vehicle shall be accompanied by an annual or
3 seventy-two-hour, **regulatory** license issued by the [motor carrier and railroad safety
4 division of the department of economic development] **state highways and**

5 **transportation commission**; provided that when a motor carrier uses a truck-tractor
6 for pulling trailers or semitrailers, such motor carrier may elect to license either the
7 truck-tractor, trailer or semitrailer. The fee for each such [annual] **regulatory** license
8 shall be ten dollars **per year** and shall be due and payable [on or before the last day of
9 February of each calendar year] **as provided in this section**. Such [annual] license
10 shall be issued [after October first of each year] in such form and shall be used pursuant
11 to such reasonable rules and regulations as [the division of motor carrier and railroad
12 safety may, by general order or otherwise, prescribe] **may be prescribed by the**
13 **commission**.

14 2. Any [annual] **regulatory** license issued to a motor carrier for use in
15 driveaway operations, as defined in this section, shall be issued to such motor carrier
16 without reference to any particular vehicle and may be used interchangeably by the
17 holder thereof on any motor vehicle or combinations thereof moving in driveaway
18 operations under such carrier's **property carrier registration**, certificate, or permit.

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

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

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

39

40 6. The [provisions of this section shall become effective for the 1989 registration

41 year, and the] regulatory license fee **provided in this section** may be paid at any
42 state weigh station.

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

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

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

23 vehicle operations by persons having a base jurisdiction other than this state;

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

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

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

35 2. Notwithstanding the provisions of section 390.136, RSMo, statutory
36 registration, administration or license fees collected by the [division] **commission** on
37 behalf of other jurisdictions under such agreements or contracts are hereby designated
38 as "nonstate funds" within the meaning of section 15, article IV, Constitution of
39 Missouri, and shall be immediately transmitted to the department of revenue of the state
40 for deposit to the credit of a special fund which is hereby created and designated as the
41 "Base State Registration Fund". The [division] **commission** shall [not less frequently
42 than once each month] direct the payment of, and the director of revenue shall pay, the
43 fees so collected to the appropriate other jurisdictions. All income derived from the
44 investment of the base state registration fund by the director of revenue shall be credited
45 to the [highway] **state highways and transportation** department fund.

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

48 4. Every person who has properly registered his **or her** interstate [commerce
49 commission] operating authority or exempt operations with his **or her** base jurisdiction
50 and maintains such registration in force in accordance with such agreements or contracts
51 is authorized to operate in interstate commerce within this state any motor vehicle which
52 is accompanied by a valid annual license or identifier issued by his base jurisdiction in
53 accordance with such agreements or contracts, notwithstanding any provision of section
54 390.071, 390.126 or 390.136, RSMo, or rules of the [division] **commission** to the
55 contrary.

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

- 59 **(1) Coordinating the issuance of regulatory licenses under this section**
60 **with the issuance of other motor carrier credentials; and**
61 **(2) Complying with any federal law or regulation.**

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

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

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