

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 946, 1106 & 952

AN ACT

To repeal sections 21.795, 50.515, 190.044, 190.050, 190.051, 190.092, 190.094, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 226.030, 226.060, 227.120, 227.290, 227.303, 238.207, 238.210, 238.215, 238.216, 238.217, 238.220, 238.227, 238.233, 238.235, 238.236, 238.242, 238.252, 238.257, 301.010, 301.062, 301.129, 301.130, 301.190, 302.230, 304.170, 304.190, 304.351, 304.580, 307.178, 307.366, 321.130, 321.180, 321.554, 321.556, 389.610, 389.612, 390.201, 407.567, 622.350, and 643.315, RSMo, and to enact in lieu thereof eighty-eight new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

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

1 Section A. Sections 21.795, 50.515, 190.044, 190.050,
2 190.051, 190.092, 190.094, 190.101, 190.105, 190.108, 190.109,
3 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160,
4 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246,
5 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537,
6 191.630, 191.631, 226.030, 226.060, 227.120, 227.290, 227.303,

1 238.207, 238.210, 238.215, 238.216, 238.217, 238.220, 238.227,
2 238.233, 238.235, 238.236, 238.242, 238.252, 238.257, 301.010,
3 301.062, 301.129, 301.130, 301.190, 302.230, 304.170, 304.190,
4 304.351, 304.580, 307.178, 307.366, 321.130, 321.180, 321.554,
5 321.556, 389.610, 389.612, 390.201, 407.567, 622.350, and
6 643.315, RSMo, are repealed and eighty-eight new sections enacted
7 in lieu thereof, to be known as sections 21.795, 50.515, 190.050,
8 190.051, 190.092, 190.094, 190.101, 190.105, 190.108, 190.109,
9 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160,
10 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246,
11 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537,
12 191.630, 191.631, 226.030, 226.060, 227.290, 227.120, 227.303,
13 227.332, 227.344, 227.346, 227.349, 227.350, 227.352, 227.357,
14 227.358, 233.166, 234.707, 238.207, 238.208, 238.210, 238.215,
15 238.216, 238.217, 238.220, 238.227, 238.233, 238.235, 238.236,
16 238.242, 238.252, 238.257, 238.258, 301.010, 301.062, 301.129,
17 301.130, 301.190, 302.230, 302.233, 304.170, 304.190, 304.351,
18 304.580, 307.178, 307.366, 321.130, 321.180, 321.554, 321.556,
19 389.610, 389.612, 390.201, 407.567, 622.350, 643.315, 1, and 2,
20 to read as follows:

21 21.795. 1. There is established a permanent joint
22 committee of the general assembly to be known as the "Joint
23 Committee on Transportation Oversight" to be composed of seven
24 members of the standing transportation committees of both the
25 senate and the house of representatives and three nonvoting ex
26 officio members. Of the fourteen members to be appointed to the
27 joint committee, the seven senate members of the joint committee
28 shall be appointed by the president pro tem of the senate and

1 minority leader of the senate and the seven house members shall
2 be appointed by the speaker of the house of representatives and
3 the minority floor leader of the house of representatives. No
4 major party shall be represented by more than four members from
5 the house of representatives nor more than four members from the
6 senate. The ex officio members shall be the state auditor, the
7 director of the oversight division of the committee on
8 legislative research, and the commissioner of the office of
9 administration or the designee of such auditor, director or
10 commissioner. The joint committee shall be chaired jointly by
11 both chairs of the senate and house transportation committees. A
12 majority of the committee shall constitute a quorum, but the
13 concurrence of a majority of the members, other than the ex
14 officio members, shall be required for the determination of any
15 matter within the committee's duties.

16 2. The transportation inspector general shall be appointed
17 by majority vote of a group consisting of the speaker of the
18 house of representatives, the minority floor leader of the house
19 of representatives, the president pro tempore of the senate, and
20 the minority floor leader of the senate. It shall be the duty of
21 the inspector general to serve as the executive director of the
22 joint committee on transportation oversight. The compensation of
23 the inspector general and other personnel shall be paid from the
24 joint contingent fund or jointly from the senate and house
25 contingent funds until an appropriation is made therefor. No
26 funds from highway user fees or other funds allocated for the
27 operation of the department of transportation shall be used for
28 the compensation of the inspector general and his or her staff.

1 The joint committee inspector general initially appointed
2 pursuant to this section shall take office January 1, 2004, for a
3 term ending June 30, 2005. Subsequent joint committee on
4 transportation oversight directors shall be appointed for
5 five-year terms, beginning July 1, 2005. Any joint committee on
6 transportation oversight inspector general whose term is expiring
7 shall be eligible for reappointment. The inspector general of
8 the joint committee on transportation oversight shall:

9 (1) Be qualified by training or experience in
10 transportation policy, management of transportation
11 organizations, accounting, auditing, financial analysis, law,
12 management analysis, or public administration;

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

24 (3) Receive and process citizen complaints relating to
25 transportation issues. The inspector general shall, when
26 necessary, submit a written complaint report to the joint
27 committee on transportation oversight and the highways and
28 transportation commission. The complaint report shall contain

1 the date, time, nature of the complaint, and any immediate facts
2 and circumstances surrounding the initial report of the
3 complaint. The inspector general shall investigate a citizen
4 complaint if he or she is directed to do so by a majority of the
5 joint committee on transportation oversight;

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

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

10 (b) Gross mismanagement by department officers;

11 (c) Waste of funds by the department;

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

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

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

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

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

27 (1) A comprehensive financial report of all funds for the
28 preceding state fiscal year which shall include a report by

1 independent certified public accountants, selected by the
2 commissioner of the office of administration, attesting that the
3 financial statements present fairly the financial position of the
4 department in conformity with generally accepted government
5 accounting principles. This report shall include amounts of:

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

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

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

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

20
21 All expenditures made by, or on behalf of, the department for
22 personal services including fringe benefits, all categories of
23 expense and equipment, real estate purchases, and capital
24 improvements shall be assigned to the categories listed in this
25 subdivision in conformity with generally accepted government
26 accounting principles. The report shall include information
27 concerning the department's system of inventory of records
28 relating to property under review for disposal and land necessary

1 for future use owned by the department and a description of all
2 real estate transactions of such property engaged in by the
3 department for the preceding state fiscal year, including but not
4 limited to the date of each transaction, the source of revenue
5 used by the department for each transaction, and the allocation
6 of any income produced by the real estate;

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

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

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

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

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

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

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

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

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

26 4. Prior to December first of each year, the committee
27 shall hold an annual meeting and call before its members,
28 officials or employees of the state highways and transportation

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

14 5. In addition to the annual meeting required by subsection
15 4 of this section, the committee shall meet two times each year.
16 The co-chairs of the committee shall establish an agenda for each
17 meeting that may include, but not be limited to, the following
18 items to be discussed with the committee members throughout the
19 year during the scheduled meeting:

20 (1) Presentation of a prioritized plan for all modes of
21 transportation;

22 (2) Discussion of department efficiencies and expenditure
23 of cost-savings within the department;

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

28 (4) Review of any report from the joint committee inspector

1 general; and

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

4

5 The co-chairs of the committee may call special meetings of the
6 committee with ten days' notice to the members of the committee,
7 the director of the department of transportation, and the
8 department of transportation.

9 6. The committee shall submit records of its meetings to
10 the secretary of the senate and the chief clerk of the house of
11 representatives in accordance with sections 610.020 and 610.023,
12 RSMo.

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

14 (1) "Property under review for disposal", any real estate
15 held by the Missouri highways and transportation commission that
16 is under review by the highways and transportation commission and
17 the department of transportation for disposal as possibly
18 unnecessary for highways and transportation commission and
19 department of transportation purposes;

20 (2) "Land necessary for future use", any real estate
21 interest held by the highways and transportation commission for
22 highway projects that have not been constructed, do not have
23 construction funds programmed for the current five-year statewide
24 transportation improvement program, and is being held by the
25 highways and transportation commission for future use when the
26 project, using the real estate, is programmed for construction.

