

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILLS NOS. 946,
1106 & 952**

92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 23, 2004, with recommendation that the Senate Committee Substitute do pass.

3521S.09C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 21.795, 50.515, 226.030, 227.120, 301.010, 301.062, 304.190, 304.580, and 307.178, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with an emergency clause.

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

Section A. Sections 21.795, 50.515, 226.030, 227.120, 301.010, 301.062, 304.190, 2 304.580, and 307.178, RSMo, are repealed and eighteen new sections enacted in lieu 3 thereof, to be known as sections 21.795, 50.515, 226.030, 227.120, 227.332, 227.346, 4 227.349, 227.350, 227.352, 233.166, 238.208, 301.010, 301.062, 304.190, 304.580, 307.178, 5 1, and 2, to read as follows:

21.795. 1. There is established a permanent joint committee of the general 2 assembly to be known as the "Joint Committee on Transportation Oversight" to be 3 composed of seven members of the standing transportation committees of both the senate 4 and the house of representatives and three nonvoting ex officio members. Of the 5 fourteen members to be appointed to the joint committee, the seven senate members of 6 the joint committee shall be appointed by the president pro tem of the senate and 7 minority leader of the senate and the seven house members shall be appointed by the 8 speaker of the house of representatives and the minority floor leader of the house of 9 representatives. No major party shall be represented by more than four members from 10 the house of representatives nor more than four members from the senate. The ex officio 11 members shall be the state auditor, the director of the oversight division of the 12 committee on legislative research, and the commissioner of the office of administration

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

13 or the designee of such auditor, director or commissioner. The joint committee shall be
14 chaired jointly by both chairs of the senate and house transportation committees. A
15 majority of the committee shall constitute a quorum, but the concurrence of a majority
16 of the members, other than the ex officio members, shall be required for the
17 determination of any matter within the committee's duties.

18 2. The transportation inspector general shall be appointed by majority vote of a
19 group consisting of the speaker of the house of representatives, the minority floor leader
20 of the house of representatives, the president pro tempore of the senate, and the minority
21 floor leader of the senate. It shall be the duty of the inspector general to serve as the
22 executive director of the joint committee on transportation oversight. The compensation
23 of the inspector general and other personnel shall be paid from the joint contingent fund
24 or jointly from the senate and house contingent funds until an appropriation is made
25 therefor. No funds from highway user fees or other funds allocated for the operation of
26 the department of transportation shall be used for the compensation of the inspector
27 general and his or her staff. The joint committee inspector general initially appointed
28 pursuant to this section shall take office January 1, 2004, for a term ending June 30,
29 2005. Subsequent joint committee on transportation oversight directors shall be
30 appointed for five-year terms, beginning July 1, 2005. Any joint committee on
31 transportation oversight inspector general whose term is expiring shall be eligible for
32 reappointment. The inspector general of the joint committee on transportation oversight
33 shall:

34 (1) Be qualified by training or experience in transportation policy, management
35 of transportation organizations, accounting, auditing, financial analysis, law,
36 management analysis, or public administration;

37 (2) Report to and be under the general supervision of the joint committee. The
38 joint committee on transportation oversight shall, by a majority vote, direct the inspector
39 general to perform specific investigations, reviews, audits, or other studies of the state
40 department of transportation, in which instance the director shall report the findings
41 and recommendations directly to the joint committee on transportation oversight. All
42 investigations, reviews, audits, or other studies performed by the director shall be
43 conducted so that the general assembly can procure information to assist it in
44 formulating transportation legislation and policy for this state;

45 (3) Receive and process citizen complaints relating to transportation issues. The
46 inspector general shall, when necessary, submit a written complaint report to the joint
47 committee on transportation oversight and the highways and transportation
48 commission. The complaint report shall contain the date, time, nature of the complaint,

49 and any immediate facts and circumstances surrounding the initial report of the
50 complaint. The inspector general shall investigate a citizen complaint if he or she is
51 directed to do so by a majority of the joint committee on transportation oversight;

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

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

56 (b) Gross mismanagement by department officers;

57 (c) Waste of funds by the department;

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

60 (5) Maintain confidentiality with respect to all matters and the identities of the
61 complainants or witnesses coming before the inspector general except insofar as
62 disclosures may be necessary to enable the inspector general to carry out duties and to
63 support recommendations;

64 (6) Maintain records of all investigations conducted, including any record or
65 document or thing, any summary, writing, complaint, data of any kind, tape or video
66 recordings, electronic transmissions, e-mail, or other paper or electronic documents,
67 records, reports, digital recordings, photographs, software programs and software,
68 expense accounts, phone logs, diaries, travel logs, or other things, including originals or
69 copies of any of the above. Records of investigations by the inspector general shall be
70 an "investigative report" of law enforcement agency pursuant to the provisions of section
71 610.100, RSMo. As provided in such section, such records shall be a closed record until
72 the investigation becomes inactive. If the inspector general refers a violation of law to
73 the appropriate prosecuting attorney or the attorney general, such records shall be
74 transmitted with the referral. If the inspector general finds no violation of law or
75 determines not to refer the subject of the investigation to the appropriate prosecuting
76 attorney or the attorney general regarding matters referred to the appropriate
77 prosecuting attorney or the attorney general and the statute of limitations expires
78 without any action being filed, the record shall remain closed. As provided in section
79 610.100, RSMo, any person may bring an action pursuant to this section in the circuit
80 court having jurisdiction to authorize disclosure of information in the records of the
81 inspector general which would otherwise be closed pursuant to this section. Any
82 disclosure of records by the inspector general in violation of this section shall be grounds
83 for a suit brought by any individual, person, or corporation to recover damages, and upon
84 award to the plaintiff reasonable attorney's fees.