27 50.515. The governing body of any county may, by order of
28 such governing body, impose an administrative service fee on the

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

23 190.050. 1. After the ambulance district has been declared
24 organized, the declaring county commission, except in counties of
25 the second class having more than one hundred five thousand
26 inhabitants located adjacent to a county of the first class
27 having a charter form of government which has a population of
28 over nine hundred thousand inhabitants, shall divide the district

1 into six election districts as equal in population as possible,
2 and shall by lot number the districts from one to six inclusive.
3 The county commission shall cause an election to be held in the
4 ambulance district within ninety days after the order
5 establishing the ambulance district to elect ambulance district
6 directors. Each voter shall vote for one director from the
7 ambulance election district in which the voter resides. The
8 directors elected from districts one and four shall serve for a
9 term of one year, the directors elected from districts two and
10 five shall serve for a term of two years, and the directors from
11 districts three and six shall serve for a term of three years;
12 thereafter, the terms of all directors shall be three years. All
13 directors shall serve the term to which they were elected or
14 appointed, and until their successors are elected and qualified,
15 except in cases of resignation or disqualification. The county
16 commission shall reapportion the ambulance districts within sixty
17 days after the population of the county is reported to the
18 governor for each decennial census of the United States.
19 Notwithstanding any other provision of law, if the number of
20 candidates for the office of director is no greater than the
21 number of directors to be elected, no election shall be held, and
22 the candidates shall assume the responsibilities of their offices
23 at the same time and in the same manner as if they have been
24 elected.

25 2. In all counties of the second class having more than one
26 hundred five thousand inhabitants located adjacent to a county of
27 the first class having a charter form of government which has a
28 population of over nine hundred thousand inhabitants, the voters

1 shall vote for six directors elected at large from within the
2 district for a term of three years. Those directors holding
3 office in any district in such a county on August 13, 1976, shall
4 continue to hold office until the expiration of their terms, and
5 their successors shall be elected from the district at large for
6 a term of three years. In any district formed in such counties
7 after August 13, 1976, the governing body of the county shall
8 cause an election to be held in that district within ninety days
9 after the order establishing the ambulance district to elect
10 ambulance district directors. Each voter shall vote for six
11 directors. The two candidates receiving the highest number of
12 votes at such election shall be elected for a term of three
13 years, the two candidates receiving the third and fourth highest
14 number of votes shall be elected for a term of two years, the two
15 candidates receiving the fifth and sixth highest number of votes
16 shall be elected for a term of one year; thereafter, the term of
17 all directors shall be three years.

18 3. A candidate for director of the ambulance district
19 shall, at the time of filing, be a citizen of the United States,
20 a qualified voter of the election district as provided in
21 subsection 1 of this section, a resident of the district for two
22 years next preceding the election, and shall be at least
23 twenty-four years of age. In an established district which is
24 located within the jurisdiction of more than one election
25 authority, the candidate shall file his or her declaration of
26 candidacy with the secretary of the board. In all other
27 districts, a candidate shall file a declaration of candidacy with
28 the county clerk of the county in which he or she resides. A

1 candidate shall file a statement under oath that he or she
2 possesses the required qualifications. No candidate's name shall
3 be printed on any official ballot unless the candidate has filed
4 a written declaration of candidacy pursuant to subsection 5 of
5 section 115.127, RSMo. If the time between the county
6 commission's call for a special election and the date of the
7 election is not sufficient to allow compliance with subsection 5
8 of section 115.127, RSMo, the county commission shall, at the
9 time it calls the special election, set the closing date for
10 filing declarations of candidacy.

11 190.051. 1. Notwithstanding the provisions of sections
12 190.050 and 190.052 to the contrary, upon a motion by the board
13 of directors in districts where there are six-member boards, and
14 upon approval by the voters in the district, the number of
15 directors may be increased to seven with one board member running
16 district wide, or decreased to five or three board members. The
17 ballot to be used for the approval of the voters to increase or
18 decrease the number of members on the board of directors of the
19 ambulance district shall be substantially in the following form:

20 _____ Shall the number of members of the board of directors of the
21 (Insert name of district) Ambulance District be
22 (increased to seven members/decreased to five members/decreased
23 to three members)?

24 _____ [] YES _____ [] NO

25 2. If a majority of the voters voting on a proposition to
26 increase the number of board members to seven vote in favor of
27 the proposition, then at the next election of board members after
28 the voters vote to increase the number of directors, the voters

1 shall select one person to serve in addition to the existing six
2 directors as the member who shall run district wide.

3 3. If a majority of the voters voting on a proposition to
4 decrease the number of board members vote in favor of the
5 proposition, then the county clerk shall redraw the district into
6 the resulting number of subdistricts with equal population bases
7 and hold elections by subdistricts pursuant to section 190.050.
8 Thereafter, members of the board shall be elected to serve terms
9 of three years and until their successors are duly elected and
10 qualified.

11 4. Members of the board of directors in office on the date
12 of an election pursuant to this section to increase or decrease
13 the number of members of the board of directors shall serve the
14 term to which they were elected or appointed and until their
15 successors are elected and qualified.

16 5. The provisions of this section shall apply in all
17 counties within the state and to any city not within a county.

18 190.092. 1. A person or entity who acquires an automated
19 external defibrillator shall ensure that:

20 (1) Expected defibrillator users receive training by the
21 American Red Cross or American Heart Association in
22 cardiopulmonary resuscitation and the use of automated external
23 defibrillators, or an equivalent nationally recognized course in
24 defibrillator use and cardiopulmonary resuscitation;

25 (2) The defibrillator is maintained and tested according to
26 the manufacturer's operational guidelines;

27 (3) Any person who renders emergency care or treatment on a
28 person in cardiac arrest by using an automated external

1 defibrillator activates the emergency medical services system as
2 soon as possible; and

3 (4) Any person or entity that owns an automated external
4 defibrillator that is for use outside of a health care facility
5 shall have a physician review and approve the clinical protocol
6 for the use of the defibrillator, review and advise regarding the
7 training and skill maintenance of the intended users of the
8 defibrillator and assure proper review of all situations when the
9 defibrillator is used to render emergency care.

10 2. Any person or entity who acquires an automated external
11 defibrillator shall notify the emergency communications district
12 or the ambulance dispatch center of the primary provider of
13 emergency medical services where the automated external
14 defibrillator is to be located.

15 3. Any person who has had appropriate training, including a
16 course in cardiopulmonary resuscitation, has demonstrated a
17 proficiency in the use of an automated external defibrillator,
18 and who gratuitously and in good faith renders emergency care
19 when medically appropriate by use of or provision of an automated
20 external defibrillator, without objection of the injured victim
21 or victims thereof, shall not be held liable for any civil
22 damages as a result of such care or treatment, where the person
23 acts as an ordinarily reasonable, prudent person, or with regard
24 to a health care professional, including the licensed physician
25 who reviews and approves the clinical protocol, as a reasonably
26 prudent and careful health care provider would have acted, under
27 the same or similar circumstances. Nothing in this section shall
28 affect any claims brought pursuant to chapter 537 or 538, RSMo.

1 4. The provisions of this section shall apply in all
2 counties within the state and any city not within a county.

3 190.094. In any county of the second classification
4 containing part of a city which is located in four counties and
5 any county bordering said county on the east and south and in any
6 county of the third classification with a population of at least
7 eight thousand four hundred but less than eight thousand five
8 hundred inhabitants containing part of a lake of nine hundred
9 fifty-eight miles of shoreline but less than one thousand miles
10 of shoreline each ambulance, when in use as an ambulance, shall
11 be staffed with a minimum of one emergency medical technician and
12 one other crew member as set forth in rules adopted by the
13 department. When transporting a patient, at least one licensed
14 emergency medical technician, registered nurse or physician shall
15 be in attendance with the patient in the patient compartment at
16 all times.