85 3. The department of transportation shall submit a written report prior to
86 November tenth of each year to the governor, lieutenant governor, and every member of
87 the senate and house of representatives. The report shall be posted to the department's
88 Internet website so that general assembly members may elect to access a copy of the
89 report electronically. The written report shall contain the following:

90 (1) A comprehensive financial report of all funds for the preceding state fiscal
91 year which shall include a report by independent certified public accountants, selected
92 by the commissioner of the office of administration, attesting that the financial
93 statements present fairly the financial position of the department in conformity with
94 generally accepted government accounting principles. This report shall include amounts
95 of:

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

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

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

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

106 All expenditures made by, or on behalf of, the department for personal services including
107 fringe benefits, all categories of expense and equipment, real estate **purchases**, and
108 capital improvements shall be assigned to the categories listed in this subdivision in
109 conformity with generally accepted government accounting principles. **The report shall**
110 **include information concerning the department's system of inventory of**
111 **records relating to property under review for disposal and land necessary for**
112 **future use owned by the department and a description of all real estate**
113 **transactions of such property engaged in by the department for the preceding**
114 **state fiscal year, including but not limited to the date of each transaction, the**
115 **source of revenue used by the department for each transaction, and the**
116 **allocation of any income produced by the real estate;**

117 (2) A detailed explanation of the methods or criteria employed to select
118 construction projects, including a listing of any new or reprioritized projects not
119 mentioned in a previous report, and an explanation as to how the new or reprioritized
120 projects meet the selection methods or criteria;

121 (3) The proposed allocation and expenditure of moneys and the proposed work
122 plan for the current fiscal year, at least the next four years, and for any period of time
123 expressed in any public transportation plan approved by either the general assembly or
124 by the voters of Missouri. This proposed allocation and expenditure of moneys shall
125 include the amounts of proposed allocation and expenditure of moneys in each of the
126 categories listed in subdivision (1) of this subsection;

127 (4) The amounts which were planned, estimated and expended for projects in the
128 state highway and bridge construction program or any other projects relating to other
129 modes of transportation in the preceding state fiscal year and amounts which have been
130 planned, estimated or expended by project for construction work in progress;

131 (5) The current status as to completion, by project, of the fifteen-year road and
132 bridge program adopted in 1992. The first written report submitted pursuant to this
133 section shall include the original cost estimate, updated estimate and final completed
134 cost by project. Each written report submitted thereafter shall include the cost estimate
135 at the time the project was placed on the most recent five-year highway and bridge
136 construction plan and the final completed cost by project;

137 (6) The reasons for cost increases or decreases exceeding five million dollars or
138 ten percent relative to cost estimates and final completed costs for projects in the state
139 highway and bridge construction program or any other projects relating to other modes
140 of transportation completed in the preceding state fiscal year. Cost increases or
141 decreases shall be determined by comparing the cost estimate at the time the project was
142 placed on the most recent five-year highway and bridge construction plan and the final
143 completed cost by project. The reasons shall include the amounts resulting from
144 inflation, departmentwide design changes, changes in project scope, federal mandates,
145 or other factors;

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

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

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

152 4. Prior to December first of each year, the committee shall hold an annual
153 meeting and call before its members, officials or employees of the state highways and
154 transportation commission or department of transportation, as determined by the
155 committee, for the sole purpose of receiving and examining the report required pursuant
156 to subsection 3 of this section. The joint committee may also call before its members at

157 the annual meeting, the inspector general of the joint committee on transportation
158 oversight for purposes authorized in this section. The committee shall not have the
159 power to modify projects or priorities of the state highways and transportation
160 commission or department of transportation. The committee may make
161 recommendations to the state highways and transportation commission or the
162 department of transportation. Disposition of those recommendations shall be reported
163 by the commission or the department to the joint committee on transportation oversight.

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

- 169 (1) Presentation of a prioritized plan for all modes of transportation;
170 (2) Discussion of department efficiencies and expenditure of cost-savings within
171 the department;
172 (3) Presentation of a status report on department of transportation revenues and
173 expenditures, including a detailed summary of projects funded by new state revenue as
174 provided in paragraph (a) of subdivision (1) of subsection 3 of this section;
175 (4) Review of any report from the joint committee inspector general; and
176 (5) Implementation of any actions as may be deemed necessary by the committee
177 as authorized by law.

178 The co-chairs of the committee may call special meetings of the committee with ten days'
179 notice to the members of the committee, the director of the department of transportation,
180 and the department of transportation.

181 6. The committee shall submit records of its meetings to the secretary of the
182 senate and the chief clerk of the house of representatives in accordance with sections
183 610.020 and 610.023, RSMo.

184 7. **As used in this section, the following terms mean:**

185 (1) **"Property under review for disposal", any real estate held by the**
186 **Missouri highways and transportation commission that is under review by the**
187 **highways and transportation commission and the department of**
188 **transportation for disposal as possibly unnecessary for highways and**
189 **transportation commission and department of transportation purposes;**

190 (2) **"Land necessary for future use", any real estate interest held by the**
191 **highways and transportation commission for highway projects that have not**
192 **been constructed, do not have construction funds programmed for the current**

193 **five-year statewide transportation improvement program, and is being held**
194 **by the highways and transportation commission for future use when the**
195 **project, using the real estate, is programmed for construction.**

50.515. The governing body of any county may, by order of such governing body,
2 impose an administrative service fee on the county park fund or the county road and
3 bridge fund, or any specific purpose capital improvements fund, authorized pursuant to
4 the provisions of section 67.547, 67.550 or 67.700, RSMo. Such administrative service
5 fee shall only be imposed to recoup expenditures made from the county general revenue
6 fund to provide administrative services to the county park fund or the county road and
7 bridge fund, or any specific purpose capital improvements fund authorized pursuant to
8 section 67.547, 67.550 or 67.700, RSMo, including, but not limited to, accounting,
9 bookkeeping, legal services, auditing, investment control, fiscal management, and
10 revenue collection. Any administrative service fee imposed under this section shall be
11 imposed at a rate which will only generate revenue sufficient to recoup actual
12 expenditures made from the general revenue fund of the county to provide
13 administrative services to the fund against which such service fee is imposed, including
14 both direct and indirect expenditures as determined by an independent audit; provided,
15 that no administrative service fee shall exceed three percent of the total budget of the
16 fund on which such fee is imposed, **except in any county of the third classification,**
17 **in which no administrative service fee shall exceed five percent of the total**
18 **budget of the fund on which such fee is imposed.**

226.030. 1. The [state] highways and transportation commission shall consist
2 of six members, who shall be appointed by the governor, by and with the advice and
3 consent of the senate, not more than three thereof to be members of the same political
4 party. Each commissioner shall be a taxpayer and resident of state for at least five years
5 prior to his appointment. Any commissioner may be removed by the governor if fully
6 satisfied of his inefficiency, neglect of duty, or misconduct in office. Commissioners
7 appointed pursuant to this section shall be appointed for terms of six years, **except as**
8 **otherwise provided in this subsection.** Upon the expiration of each of the foregoing
9 terms of these commissioners a successor shall be appointed for a term of six years or
10 until his successor is appointed and qualified which term of six years shall thereafter be
11 the length of term of each member of the commission unless removed as above
12 provided. The members of the commission shall receive as compensation for their
13 services twenty-five dollars per day for the time spent in the performance of their official
14 duties, and also their necessary traveling and other expenses incurred while actually
15 engaged in the discharge of their official duties. Members whose terms otherwise expire

16 December 1, 2003, shall serve with terms expiring March 1, 2004, and new members or
17 the members reappointed shall be appointed for terms expiring March 1, 2005; a member
18 whose term otherwise expires December 1, 2005, shall serve with a term expiring March
19 1, 2007; a member whose term otherwise expires December 1, 2007, shall serve with a
20 term expiring March 1, 2009; and one member whose term otherwise expires October 13,
21 2007, shall serve with a term expiring March 1, 2007; and one member whose term
22 otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2009. If
23 a vacancy occurs in any term of a commissioner due to death, resignation, or removal,
24 a successor shall be appointed for only the remainder of the unexpired term.

25 2. Beginning August 28, [2003, when two members of the state highways and
26 transportation commission are within two years of expiration of their terms, the
27 commission shall appoint one of those two members as chair of the commission and the
28 other as vice chair, each to serve in such position for one year] **2004, the two members**
29 **of the commission, one each from opposing political parties, who have the**
30 **most seniority in commission service shall serve as commission leadership**
31 **with one member as chair and the other member as vice chair, respectively,**
32 **for terms ending March 1, 2005. The commission shall elect one of the**
33 **members as chair and the other as vice chair. Effective March 1, 2005, the**
34 **commission shall elect the two members of the commission, one from each**
35 **opposing political party who has the most seniority in commission service,**
36 **who shall serve as commission leadership with one member as chair and the**
37 **other member as vice chair, respectively, for one year. At the end of such**
38 **year, the member currently serving as chair shall then serve as vice chair,**
39 **and the member currently serving as vice chair shall serve as chair, each to**
40 **serve in such position for one year. Thereafter, commission leadership shall**
41 **continue to rotate accordingly with the two members from opposing political**
42 **parties who have the most seniority in terms of commission service being**
43 **elected by the commission to serve as commission leadership. If one of the**
44 **commission leadership offices becomes vacant due to death, resignation,**
45 **removal, or refusal to serve before the one-year leadership term expires, the**
46 **commission shall elect one of its members that is of the same political party**
47 **as the vacating officer to serve the remainder of the vacating officer's**
48 **leadership term. Such election shall not prohibit that member from later**
49 **servng as chair and vice chair when such member's seniority in commission**
50 **service qualifies him or her for those offices as provided in this subsection.**At
51 the end of such year, the member currently serving as chair shall then serve as vice

52 chair, and the member currently serving as vice chair shall serve as chair, each to serve
53 in such position for one year.

54 3. No more than one-half of the members of the [state highways and
55 transportation] commission shall be of the same political party. The selection and
56 removal of all employees of the department of [highways and] transportation shall be
57 without regard to political affiliation.

58 4. The present members of the [state highways and transportation] commission
59 shall **continue to** serve as members of the [state highways and transportation]
60 commission for the remainder of the terms for which they were appointed, except as
61 provided in subsection 1 of this section.

62 5. The director of the department of transportation shall, by February fifteenth
63 of each year, present an annual state of the state of transportation to a joint session of
64 the general assembly. The six members of the [state highways and transportation]
65 commission shall be present and available at such presentations for questions by
66 members. The transportation inspector general may also be present and report to the
67 general assembly on any matter of concern within his or her statutory authority. The
68 provisions of this subsection shall expire August 28, 2008.