17 190.101. 1. There is hereby established a "State Advisory
18 Council on Emergency Medical Services" which shall consist of
19 sixteen members, one of which shall be a resident of a city not
20 within a county. The members of the council shall be appointed
21 by the governor with the advice and consent of the senate and
22 shall serve terms of four years. The governor shall designate
23 one of the members as chairperson. The chairperson may appoint
24 subcommittees that include noncouncil members.

25 2. The state EMS medical directors advisory committee and
26 the regional EMS advisory committees will be recognized as
27 subcommittees of the state advisory council on emergency medical
28 services.

1 3. The council shall have geographical representation and
2 representation from appropriate areas of expertise in emergency
3 medical services including volunteers, professional organizations
4 involved in emergency medical services, EMT's, paramedics,
5 nurses, firefighters, physicians, ambulance service
6 administrators, hospital administrators and other health care
7 providers concerned with emergency medical services. The
8 regional EMS advisory committees shall serve as a resource for
9 the identification of potential members of the state advisory
10 council on emergency medical services.

11 4. The members of the council and subcommittees shall serve
12 without compensation except that members of the council shall,
13 subject to appropriations, be reimbursed for reasonable travel
14 expenses and meeting expenses related to the functions of the
15 council.

16 5. The purpose of the council is to make recommendations to
17 the governor, the general assembly, and the department on
18 policies, plans, procedures and proposed regulations on how to
19 improve the statewide emergency medical services system. The
20 council shall advise the governor, the general assembly, and the
21 department on all aspects of the emergency medical services
22 system.

23 190.105. 1. No person, either as owner, agent or
24 otherwise, shall furnish, operate, conduct, maintain, advertise,
25 or otherwise be engaged in or profess to be engaged in the
26 business or service of the transportation of patients by
27 ambulance in the air, upon the streets, alleys, or any public way
28 or place of the state of Missouri unless such person holds a

1 currently valid license from the department for an ambulance
2 service issued pursuant to the provisions of sections 190.001 to
3 190.245.

4 2. No ground ambulance shall be operated for ambulance
5 purposes, and no individual shall drive, attend or permit it to
6 be operated for such purposes in the state of Missouri unless the
7 ground ambulance is under the immediate supervision and direction
8 of a person who is holding a currently valid Missouri license as
9 an emergency medical technician. Nothing in this section shall
10 be construed to mean that a duly registered nurse or a duly
11 licensed physician be required to hold an emergency medical
12 technician's license. Each ambulance service is responsible for
13 assuring that any person driving its ambulance is competent in
14 emergency vehicle operations and has a safe driving record. Each
15 ground ambulance shall be staffed with at least two licensed
16 individuals when transporting a patient, except as provided in
17 section 190.094.

18 3. No license shall be required for an ambulance service,
19 or for the attendant of an ambulance, which:

20 (1) Is rendering assistance in the case of an emergency,
21 major catastrophe or any other unforeseen event or series of
22 events which jeopardizes the ability of the local ambulance
23 service to promptly respond to emergencies; or

24 (2) Is operated from a location or headquarters outside of
25 Missouri in order to transport patients who are picked up beyond
26 the limits of Missouri to locations within or outside of
27 Missouri, but no such outside ambulance shall be used to pick up
28 patients within Missouri for transportation to locations within

1 Missouri, except as provided in subdivision (1) of this
2 subsection.

3 4. The issuance of a license pursuant to the provisions of
4 sections 190.001 to 190.245 shall not be construed so as to
5 authorize any person to provide ambulance services or to operate
6 any ambulances without a franchise in any city not within a
7 county or in a political subdivision in any county with a
8 population of over nine hundred thousand inhabitants, or a
9 franchise, contract or mutual-aid agreement in any other
10 political subdivision which has enacted an ordinance making it
11 unlawful to do so.

12 5. Sections 190.001 to 190.245 shall not preclude the
13 adoption of any law, ordinance or regulation not in conflict with
14 such sections by any city not within a county, or at least as
15 strict as such sections by any county, municipality or political
16 subdivision except that no such regulations or ordinances shall
17 be adopted by a political subdivision in a county with a
18 population of over nine hundred thousand inhabitants except by
19 the county's governing body.

20 6. In a county with a population of over nine hundred
21 thousand inhabitants, the governing body of the county shall set
22 the standards for all ambulance services which shall comply with
23 subsection 5 of this section. All such ambulance services must
24 be licensed by the department. The governing body of such county
25 shall not prohibit a licensed ambulance service from operating in
26 the county, as long as the ambulance service meets county
27 standards.

28 7. An ambulance service or vehicle when operated for the

1 purpose of transporting persons who are sick, injured, or
2 otherwise incapacitated shall not be treated as a common or
3 contract carrier under the jurisdiction of the Missouri division
4 of motor carrier and railroad safety.

5 8. Sections 190.001 to 190.245 shall not apply to, nor be
6 construed to include, any motor vehicle used by an employer for
7 the transportation of such employer's employees whose illness or
8 injury occurs on private property, and not on a public highway or
9 property, nor to any person operating such a motor vehicle.

10 9. A political subdivision that is authorized to operate a
11 licensed ambulance service may establish, operate, maintain and
12 manage its ambulance service, and select and contract with a
13 licensed ambulance service. Any political subdivision may
14 contract with a licensed ambulance service.

15 10. Except as provided in subsections 5 and 6, nothing in
16 section 67.300, RSMo, or subsection 2 of section 190.109, shall
17 be construed to authorize any municipality or county which is
18 located within an ambulance district or a fire protection
19 district that is authorized to provide ambulance service to
20 promulgate laws, ordinances or regulations related to the
21 provision of ambulance services. This provision shall not apply
22 to any municipality or county which operates an ambulance service
23 established prior to August 28, 1998.

24 11. Nothing in section 67.300, RSMo, or subsection 2 of
25 section 190.109 shall be construed to authorize any municipality
26 or county which is located within an ambulance district or a fire
27 protection district that is authorized to provide ambulance
28 service to operate an ambulance service without a franchise in an

1 ambulance district or a fire protection district that is
2 authorized to provide ambulance service which has enacted an
3 ordinance making it unlawful to do so. This provision shall not
4 apply to any municipality or county which operates an ambulance
5 service established prior to August 28, 1998.

6 12. No provider of ambulance service within the state of
7 Missouri which is licensed by the department to provide such
8 service shall discriminate regarding treatment or transportation
9 of emergency patients on the basis of race, sex, age, color,
10 religion, sexual preference, national origin, ancestry, handicap,
11 medical condition or ability to pay.

12 13. No provision of this section, other than subsections 5,
13 6, 10 and 11 of this section, is intended to limit or supersede
14 the powers given to ambulance districts pursuant to this chapter
15 or to fire protection districts pursuant to chapter 321, RSMo, or
16 to counties, cities, towns and villages pursuant to chapter 67,
17 RSMo.

18 14. Upon the sale or transfer of any ground ambulance
19 service ownership, the owner of such service shall notify the
20 department of the change in ownership within thirty days of such
21 sale or transfer. After receipt of such notice, the department
22 shall conduct an inspection of the ambulance service to verify
23 compliance with the licensure standards of sections 190.001 to
24 190.245.

25 190.108. 1. The department shall, within a reasonable time
26 after receipt of an application, cause such investigation as the
27 department deems necessary to be made of the applicant for an air
28 ambulance license.