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

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

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

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

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

14 (4) Obtaining road building or road maintenance materials or plants for the
15 manufacture or production of such materials and acquiring the right-of-way thereto; also
16 acquiring the right-of-way to such plants as are privately owned when necessary for the
17 proper and economical construction of the state highway system;

- 18 (5) Changing gradients in any state highway;
- 19 (6) Establishing detours in connection with the location, construction,
20 reconstruction, widening, improvement or maintenance of any state highway or any part
21 thereof;
- 22 (7) Changing the channels of any stream and providing for drainage ditches when
23 necessary for the proper construction or maintenance of any state highway;
- 24 (8) Eliminating grade crossings;
- 25 (9) Acquiring water supply and water power sites and necessary lands for use in
26 connection therewith, including rights-of-way to any such sites;
- 27 (10) Acquiring sites for garages and division offices and for storing materials,
28 machinery and supplies;
- 29 (11) Acquiring lands for sight distances along any state highway or any portion
30 thereof whenever necessary, and also acquiring lands within wyes formed by junctions
31 of state highways, or junctions of state highways and other public highways;
- 32 (12) Acquiring lands or interests therein for the purpose of depositing thereon
33 excess excavated, or other materials produced in the construction, reconstruction,
34 widening, improvement or maintenance of any state highway;
- 35 (13) Acquiring lands for any other purpose necessary for the proper and
36 economical construction of the state highway system for which the commission may have
37 authority granted by law. If condemnation becomes necessary, the commission shall
38 have the power to proceed to condemn such lands in the name of the state of Missouri,
39 in accordance with the provisions of chapter 523, RSMo, insofar as the same is applicable
40 to the said state highways and transportation commission, and the court or jury shall
41 take into consideration the benefits to be derived by the owner, as well as the damage
42 sustained thereby. The state highways and transportation commission also shall have
43 the same authority to enter upon private lands to survey and determine the most
44 advantageous route of any state highway as granted, under section 388.210, RSMo, to
45 railroad corporations.
- 46 **2. In any case in which the commission exercises eminent domain**
47 **involving a taking of real estate, the court, commissioners, and jury shall**
48 **consider the restriction of or loss of access to any adjacent highway as an**
49 **element in assessing the damages. As used in this subsection, "restriction of**
50 **or loss of access" includes, but is not limited to, the prohibition of making**
51 **right or left turns into or out of the real estate involved, provided that such**
52 **access was present before the proposed improvement or taking.**

227.332. The portion of Missouri route 364 in St. Louis County from

2 interstate highway 270 to the crossing of the Missouri River, known as the
3 Veterans' Memorial Bridge, shall be designated the "Buzz Westfall Memorial
4 Highway". The Buzz Westfall Memorial Highway shall not include any portion
5 of the Veterans' Memorial Bridge.

227.346. The portion of Interstate Highway 70 between mile marker 69
2 in any county of the fourth classification with more than twenty-three
3 thousand seven hundred but less than twenty-three thousand eight hundred
4 inhabitants and east to mile marker 123 in any county of the first
5 classification with more than one hundred thirty-five thousand four hundred
6 but less than one hundred thirty-five thousand five hundred inhabitants,
7 except where otherwise designated, shall be designated the "U.S. Submarine
8 Veterans' Memorial Highway", and shall represent in its fifty-four mile stretch
9 the fifty-four submarines lost during war and the Cold War. The department
10 of transportation shall erect and maintain appropriate signs designating such
11 highway, with the cost of such signs to be paid by the submarine veterans'
12 association.

227.349. The portion of state highway J in Lincoln County from the
2 intersection of state highway J and state highway 47 to the intersection of
3 state highway J and state highway U shall be named the "Veterans Highway".

227.350. The portion of U.S. highway 67 in St. Francois County between
2 state route 8 in Desloge and state route 32 in Leadington shall be designated
3 the "Deputy Steven R. Ziegler Memorial Highway". Costs for such
4 designations shall be paid by private donations.

227.352. The portion of state route 51 in Perry County from interstate
2 highway 55 to U.S. Highway 61 shall be designated the "Thomas G. Tucker, Jr.
3 Memorial Highway".

233.166. Notwithstanding other provisions of this chapter to the
2 contrary, in any county, any petition to disincorporate a road district
3 organized under this chapter shall be presented to the county commission or
4 similar authority. The petition shall be signed by the lesser of fifty or a
5 majority of the registered voters residing within the district, shall state the
6 name of the district, and shall request the disincorporation of the district. If
7 a petition is submitted as authorized in this section, and it is the opinion of
8 the county commission that the public good will be advanced by the
9 disincorporation after providing notice and a hearing as required in section
10 233.295, then the county commission shall disincorporate the road district.

238.208. The owners of property adjacent to a transportation district

2 **formed under the Missouri transportation development district act and the**
3 **existing owners of property within said district may petition the court by**
4 **unanimous petition to add the above described adjacent property to the**
5 **district. Any property added under this section shall be subject to all**
6 **projects, taxes, and special assessments in effect as of the date of the court**
7 **order adding the property to the district. The owners of the added property**
8 **shall be allowed to vote at the next election scheduled for the district to fill**
9 **vacancies on the board and on any other question submitted to them by the**
10 **board under this chapter. The owners of property added under this section**
11 **shall have one vote per acre in the same manner as provided in subdivision**
12 **(2) of subsection 2 of section 238.220.**

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to
2 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

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

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

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

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

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

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

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

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

25 (9) "Dealer", any person, firm, corporation, association, agent or subagent

- 26 engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any
- 29 person or motor carrier other than a dealer over any public highway, under its own
- 30 power singly, or in a fixed combination of two or more vehicles, for the purpose of
- 31 delivery for sale or for delivery either before or after sale;
- 32 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of
- 33 the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination.
- 34 truck tractor equipped with a dromedary may carry part of a load when operating
- 35 independently or in a combination with a semitrailer;
- 36 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 37 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 38 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 39 (16) "Fullmount", a vehicle mounted completely on the frame of either the first
- 40 or last vehicle in a saddlemount combination;
- 41 (17) "Gross weight", the weight of vehicle and/or vehicle combination without
- 42 load, plus the weight of any load thereon;
- 43 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented
- 44 as the result of the impact of hail;
- 45 (19) "Highway", any public thoroughfare for vehicles, including state roads,
- 46 county roads and public streets, avenues, boulevards, parkways or alleys in any
- 47 municipality;
- 48 (20) "Improved highway", a highway which has been paved with gravel,
- 49 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a
- 50 hard, smooth surface;
- 51 (21) "Intersecting highway", any highway which joins another, whether or not it
- 52 crosses the same;
- 53 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the
- 54 highways and has no resale value except as a source of parts or scrap, and shall not be
- 55 titled or registered;
- 56 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
- 57 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased
- 58 from an authorized manufacturer and accompanied by a manufacturer's statement of
- 59 origin;
- 60 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
- 61 commercial motor vehicle the operation of which is confined to:

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

66 (b) An area that extends not more than a radius of twenty-five miles from its
67 home base of operations when transporting its owner's machinery, equipment, or
68 auxiliary supplies to or from projects not involving soil and water conservation. Nothing
69 in this subdivision shall be construed to prevent any motor vehicle from being registered
70 as a commercial motor vehicle or local commercial motor vehicle;

71 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
72 operations are confined solely to a municipality and that area extending not more than
73 fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations
74 are confined solely to the transportation of property owned by any person who is the
75 owner or operator of such vehicle to or from a farm owned by such person or under the
76 person's control by virtue of a landlord and tenant lease; provided that any such property
77 transported to any such farm is for use in the operation of such farm;

78 (26) "Local log truck", a commercial motor vehicle which is registered pursuant
79 to this chapter to operate as a motor vehicle on the public highways of this state, used
80 exclusively in this state, used to transport harvested forest products, operated solely at
81 a forested site and in an area extending not more than a fifty-mile radius from such site,
82 carries a load with dimensions not in excess of twenty-five cubic yards per two axles with
83 dual wheels, and [is not] **when** operated on the national system of interstate and
84 defense highways described in Title 23, Section 103(e) of the United States Code, **such**
85 **vehicle shall not exceed the weight limits of section 304.180, RSMo**, does not
86 have more than four axles and does not pull a trailer which has more than two axles. A
87 local log truck may not exceed the limits required by law, however, if the truck does
88 exceed such limits as determined by the inspecting officer, then notwithstanding any
89 other provisions of law to the contrary, such truck shall be subject to the weight limits
90 required by such sections as licensed for eighty thousand pounds;

91 (27) **"Local log truck tractor", a commercial motor vehicle which is**
92 **registered under this chapter to operate as a motor vehicle on the public**
93 **highways of this state, used exclusively in this state, used to transport**
94 **harvested forest products, operated solely at a forested site and in an area**
95 **extending not more than a fifty-mile radius from such site, operates with a**
96 **weight not exceeding twenty-two thousand four hundred pounds on one axle**
97 **or with a weight not exceeding forty-four thousand eight hundred pounds on**

98 **any tandem axle, and when operated on the national system of interstate and**
99 **defense highways described in Title 23, Section 103(e) of the United States**
100 **Code, such vehicle does not exceed the weight limits contained in section**
101 **304.180, RSMo, and does not have more than three axles and does not pull a**
102 **trailer which has more than two axles. Violations of axle weight limitations**
103 **shall be subject to the local limit penalty as described for sections 304.180 to**
104 **304.220, RSMo;**

105 **(28)** "Local transit bus", a bus whose operations are confined wholly within a
106 municipal corporation, or wholly within a municipal corporation and a commercial zone,
107 as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public
108 transportation system within such municipal corporation and such municipal corporation
109 and adjacent commercial zone;

110 **[(28)] (29)** "Log truck", a vehicle which is not a local log truck **or local log**
111 **truck tractor** and is used exclusively to transport harvested forest products to and from
112 forested sites which is registered pursuant to this chapter to operate as a motor vehicle
113 on the public highways of this state for the transportation of harvested forest products;

114 **[(29)] (30)** "Major component parts", the rear clip, cowl, frame, body, cab,
115 front-end assembly, and front clip, as those terms are defined by the director of revenue
116 pursuant to rules and regulations or by illustrations;

117 **[(30)] (31)** "Manufacturer", any person, firm, corporation or association engaged
118 in the business of manufacturing or assembling motor vehicles, trailers or vessels for
119 sale;

120 **[(31)] (32)** "Mobile scrap processor", a business located in Missouri or any other
121 state that comes onto a salvage site and crushes motor vehicles and parts for
122 transportation to a shredder or scrap metal operator for recycling;