1 2. The department shall have the authority and
2 responsibility to license an air ambulance service in accordance
3 with sections 190.001 to 190.245, and in accordance with rules
4 adopted by the department pursuant to sections 190.001 to
5 190.245. The department may promulgate rules relating to the
6 requirements for an air ambulance license including, but not
7 limited to:

- 8 (1) Medical control plans;
- 9 (2) Medical director qualifications;
- 10 (3) Air medical staff qualifications;
- 11 (4) Response and operations standards to assure that the
12 health and safety needs of the public are met;
- 13 (5) Standards for air medical communications;
- 14 (6) Criteria for compliance with licensure requirements;
- 15 (7) Records and forms;
- 16 (8) Equipment requirements;
- 17 (9) Five-year license renewal;
- 18 (10) Quality improvement committees; and
- 19 (11) Response time, patient care and transportation
20 standards.

21 3. Application for an air ambulance service license shall
22 be made upon such forms as prescribed by the department in rules
23 adopted pursuant to sections 190.001 to 190.245. The application
24 form shall contain such information as the department deems
25 necessary to make a determination as to whether the air ambulance
26 service meets all the requirements of sections 190.001 to 190.245
27 and rules promulgated pursuant to sections 190.001 to 190.245.

28 4. Upon the sale or transfer of any air ambulance service

1 ownership, the owner of such service shall notify the department
2 of the change in ownership within thirty days of such sale or
3 transfer. After receipt of such notice, the department shall
4 conduct an inspection of the ambulance service to verify
5 compliance with the licensure standards of sections 190.001 to
6 190.245.

7 190.109. 1. The department shall, within a reasonable time
8 after receipt of an application, cause such investigation as the
9 department deems necessary to be made of the applicant for a
10 ground ambulance license.

11 2. Any person that owned and operated a licensed ambulance
12 on December 31, 1997, shall receive an ambulance service license
13 from the department, unless suspended, revoked or terminated, for
14 that ambulance service area which was, on December 31, 1997,
15 described and filed with the department as the primary service
16 area for its licensed ambulances on August 28, 1998, provided
17 that the person makes application and adheres to the rules and
18 regulations promulgated by the department pursuant to sections
19 190.001 to 190.245.

20 3. The department shall issue a new ground ambulance
21 service license to an ambulance service that is not currently
22 licensed by the department, or is currently licensed by the
23 department and is seeking to expand its ambulance service area,
24 except as provided in subsection 4 of this section, to be valid
25 for a period of five years, unless suspended, revoked or
26 terminated, when the director finds that the applicant meets the
27 requirements of ambulance service licensure established pursuant
28 to sections 190.100 to 190.245 and the rules adopted by the

1 department pursuant to sections 190.001 to 190.245. In order to
2 be considered for a new ambulance service license, an ambulance
3 service shall submit to the department a letter of endorsement
4 from each ambulance district or fire protection district that is
5 authorized to provide ambulance service, or from each
6 municipality not within an ambulance district or fire protection
7 district that is authorized to provide ambulance service, in
8 which the ambulance service proposes to operate. If an ambulance
9 service proposes to operate in unincorporated portions of a
10 county not within an ambulance district or fire protection
11 district that is authorized to provide ambulance service, in
12 order to be considered for a new ambulance service license, the
13 ambulance service shall submit to the department a letter of
14 endorsement from the county. Any letter of endorsement required
15 pursuant to this section shall verify that the political
16 subdivision has conducted a public hearing regarding the
17 endorsement and that the governing body of the political
18 subdivision has adopted a resolution approving the endorsement.
19 The letter of endorsement shall affirmatively state that the
20 proposed ambulance service:

21 (1) Will provide a benefit to public health that outweighs
22 the associated costs;

23 (2) Will maintain or enhance the public's access to
24 ambulance services;

25 (3) Will maintain or improve the public health and promote
26 the continued development of the regional emergency medical
27 service system;

28 (4) Has demonstrated the appropriate expertise in the

1 operation of ambulance services; and

2 (5) Has demonstrated the financial resources necessary for
3 the operation of the proposed ambulance service.

4 4. A contract between a political subdivision and a
5 licensed ambulance service for the provision of ambulance
6 services for that political subdivision shall expand, without
7 further action by the department, the ambulance service area of
8 the licensed ambulance service to include the jurisdictional
9 boundaries of the political subdivision. The termination of the
10 aforementioned contract shall result in a reduction of the
11 licensed ambulance service's ambulance service area by removing
12 the geographic area of the political subdivision from its
13 ambulance service area, except that licensed ambulance service
14 providers may provide ambulance services as are needed at and
15 around the state fair grounds for protection of attendees at the
16 state fair.

17 5. The department shall renew a ground ambulance service
18 license if the applicant meets the requirements established
19 pursuant to sections 190.001 to 190.245, and the rules adopted by
20 the department pursuant to sections 190.001 to 190.245.

21 6. The department shall promulgate rules relating to the
22 requirements for a ground ambulance service license including,
23 but not limited to:

24 (1) Vehicle design, specification, operation and
25 maintenance standards;

26 (2) Equipment requirements;

27 (3) Staffing requirements;

28 (4) Five-year license renewal;

- 1 (5) Records and forms;
- 2 (6) Medical control plans;
- 3 (7) Medical director qualifications;
- 4 (8) Standards for medical communications;
- 5 (9) Memorandums of understanding with emergency medical
6 response agencies that provide advanced life support;
- 7 (10) Quality improvement committees; and
- 8 (11) Response time, patient care and transportation
9 standards.

10 7. Application for a ground ambulance service license shall
11 be made upon such forms as prescribed by the department in rules
12 adopted pursuant to sections 190.001 to 190.245. The application
13 form shall contain such information as the department deems
14 necessary to make a determination as to whether the ground
15 ambulance service meets all the requirements of sections 190.001
16 to 190.245 and rules promulgated pursuant to sections 190.001 to
17 190.245.

18 190.120. 1. No ambulance service license shall be issued
19 pursuant to sections 190.001 to 190.245, nor shall such license
20 be valid after issuance, nor shall any ambulance be operated in
21 Missouri unless there is at all times in force and effect
22 insurance coverage or proof of financial responsibility with
23 adequate reserves maintained for each and every ambulance owned
24 or operated by or for the applicant or licensee to provide for
25 the payment of damages in an amount as prescribed in regulation:

26 (1) For injury to or death of individuals in accidents
27 resulting from any cause for which the owner of such vehicle
28 would be liable on account of liability imposed on him or her by

1 law, regardless of whether the ambulance was being driven by the
2 owner or the owner's agent; and

3 (2) For the loss of or damage to the property of another,
4 including personal property, under like circumstances.

5 2. The insurance policy or proof of financial
6 responsibility shall be submitted by all licensees required to
7 provide such insurance pursuant to sections 190.001 to 190.245.
8 The insurance policy, or proof of the existence of financial
9 responsibility, shall be submitted to the director, in such form
10 as the director may specify, for the director's approval prior to
11 the issuance of each ambulance service license.

12 3. Every insurance policy or proof of financial
13 responsibility document required by the provisions of this
14 section shall contain proof of a provision for a continuing
15 liability thereunder to the full amount thereof, notwithstanding
16 any recovery thereon; that the liability of the insurer shall not
17 be affected by the insolvency or the bankruptcy of the assured;
18 and that until the policy is revoked the insurance company or
19 self-insured licensee or entity will not be relieved from
20 liability on account of nonpayment of premium, failure to renew
21 license at the end of the year, or any act or omission of the
22 named assured. Such policy of insurance or self-insurance shall
23 be further conditioned for the payment of any judgments up to the
24 limits of such policy, recovered against any person other than
25 the owner, the owner's agent or employee, who may operate the
26 same with the consent of the owner.

27 4. Every insurance policy or self-insured licensee or
28 entity as required by the provisions of this section shall extend

1 for the period to be covered by the license applied for and the
2 insurer shall be obligated to give not less than thirty days'
3 written notice to the director and to the insured before any
4 cancellation or termination thereof earlier than its expiration
5 date, and the cancellation or other termination of any such
6 policy shall automatically revoke and terminate the licenses
7 issued for the ambulance service covered by such policy unless
8 covered by another insurance policy in compliance with sections
9 190.001 to 190.245.