123 **[(32)] (33)** "Motor change vehicle", a vehicle manufactured prior to August, 1957,
124 which receives a new, rebuilt or used engine, and which used the number stamped on
125 the original engine as the vehicle identification number;

126 **[(33)] (34)** "Motor vehicle", any self-propelled vehicle not operated exclusively
127 upon tracks, except farm tractors;

128 **[(34)] (35)** "Motor vehicle primarily for business use", any vehicle other than a
129 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle
130 licensed for over twelve thousand pounds:

131 (a) Offered for hire or lease; or

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

133 **[(35)] (36)** "Motorcycle", a motor vehicle operated on two wheels;

134 [(36)] (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
135 an automatic transmission and a motor with a cylinder capacity of not more than fifty
136 cubic centimeters, which produces less than three gross brake horsepower, and is capable
137 of propelling the device at a maximum speed of not more than thirty miles per hour on
138 level ground;

139 [(37)] (38) "Motortricycle", a motor vehicle operated on three wheels, including
140 a motorcycle while operated with any conveyance, temporary or otherwise, requiring the
141 use of a third wheel. A motortricycle shall not be included in the definition of all-terrain
142 vehicle;

143 [(38)] (39) "Municipality", any city, town or village, whether incorporated or not;

144 [(39)] (40) "Nonresident", a resident of a state or country other than the state
145 of Missouri;

146 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle not originally
147 manufactured in compliance with United States emissions or safety standards;

148 [(41)] (42) "Operator", any person who operates or drives a motor vehicle;

149 [(42)] (43) "Owner", any person, firm, corporation or association, who holds the
150 legal title to a vehicle or in the event a vehicle is the subject of an agreement for the
151 conditional sale or lease thereof with the right of purchase upon performance of the
152 conditions stated in the agreement and with an immediate right of possession vested in
153 the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to
154 possession, then such conditional vendee or lessee or mortgagor shall be deemed the
155 owner for the purpose of this law;

156 [(43)] (44) "Public garage", a place of business where motor vehicles are housed,
157 stored, repaired, reconstructed or repainted for persons other than the owners or
158 operators of such place of business;

159 [(44)] (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
160 by the rebuilder, but does not include certificated common or contract carriers of persons
161 or property;

162 [(45)] (46) "Reconstructed motor vehicle", a vehicle that is altered from its
163 original construction by the addition or substitution of two or more new or used major
164 component parts, excluding motor vehicles made from all new parts, and new multistage
165 manufactured vehicles;

166 [(46)] (47) "Recreational motor vehicle", any motor vehicle designed, constructed
167 or substantially modified so that it may be used and is used for the purposes of
168 temporary housing quarters, including therein sleeping and eating facilities which are
169 either permanently attached to the motor vehicle or attached to a unit which is securely

170 attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from
171 being registered as a commercial motor vehicle if the motor vehicle could otherwise be
172 so registered;

173 [(47)] (48) "Rollback or car carrier", any vehicle specifically designed to
174 transport wrecked, disabled or otherwise inoperable vehicles, when the transportation
175 is directly connected to a wrecker or towing service;

176 [(48)] (49) "Saddlemount combination", a combination of vehicles in which a
177 truck or truck tractor tows one or more trucks or truck tractors, each connected by a
178 saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a
179 mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel
180 of the vehicle in front and functions like a fifth wheel kingpin connection. When two
181 vehicles are towed in this manner the combination is called a double saddlemount
182 combination. When three vehicles are towed in this manner, the combination is called
183 a triple saddlemount combination;

184 [(49)] (50) "Salvage dealer and dismantler", a business that dismantles used
185 motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle
186 parts and accessories;

187 [(50)] (51) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which,
188 by reason of condition or circumstance, has been declared salvage, either by its owner,
189 or by a person, firm, corporation, or other legal entity exercising the right of security
190 interest in it, or by an insurance company as a result of settlement of a claim for loss
191 due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title;
192 or abandoned property which is titled pursuant to section 304.155, RSMo, or section
193 304.157, RSMo, and designated with the words "salvage/abandoned property";

194 [(51)] (52) "School bus", any motor vehicle used solely to transport students to
195 or from school or to transport students to or from any place for educational purposes;

196 [(52)] (53) "Shuttle bus", a motor vehicle used or maintained by any person,
197 firm, or corporation as an incidental service to transport patrons or customers of the
198 regular business of such person, firm, or corporation to and from the place of business
199 of the person, firm, or corporation providing the service at no fee or charge. Shuttle
200 buses shall not be registered as buses or as commercial motor vehicles;

201 [(53)] (54) "Special mobile equipment", every self-propelled vehicle not designed
202 or used primarily for the transportation of persons or property and incidentally operated
203 or moved over the highways, including farm equipment, implements of husbandry, road
204 construction or maintenance machinery, ditch-digging apparatus, stone crushers, air
205 compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing

206 equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
207 leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving
208 carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving
209 equipment. This enumeration shall be deemed partial and shall not operate to exclude
210 other such vehicles which are within the general terms of this section;

211 [(54)] (55) "Specially constructed motor vehicle", a motor vehicle which shall not
212 have been originally constructed under a distinctive name, make, model or type by a
213 manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes
214 kit vehicles;

215 [(55)] (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the
216 fifth wheel is located on a drop frame located behind and below the rearmost axle of the
217 power unit;

218 [(56)] (57) "Tandem axle", a group of two or more axles, arranged one behind
219 another, the distance between the extremes of which is more than forty inches and not
220 more than ninety-six inches apart;