10 190.131. 1. The department shall accredit or certify
11 training entities for first responders, emergency medical
12 dispatchers, emergency medical technicians-basic, emergency
13 medical technicians-intermediate, and emergency medical
14 technicians-paramedic, for a period of five years, if the
15 applicant meets the requirements established pursuant to sections
16 190.001 to 190.245.

17 2. Such rules promulgated by the department shall set forth
18 the minimum requirements for entrance criteria, training program
19 curricula, instructors, facilities, equipment, medical oversight,
20 record keeping, and reporting.

21 3. Application for training entity accreditation or
22 certification shall be made upon such forms as prescribed by the
23 department in rules adopted pursuant to sections 190.001 to
24 190.245. The application form shall contain such information as
25 the department deems reasonably necessary to make a determination
26 as to whether the training entity meets all requirements of
27 sections 190.001 to 190.245 and rules promulgated pursuant to
28 sections 190.001 to 190.245.

1 4. Upon receipt of such application for training entity
2 accreditation or certification, the department shall determine
3 whether the training entity, its instructors, facilities,
4 equipment, curricula and medical oversight meet the requirements
5 of sections 190.001 to 190.245 and rules promulgated pursuant to
6 sections 190.001 to 190.245.

7 5. Upon finding these requirements satisfied, the
8 department shall issue a training entity accreditation or
9 certification in accordance with rules promulgated by the
10 department pursuant to sections 190.001 to 190.245.

11 6. Subsequent to the issuance of a training entity
12 accreditation or certification, the department shall cause a
13 periodic review of the training entity to assure continued
14 compliance with the requirements of sections 190.001 to 190.245
15 and all rules promulgated pursuant to sections 190.001 to
16 190.245.

17 7. No person or entity shall hold itself out or provide
18 training required by this section without accreditation or
19 certification by the department.

20 190.133. 1. The department shall, within a reasonable time
21 after receipt of an application, cause such investigation as the
22 department deems necessary to be made of the applicant for an
23 emergency medical response agency license.

24 2. The department shall issue a license to any emergency
25 medical response agency which provides advanced life support if
26 the applicant meets the requirements established pursuant to
27 sections 190.001 to 190.245, and the rules adopted by the
28 department pursuant to sections 190.001 to 190.245. The

1 department may promulgate rules relating to the requirements for
2 an emergency medical response agency including, but not limited
3 to:

4 _____ (1) A licensure period of five years;

5 _____ (2) Medical direction;

6 _____ (3) Records and forms; and

7 _____ (4) Memorandum of understanding with local ambulance
8 services.

9 _____ 3. Application for an emergency medical response agency
10 license shall be made upon such forms as prescribed by the
11 department in rules adopted pursuant to sections 190.001 to
12 190.245. The application form shall contain such information as
13 the department deems necessary to make a determination as to
14 whether the emergency medical response agency meets all the
15 requirements of sections 190.001 to 190.245 and rules promulgated
16 pursuant to sections 190.001 to 190.245.

17 _____ 4. No person or entity shall hold itself out as an
18 emergency medical response agency that provides advanced life
19 support or provide the services of an emergency medical response
20 agency that provides advanced life support unless such person or
21 entity is licensed by the department.

22 _____ 5. Only emergency medical response agencies, fire
23 departments, and fire protection districts may provide certain
24 ALS services with the services of EMT-Is.

25 _____ 6. Emergency medical response agencies functioning with the
26 services of EMT-Is must work in collaboration with an ambulance
27 service providing advanced life support with personnel trained to
28 the emergency medical technician-paramedic level.

1 190.142. 1. The department shall, within a reasonable time
2 after receipt of an application, cause such investigation as it
3 deems necessary to be made of the applicant for an emergency
4 medical technician's license. The director may authorize
5 investigations into criminal records in other states for any
6 applicant.

7 2. The department shall issue a license to all levels of
8 emergency medical technicians, for a period of five years, if the
9 applicant meets the requirements established pursuant to sections
10 190.001 to 190.245 and the rules adopted by the department
11 pursuant to sections 190.001 to 190.245. The department may
12 promulgate rules relating to the requirements for an emergency
13 medical technician including but not limited to:

14 (1) Age requirements;

15 (2) Education and training requirements based on respective
16 national curricula of the United States Department of
17 Transportation and any modification to such curricula specified
18 by the department through rules adopted pursuant to sections
19 190.001 to 190.245;

20 (3) Initial licensure testing requirements;

21 (4) Continuing education and relicensure requirements; and

22 (5) Ability to speak, read and write the English language.

23 3. Application for all levels of emergency medical
24 technician license shall be made upon such forms as prescribed by
25 the department in rules adopted pursuant to sections 190.001 to
26 190.245. The application form shall contain such information as
27 the department deems necessary to make a determination as to
28 whether the emergency medical technician meets all the

1 requirements of sections 190.001 to 190.245 and rules promulgated
2 pursuant to sections 190.001 to 190.245.

3 4. All levels of emergency medical technicians may perform
4 only that patient care which is:

5 (1) Consistent with the training, education and experience
6 of the particular emergency medical technician; and

7 (2) Ordered by a physician or set forth in protocols
8 approved by the medical director.

9 5. No person shall hold themselves out as an emergency
10 medical technician or provide the services of an emergency
11 medical technician unless such person is licensed by the
12 department.

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

24 190.143. 1. Notwithstanding any other provisions of law,
25 the department may grant a ninety-day temporary emergency medical
26 technician license to all levels of emergency medical technicians
27 who meet the following:

28 (1) Can demonstrate that they have, or will have,

1 employment requiring an emergency medical technician license;

2 (2) Are not currently licensed as an emergency medical
3 technician in Missouri or have been licensed as an emergency
4 medical technician in Missouri and fingerprints need to be
5 submitted to the Federal Bureau of Investigation to verify the
6 existence or absence of a criminal history, or they are currently
7 licensed and the license will expire before a verification can be
8 completed of the existence or absence of a criminal history;

9 (3) Have submitted a complete application upon such forms
10 as prescribed by the department in rules adopted pursuant to
11 sections 190.001 to 190.245;

12 (4) Have not been disciplined pursuant to sections 190.001
13 to 190.245 and rules promulgated pursuant to sections 190.001 to
14 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant
16 to sections 190.001 to 190.245.

17 2. A temporary emergency medical technician license shall
18 only authorize the license to practice while under the immediate
19 supervision of a licensed emergency medical technician-basic,
20 emergency medical technician-paramedic, registered nurse or
21 physician who is currently licensed, without restrictions, to
22 practice in Missouri.

23 3. A temporary emergency medical technician license shall
24 automatically expire either ninety days from the date of issuance
25 or upon the issuance of a five-year emergency medical technician
26 license.

27 190.146. Any licensee allowing a license to lapse may
28 within two years of the lapse request that their license be

1 returned to active status by notifying the department in advance
2 of such intention, and submit a complete application upon such
3 forms as prescribed by the department in rules adopted pursuant
4 to sections 190.001 to 190.245. If the licensee meets all the
5 requirements for relicensure, the department shall issue a new
6 emergency medical technician license to the licensee.

7 190.160. The renewal of any license shall require
8 conformance with sections 190.001 to 190.245 and sections 190.525
9 to 190.537, and rules adopted by the department pursuant to
10 sections 190.001 to 190.245 and sections 190.525 to 190.537.

11 190.165. 1. The department may refuse to issue or deny
12 renewal of any certificate, permit or license required pursuant
13 to sections 190.100 to 190.245 for failure to comply with the
14 provisions of sections 190.100 to 190.245 or any lawful
15 regulations promulgated by the department to implement its
16 provisions as described in subsection 2 of this section. The
17 department shall notify the applicant in writing of the reasons
18 for the refusal and shall advise the applicant of his or her
19 right to file a complaint with the administrative hearing
20 commission as provided by chapter 621, RSMo.