221 [(57)] (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
222 vehicle designed for drawing other vehicles, but not for the carriage of any load when
223 operating independently. When attached to a semitrailer, it supports a part of the
224 weight thereof;

225 [(58)] (59) "Trailer", any vehicle without motive power designed for carrying
226 property or passengers on its own structure and for being drawn by a self-propelled
227 vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of
228 the trailer type so designed and used in conjunction with a self-propelled vehicle that a
229 considerable part of its own weight rests upon and is carried by the towing vehicle. The
230 term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section
231 and shall not include manufactured homes as defined in section 700.010, RSMo;

232 [(59)] (60) "Truck", a motor vehicle designed, used, or maintained for the
233 transportation of property;

234 [(60)] (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
235 which the two trailing units are connected with a B-train assembly which is a rigid
236 frame extension attached to the rear frame of a first semitrailer which allows for a
237 fifth-wheel connection point for the second semitrailer and has one less articulation point
238 than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

239 [(61)] (62) "Truck-trailer boat transporter combination", a boat transporter
240 combination consisting of a straight truck towing a trailer using typically a ball and
241 socket connection with the trailer axle located substantially at the trailer center of

242 gravity rather than the rear of the trailer but so as to maintain a downward force on the
243 trailer tongue;

244 [(62)] (63) "Used parts dealer", a business that buys and sells used motor
245 vehicle parts or accessories, but not including a business that sells only new,
246 remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap
247 meet of less than three days;

248 [(63)] (64) "Vanpool", any van or other motor vehicle used or maintained by any
249 person, group, firm, corporation, association, city, county or state agency, or any member
250 thereof, for the transportation of not less than eight nor more than forty-eight employees,
251 per motor vehicle, to and from their place of employment; however, a vanpool shall not
252 be included in the definition of the term "bus" or "commercial motor vehicle" as defined
253 by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a
254 "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool
255 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses
256 constitute an unlicensed use of the motor vehicle, unless used for monetary profit other
257 than for use in a ride-sharing arrangement;

258 [(64)] (65) "Vehicle", any mechanical device on wheels, designed primarily for
259 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by
260 horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton
261 trailers or motorized wheelchairs operated by handicapped persons;

262 [(65)] (66) "Wrecker" or "tow truck", any emergency commercial vehicle
263 equipped, designed and used to assist or render aid and transport or tow disabled or
264 wrecked vehicles from a highway, road, street or highway rights-of-way to a point of
265 storage or repair, including towing a replacement vehicle to replace a disabled or
266 wrecked vehicle;

267 [(66)] (67) "Wrecker or towing service", the act of transporting, towing or
268 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by
269 the operator of the wrecker, tow truck, rollback or car carrier for which the operator
270 directly or indirectly receives compensation or other personal gain.

301.062. The annual registration fee for a local log truck **or a local log truck**
2 **tractor**, registered pursuant to this chapter, is three hundred dollars.

304.190. 1. No motor vehicle, unladen or with load, operating exclusively within
2 the corporate limits of cities containing seventy-five thousand inhabitants or more or
3 within two miles of the corporate limits of the city or within the commercial zone of the
4 city shall exceed fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have a

6 greater weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within the city
8 together with the territory extending one mile beyond the corporate limits of the city and
9 one mile additional for each fifty thousand population or portion thereof provided,
10 however, the commercial zone surrounding a city not within a county shall extend
11 eighteen miles beyond the corporate limits of any such city not located within a county
12 and shall also extend throughout any first class charter county which adjoins that city;
13 further, provided, however, the commercial zone of a city with a population of at least
14 four hundred thousand inhabitants but not more than four hundred fifty thousand
15 inhabitants shall extend twelve miles beyond the corporate limits of any such city;
16 **except that this zone shall extend from the southern border of such city's**
17 **limits, beginning with the western-most freeway, following said freeway south**
18 **to the first intersection with a multilane undivided highway, where the zone**
19 **shall extend south along said freeway to include a city of the fourth**
20 **classification with more than eight thousand nine hundred but less than nine**
21 **thousand inhabitants, and shall extend north from the intersection of said**
22 **freeway and multilane undivided highway along the multilane undivided**
23 **highway to the city limits of a city with a population of at least four hundred**
24 **thousand inhabitants but not more than four hundred fifty thousand**
25 **inhabitants.** In no case shall the commercial zone of a city be reduced due to a loss of
26 population. The provisions of this section shall not apply to motor vehicles operating on
27 the interstate highways in the area beyond two miles of a corporate limit of the city
28 unless the United States Department of Transportation increases the allowable weight
29 limits on the interstate highway system within commercial zones. In such case, the
30 mileage limits established in this section shall be automatically increased only in the
31 commercial zones to conform with those authorized by the United States Department of
32 Transportation.

33 4. Nothing in this section shall prevent a city, county, or municipality, by
34 ordinance, from designating the routes over which such vehicles may be operated.

304.580. 1. As used in this section, the term "construction zone" or "work zone"
2 means any area upon or around any highway as defined in section 302.010, RSMo, which
3 is visibly marked by the department of transportation or a contractor performing work
4 for the department of transportation as an area where construction, maintenance, or
5 other work is temporarily occurring. The term "work zone" or "construction zone" also
6 includes the lanes of highway leading up to the area upon which an activity described
7 in this subsection is being performed, beginning at the point where appropriate signs

8 directing motor vehicles to merge from one lane into another lane are posted.