21 2. The department may cause a complaint to be filed with
22 the administrative hearing commission as provided by chapter 621,
23 RSMo, against any holder of any certificate, permit or license
24 required by sections 190.100 to 190.245 or any person who has
25 failed to renew or has surrendered his or her certificate, permit
26 or license for failure to comply with the provisions of sections
27 190.100 to 190.245 or any lawful regulations promulgated by the
28 department to implement such sections. Those regulations shall

1 be limited to the following:

2 (1) Use or unlawful possession of any controlled substance,
3 as defined in chapter 195, RSMo, or alcoholic beverage to an
4 extent that such use impairs a person's ability to perform the
5 work of any activity licensed or regulated by sections 190.100 to
6 190.245;

7 (2) Being finally adjudicated and found guilty, or having
8 entered a plea of guilty or nolo contendere, in a criminal
9 prosecution under the laws of any state or of the United States,
10 for any offense reasonably related to the qualifications,
11 functions or duties of any activity licensed or regulated
12 pursuant to sections 190.100 to 190.245, for any offense an
13 essential element of which is fraud, dishonesty or an act of
14 violence, or for any offense involving moral turpitude, whether
15 or not sentence is imposed;

16 (3) Use of fraud, deception, misrepresentation or bribery
17 in securing any certificate, permit or license issued pursuant to
18 sections 190.100 to 190.245 or in obtaining permission to take
19 any examination given or required pursuant to sections 190.100 to
20 190.245;

21 (4) Obtaining or attempting to obtain any fee, charge,
22 tuition or other compensation by fraud, deception or
23 misrepresentation;

24 (5) Incompetency, misconduct, gross negligence, fraud,
25 misrepresentation or dishonesty in the performance of the
26 functions or duties of any activity licensed or regulated by
27 sections 190.100 to 190.245;

28 (6) Violation of, or assisting or enabling any person to

1 violate, any provision of sections 190.100 to 190.245, or of any
2 lawful rule or regulation adopted by the department pursuant to
3 sections 190.100 to 190.245;

4 (7) Impersonation of any person holding a certificate,
5 permit or license or allowing any person to use his or her
6 certificate, permit, license or diploma from any school;

7 (8) Disciplinary action against the holder of a license or
8 other right to practice any activity regulated by sections
9 190.100 to 190.245 granted by another state, territory, federal
10 agency or country upon grounds for which revocation or suspension
11 is authorized in this state;

12 (9) For an individual being finally adjudged insane or
13 incompetent by a court of competent jurisdiction;

14 (10) Assisting or enabling any person to practice or offer
15 to practice any activity licensed or regulated by sections
16 190.100 to 190.245 who is not licensed and currently eligible to
17 practice pursuant to sections 190.100 to 190.245;

18 (11) Issuance of a certificate, permit or license based
19 upon a material mistake of fact;

20 (12) Violation of any professional trust or confidence;

21 (13) Use of any advertisement or solicitation which is
22 false, misleading or deceptive to the general public or persons
23 to whom the advertisement or solicitation is primarily directed;

24 (14) Violation of the drug laws or rules and regulations of
25 this state, any other state or the federal government;

26 (15) Refusal of any applicant or licensee to cooperate with
27 the department of health and senior services during any
28 investigation;

1 (16) Any conduct or practice which is or might be harmful
2 or dangerous to the mental or physical health of a patient or the
3 public;

4 (17) Repeated negligence in the performance of the
5 functions or duties of any activity licensed or regulated by
6 sections 190.100 to 190.245.

7 3. After the filing of such complaint, the proceedings
8 shall be conducted in accordance with the provisions of chapter
9 621, RSMo. Upon a finding by the administrative hearing
10 commission that the grounds, provided in subsection 2 of this
11 section, for disciplinary action are met, the department may,
12 singly or in combination, censure or place the person named in
13 the complaint on probation on such terms and conditions as the
14 department deems appropriate for a period not to exceed five
15 years, or may suspend, for a period not to exceed three years, or
16 revoke the license, certificate or permit.

17 4. An individual whose license has been revoked shall wait
18 one year from the date of revocation to apply for relicensure.
19 Relicensure shall be at the discretion of the department after
20 compliance with all the requirements of sections 190.100 to
21 190.245 relative to the licensing of an applicant for the first
22 time. Any individual whose license has been revoked twice within
23 a ten-year period shall not be eligible for relicensure.

24 5. The department may notify the proper licensing authority
25 of any other state in which the person whose license was
26 suspended or revoked was also licensed of the suspension or
27 revocation.

28 6. Any person, organization, association or corporation who

1 reports or provides information to the department pursuant to the
2 provisions of sections 190.100 to 190.245 and who does so in good
3 faith shall not be subject to an action for civil damages as a
4 result thereof.

5 7. The department of health and senior services may suspend
6 any certificate, permit or license required pursuant to sections
7 190.100 to 190.245 simultaneously with the filing of the
8 complaint with the administrative hearing commission as set forth
9 in subsection 2 of this section, if the department finds that
10 there is an imminent threat to the public health. The notice of
11 suspension shall include the basis of the suspension and notice
12 of the right to appeal such suspension. The licensee may appeal
13 the decision to suspend the license, certificate or permit to the
14 department. The appeal shall be filed within ten days from the
15 date of the filing of the complaint. A hearing shall be
16 conducted by the department within ten days from the date the
17 appeal is filed. The suspension shall continue in effect until
18 the conclusion of the proceedings, including review thereof,
19 unless sooner withdrawn by the department, dissolved by a court
20 of competent jurisdiction or stayed by the administrative hearing
21 commission.

22 190.171. Any person aggrieved by an official action of the
23 department of health and senior services affecting the licensed
24 status of a person pursuant to the provisions of sections 190.001
25 to 190.245 and sections 190.525 to 190.537, including the refusal
26 to grant, the grant, the revocation, the suspension, or the
27 failure to renew a license, may seek a determination thereon by
28 the administrative hearing commission pursuant to the provisions

1 of section 621.045, RSMo, and it shall not be a condition to such
2 determination that the person aggrieved seek a reconsideration, a
3 rehearing, or exhaust any other procedure within the department
4 of health and senior services or the department of social
5 services.

6 190.172. Notwithstanding the provisions of subdivision (3)
7 of subsection 3 of section 621.045, RSMo, to the contrary, if no
8 contested case has been filed against the licensee, the agency
9 shall submit a copy of the settlement agreement signed by all of
10 the parties within fifteen days after signature to the
11 administrative hearing commission for determination that the
12 facts agreed to by the parties to the settlement constitute
13 grounds for denying or disciplining the license of the licensee.
14 Any person who is directly harmed by the specific conduct for
15 which the discipline is sought may submit a written impact
16 statement to the administrative hearing commission for
17 consideration in connection with the commission's review of the
18 settlement agreement.

19 190.175. 1. Each ambulance service licensee or emergency
20 medical response agency licensee shall maintain accurate records,
21 which contain information concerning the care and, if applicable,
22 the transportation of each patient.

23 2. Records will be retained by the ambulance service
24 licensees and emergency medical response agency licensees for
25 five years, readily available for inspection by the department,
26 notwithstanding transfer, sale or discontinuance of the ambulance
27 services or business.

28 3. A patient care report, approved by the department, shall

1 be completed for each ambulance run on which are entered
2 pertinent remarks by the emergency medical technician, registered
3 nurse or physician and such other items as specified by rules
4 promulgated by the department.

5 4. A written or electronic patient care document shall be
6 completed and given to the ambulance service personnel by the
7 health care facility when a patient is transferred between health
8 care facilities. Such patient care record shall contain such
9 information pertinent to the continued care of the patient as
10 well as the health and safety of the ambulance service personnel
11 during the transport. Nothing in this section shall be construed
12 as to limit the reporting requirements established in federal law
13 relating to the transfer of patients between health care
14 facilities.

15 5. Such records shall be available for inspection by the
16 department at any reasonable time during business hours.

17 190.185. The department shall adopt, amend, promulgate, and
18 enforce such rules, regulations and standards with respect to the
19 provisions of this chapter as may be designed to further the
20 accomplishment of the purpose of this law in promoting
21 state-of-the-art emergency medical services in the interest of
22 public health, safety and welfare. When promulgating such rules
23 and regulations, the department shall consider the
24 recommendations of the state advisory council on emergency
25 medical services. Any rule or portion of a rule, as that term is
26 defined in section 536.010, RSMo, that is created under the
27 authority delegated in this section shall become effective only
28 if it complies with and is subject to all of the provisions of

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

9 190.196. 1. No employer shall knowingly employ or permit
10 any employee to perform any services for which a license,
11 certificate or other authorization is required by sections
12 190.001 to 190.245, or by rules adopted pursuant to sections
13 190.001 to 190.245, unless and until the person so employed
14 possesses all licenses, certificates or authorizations that are
15 required.

16 2. Any person or entity that employs or supervises a
17 person's activities as a first responder, emergency medical
18 dispatcher, emergency medical technician-basic, emergency medical
19 technician-paramedic, registered nurse or physician shall
20 cooperate with the department's efforts to monitor and enforce
21 compliance by those individuals subject to the requirements of
22 sections 190.001 to 190.245.

23 3. Any person or entity who employs individuals licensed by
24 the department pursuant to sections 190.001 to 190.245 shall
25 report to the department within seventy-two hours of their having
26 knowledge of any charges filed against a licensee in their employ
27 for possible criminal action involving the following felony
28 offenses:

1 (1) Child abuse or sexual abuse of a child;

2 (2) Crimes of violence; or

3 (3) Rape or sexual abuse.

4 4. Any licensee who has charges filed against him or her
5 for the felony offenses in subsection 3 of this section shall
6 report such an occurrence to the department within seventy-two
7 hours of the charges being filed.

8 5. The department will monitor these reports for possible
9 licensure action authorized pursuant to section 190.165.

10 190.246. 1. As used in this section, the following terms
11 shall mean:

12 (1) "Eligible person, firm, organization or other entity",
13 an ambulance service or emergency medical response agency, a
14 certified first responder, emergency medical technical-basic or
15 emergency medical technician-paramedic who is employed by, or an
16 enrolled member, person, firm, organization or entity designated
17 by, rule of the department of health and senior services in
18 consultation with other appropriate agencies. All such eligible
19 persons, firms, organizations or other entities shall be subject
20 to the rules promulgated by the director of the department of
21 health and senior services;

22 (2) "Emergency health care provider":

23 (a) A physician licensed pursuant to chapter 334, RSMo,
24 with knowledge and experience in the delivery of emergency care;
25 or

26 (b) A hospital licensed pursuant to chapter 197, RSMo, that
27 provides emergency care.

28 2. Possession and use of epinephrine auto-injector devices

1 shall be limited as follows:

2 (1) No person shall use an epinephrine auto-injector device
3 unless such person has successfully completed a training course
4 in the use of epinephrine auto-injector devices approved by the
5 director of the department of health and senior services.

6 Nothing in this section shall prohibit the use of an epinephrine
7 auto-injector device:

8 (a) By a health care professional licensed or certified by
9 this state who is acting within the scope of his or her practice;
10 or

11 (b) By a person acting pursuant to a lawful prescription;

12 (2) Every person, firm, organization and entity authorized
13 to possess and use epinephrine auto-injector devices pursuant to
14 this section shall use, maintain and dispose of such devices in
15 accordance with the rules of the department;

16 (3) Every use of an epinephrine auto-injector device
17 pursuant to this section shall immediately be reported to the
18 emergency health care provider.

19 3. (1) Use of an epinephrine auto-injector device pursuant
20 to this section shall be considered first aid or emergency
21 treatment for the purpose of any law relating to liability.

22 (2) Purchase, acquisition, possession or use of an
23 epinephrine auto-injector device pursuant to this section shall
24 not constitute the unlawful practice of medicine or the unlawful
25 practice of a profession.

26 (3) Any person otherwise authorized to sell or provide an
27 epinephrine auto-injector device may sell or provide it to a
28 person authorized to possess it pursuant to this section.

1 4. Any person, firm, organization or entity that violates
2 the provisions of this section is guilty of a class B
3 misdemeanor.

4 190.248. 1. All investigations conducted in response to
5 allegations of violations of sections 190.001 to 190.245 shall be
6 completed within six months of receipt of the allegation.

7 2. In the course of an investigation the department shall
8 have access to all records directly related to the alleged
9 violations from persons or entities licensed pursuant to this
10 chapter or chapter 197 or 198, RSMo.

11 3. Any department investigations that involve other
12 administrative or law enforcement agencies shall be completed
13 within six months of notification and final determination by such
14 administrative or law enforcement agencies.

15 190.250. 1. As used in this section, the following terms
16 mean:

17 (1) "Claim", a claim of a patient for:

18 (a) Damages from a tort-feasor; or

19 (b) Benefits from an insurance carrier;

20 (2) "Insurance carrier", any person, firm, corporation,
21 association or aggregation of persons conducting an insurance
22 business pursuant to chapter 375, 376, 377, 378, 379, 380, 381,
23 or 383, RSMo;

24 (3) "Patient", any person to whom an ambulance service
25 delivers treatment, care, or transportation for sickness or
26 injury caused by a tort-feasor from whom such person seeks
27 damages or any insurance carrier which has insured such
28 tort-feasor.

1 2. Ambulance services shall have the same rights granted to
2 hospitals in sections 430.230 to 430.250, RSMo.

3 3. If the liens of such ambulance services or hospitals
4 exceed fifty percent of the amount due the patient, every
5 ambulance service or hospital giving notice of its lien, as
6 aforesaid, shall share in up to fifty percent of the net proceeds
7 due the patient, in the proportion that each claim bears to the
8 total amount of all other liens of ambulance services or
9 hospitals. "Net proceeds", as used in this section, means the
10 amount remaining after the payment of contractual attorney fees,
11 if any, and other expenses of recovery.

12 4. In administering the lien of the ambulance service, the
13 insurance carrier may pay the amount due secured by the lien of
14 the ambulance service directly, if the claimant authorizes it and
15 does not challenge the amount of the customary charges or that
16 the treatment provided was for injuries caused by the
17 tort-feasor.

18 5. Any ambulance service electing to receive benefits
19 hereunder releases the claimant from further liability on the
20 cost of the services and treatment provided to that point in
21 time.

22 190.525. As used in sections 190.525 to 190.537, the
23 following terms mean:

24 (1) "Department", the department of health and senior
25 services;

26 (2) "Director", the director of the department of health
27 and senior services or the director's duly authorized
28 representative;

1 (3) "Passenger", an individual needing transportation in a
2 supine position who does not require medical monitoring,
3 observation, aid, care or treatment during transportation, with
4 the exception of self-administered oxygen as ordered by a
5 physician during transportation;

6 (4) "Patient", an individual who is sick, injured, wounded,
7 diseased, or otherwise incapacitated or helpless, and who may
8 require medical monitoring, medical observation, aid, care or
9 treatment during transportation, with the exception of
10 self-administered oxygen as ordered by a physician;

11 (5) "Person", any individual, firm, partnership,
12 copartnership, joint venture, association, cooperative
13 organization, corporation, municipal or private, and whether
14 organized for profit or not, state, county, political
15 subdivision, state department, commission, board, bureau or
16 fraternal organization, estate, public trust, business or common
17 law trust, receiver, assignee for the benefit of creditors,
18 trustee or trustee in bankruptcy, or any other service user or
19 provider;

20 (6) "Stretcher van", any vehicle other than an ambulance
21 designed and equipped to transport passengers in a supine
22 position. No such vehicle shall be used to provide medical
23 services;

24 (7) "Stretcher van service", any person or agency that
25 provides stretcher van transportation to passengers who are
26 confined to stretchers and whose conditions are such that they do
27 not need and are not likely to need medical attention during
28 transportation.