9 2. Upon **[a] the first** conviction or **[a]** plea of guilty by any person for a moving
10 violation as defined in section 302.010, RSMo, or any offense listed in section 302.302,
11 RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine
12 authorized to be imposed by law, if the offense occurred within a construction zone or a
13 work zone. **A second or subsequent violation of this subsection shall result in**
14 **the court assessing a fine of one hundred dollars in addition to any other fine**
15 **authorized to be imposed by law.**

16 3. Upon **[a] the first** conviction or plea of guilty by any person for a speeding
17 violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant
18 to subsection 6 of this section, the court shall assess a fine of two hundred fifty dollars
19 in addition to any other fine authorized by law, if the offense occurred within a
20 construction zone or a work zone and at the time the speeding or passing violation
21 occurred there was any person in such zone who was there to perform duties related to
22 the reason for which the area was designated a construction zone or work zone. **A**
23 **second or subsequent violation of this subsection shall result in the court**
24 **assessing a fine of three hundred dollars in addition to any other fine**
25 **authorized by law.** However, no person assessed an additional fine pursuant to this
26 subsection shall also be assessed an additional fine pursuant to subsection 2 of this
27 section, and no person shall be assessed an additional fine pursuant to this subsection
28 if no signs have been posted pursuant to subsection 4 of this section.

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

34 5. During any day in which no person is present in a construction zone or work
35 zone established pursuant to subsection 3 of this section to perform duties related to the
36 purpose of the zone, the sign warning of additional penalties shall not be visible to
37 motorists. During any period of two hours or more in which no person is present in such
38 zone on a day in which persons have been or will be present to perform duties related
39 to the reason for which the area was designated as a construction zone or work zone, the
40 sign warning of additional penalties shall not be visible to motorists. The department
41 of transportation or contractor performing work for the department of transportation
42 shall be responsible for compliance with provisions of this subsection. Nothing in this
43 subsection shall prohibit warning or traffic control signs necessary for public safety in

44 the construction or work zone being visible to motorists at all times.

45 6. The driver of a motor vehicle may not overtake or pass another motor vehicle
46 within a work zone or construction zone. This subsection applies to a construction zone
47 or work zone located upon a highway divided into two or more marked lanes for traffic
48 moving in the same direction and for which motor vehicles are instructed to merge from
49 one lane into another lane by an appropriate sign erected by the department of
50 transportation or a contractor performing work for the department of
51 transportation. Violation of this subsection is a class C misdemeanor.

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

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

6 2. Each driver, except persons employed by the United States Postal Service
7 while performing duties for that federal agency which require the operator to service
8 postal boxes from their vehicles, or which require frequent entry into and exit from their
9 vehicles, and front seat passenger of a passenger car manufactured after January 1,
10 1968, operated on a street or highway in this state, and persons less than eighteen years
11 of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or
12 highway of this state shall wear a properly adjusted and fastened safety belt that meets
13 federal National Highway, Transportation and Safety Act requirements; except that, a
14 child less than four years of age shall be protected as required in section 210.104, RSMo.
15 No person shall be stopped, inspected, or detained solely to determine compliance with
16 this subsection; **however, nothing shall prohibit a law enforcement officer from**
17 **enforcing the provisions of this section if the violation is clearly visible to the**
18 **officer without stopping the vehicle.** The provisions of this section shall not be
19 applicable to persons who have a medical reason for failing to have a seat belt fastened
20 about their body, nor shall the provisions of this section be applicable to persons while
21 operating or riding a motor vehicle being used in agricultural work-related
22 activities. Noncompliance with this subsection shall not constitute probable cause for
23 violation of any other provision of law **or for a search of the driver, passenger, or**
24 **vehicle.**

25 3. Each driver of a motor vehicle transporting a child four years of age or more,
26 but less than sixteen years of age, shall secure the child in a properly adjusted and

27 fastened safety belt

28 4. In any action to recover damages arising out of the ownership, common
29 maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of
30 this section shall not be considered evidence of comparative negligence. Failure to wear
31 a safety belt in violation of this section may be admitted to mitigate damages, but only
32 under the following circumstances:

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

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

41 5. Each driver who violates the provisions of subsection 2 or 3 of this section is
42 guilty of an infraction for which a fine not to exceed [ten] **fifteen** dollars may be
43 imposed. All other provisions of law and court rules to the contrary notwithstanding, no
44 court costs shall be imposed on any person due to a violation of this section. In no case
45 shall points be assessed against any person, pursuant to section 302.302, RSMo, for a
46 violation of this section.

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

52 7. If there are more persons than there are seat belts in the enclosed area of a
53 motor vehicle, then the driver and passengers are not in violation of this section.

**Section 1. The portion of U.S. 249 bypass in Jasper County from
2 Newman road to U.S. 171 shall be designated the "Earl Carr Memorial
3 Highway". The cost of all signage shall be paid by the city of Joplin.**

**Section 2. The portion of U.S. 71 from Iris road to state highway 86 in
2 Newton county shall be designated the "James W. Minton, Jr. Memorial
3 Highway".**

Section B. Because immediate action is necessary to ensure just compensation
2 for the restriction on loss of property rights for owners of real estate, the repeal and
3 reenactment of section 227.120 of section A of this act is deemed necessary for the

4 immediate preservation of the public health, welfare, peace, and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and the repeal
6 and reenactment of section 227.120 of section A of this act shall be in full force and effect
7 upon its passage and approval.

✓