1 190.528. 1. No person, either as owner, agent or
2 otherwise, shall furnish, operate, conduct, maintain, advertise,
3 or otherwise be engaged in or profess to be engaged in the
4 business or service of the transportation of passengers by
5 stretcher van upon the streets, alleys, or any public way or
6 place of the state of Missouri unless such person holds a
7 currently valid license from the department for a stretcher van
8 service issued pursuant to the provisions of sections 190.525 to
9 190.537 notwithstanding any provisions of chapter 390 or 622,
10 RSMo, to the contrary.

11 2. Subsection 1 of this section shall not preclude any
12 political subdivision that is authorized to operate a licensed
13 ambulance service from adopting any law, ordinance or regulation
14 governing the operation of stretcher vans that is at least as
15 strict as the minimum state standards, and no such regulations or
16 ordinances shall prohibit stretcher van services that were
17 legally picking up passengers within a political subdivision
18 prior to January 1, 2004, from continuing to operate within that
19 political subdivision and no political subdivision which did not
20 regulate or prohibit stretcher van services as of January 1,
21 2004, shall implement unreasonable regulations or ordinances to
22 prevent the establishment and operation of such services.

23 3. In any county with a charter form of government and with
24 more than one million inhabitants, the governing body of the
25 county shall set reasonable standards for all stretcher van
26 services which shall comply with subsection 2 of this section.
27 All such stretcher van services must be licensed by the
28 department. The governing body of such county shall not prohibit

1 a licensed stretcher van service from operating in the county, as
2 long as the stretcher van service meets county standards.

3 4. Nothing shall preclude the enforcement of any laws,
4 ordinances or regulations of any political subdivision authorized
5 to operate a licensed ambulance service that were in effect prior
6 to August 28, 2003.

7 5. Stretcher van services may transport passengers.

8 6. A stretcher van shall be staffed by at least two
9 individuals when transporting passengers.

10 7. The crew of the stretcher van is required to immediately
11 contact the appropriate ground ambulance service if a passenger's
12 condition deteriorates.

13 8. Stretcher van services shall not transport patients,
14 persons currently admitted to a hospital or persons being
15 transported to a hospital for admission or emergency treatment.

16 9. The department of health and senior services shall
17 promulgate regulations, including but not limited to adequate
18 insurance, on-board equipment, vehicle staffing, vehicle
19 maintenance, vehicle specifications, vehicle communications,
20 passenger safety and records and reports.

21 10. The department of health and senior services shall
22 issue service licenses for a period of no more than five years
23 for each service meeting the established rules.

24 11. Application for a stretcher van license shall be made
25 upon such forms as prescribed by the department in rules adopted
26 pursuant to sections 190.525 to 190.537. The application form
27 shall contain such information as the department deems necessary
28 to make a determination as to whether the stretcher van agency

1 meets all the requirements of sections 190.525 to 190.537 and
2 rules promulgated pursuant to sections 190.525 to 190.537. The
3 department shall conduct an inspection of the stretcher van
4 service to verify compliance with the licensure standards of
5 sections 190.525 to 190.537.

6 12. Upon the sale or transfer of any stretcher van service
7 ownership, the owner of the stretcher van service shall notify
8 the department of the change in ownership within thirty days
9 prior to the sale or transfer. The department shall conduct an
10 inspection of the stretcher van service to verify compliance with
11 the licensure standards of sections 190.525 to 190.537.

12 13. Ambulance services licensed pursuant to this chapter or
13 any rules promulgated by the department of health and senior
14 services pursuant to this chapter may provide stretcher van and
15 wheelchair transportation services pursuant to sections 190.525
16 to 190.537.

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

28 190.531. 1. The department may refuse to issue or deny

1 renewal of any license required pursuant to sections 190.525 to
2 190.537 for failure to comply with the provisions of sections
3 190.525 to 190.537 or any lawful regulations promulgated by the
4 department to implement the provisions of sections 190.525 to
5 190.537. The department shall notify the applicant in writing of
6 the reasons for the refusal and shall advise the applicant of his
7 or her right to file a complaint with the administrative hearing
8 commission as provided by chapter 621, RSMo.

9 2. The department may cause a complaint to be filed with
10 the administrative hearing commission as provided by chapter 621,
11 RSMo, against any holder of any license required by sections
12 190.525 to 190.537 or any person who has failed to renew or has
13 surrendered his or her license for failure to comply with the
14 provisions of sections 190.525 to 190.537 or any lawful
15 regulations promulgated by the department to implement such
16 sections. Those regulations shall be limited to the following:

17 (1) Use or unlawful possession of any controlled substance,
18 as defined in chapter 195, RSMo, or alcoholic beverage to an
19 extent that such use impairs a person's ability to perform the
20 work of any activity licensed or regulated by sections 190.525 to
21 190.537;

22 (2) Being finally adjudicated and found guilty, or having
23 entered a plea of guilty or nolo contendere, in a criminal
24 prosecution pursuant to the laws of any state or of the United
25 States, for any offense reasonably related to the qualifications,
26 functions or duties of any activity licensed or regulated
27 pursuant to sections 190.525 to 190.537, for any offense an
28 essential element of which is fraud, dishonesty or an act of

1 violence, or for any offense involving moral turpitude, whether
2 or not sentence is imposed;

3 (3) Use of fraud, deception, misrepresentation or bribery
4 in securing any certificate, permit or license issued pursuant to
5 sections 190.525 to 190.537 or in obtaining permission to take
6 any examination given or required pursuant to sections 190.537 to
7 190.540;

8 (4) Obtaining or attempting to obtain any fee, charge,
9 tuition or other compensation by fraud, deception or
10 misrepresentation;

11 (5) Incompetency, misconduct, gross negligence, fraud,
12 misrepresentation or dishonesty in the performance of the
13 functions or duties of any activity licensed or regulated by
14 sections 190.525 to 190.537;

15 (6) Violation of, or assisting or enabling any person to
16 violate, any provision of sections 190.525 to 190.537, or of any
17 lawful rule or regulation adopted by the department pursuant to
18 sections 190.525 to 190.537;

19 (7) Impersonation of any person holding a license or
20 allowing any person to use his or her license;

21 (8) Disciplinary action against the holder of a license or
22 other right to practice any activity regulated by sections
23 190.525 to 190.537 granted by another state, territory, federal
24 agency or country upon grounds for which revocation or suspension
25 is authorized in this state;

26 (9) For an individual, being finally adjudged insane or
27 incompetent by a court of competent jurisdiction;

28 (10) Issuance of a license based upon a material mistake of

1 fact;

2 (11) Violation of any professional trust or confidence;

3 (12) Use of any advertisement or solicitation which is
4 false, misleading or deceptive to the general public or persons
5 to whom the advertisement or solicitation is primarily directed;

6 (13) Violation of the drug laws or rules and regulations of
7 this state, any other state or the federal government;

8 (14) Refusal of any applicant or licensee to cooperate with
9 the department of health and senior services during any
10 investigation;

11 (15) Any conduct or practice which is or might be harmful
12 or dangerous to the mental or physical health of a patient or the
13 public;

14 (16) Repeated negligence in the performance of the
15 functions or duties of any activity licensed by this chapter.

16 3. After the filing of such complaint, the proceedings
17 shall be conducted in accordance with the provisions of chapter
18 621, RSMo. Upon a finding by the administrative hearing
19 commission that the grounds, as provided in subsection 2 of this
20 section, for disciplinary action are met, the department may,
21 singly or in combination, censure or place the person named in
22 the complaint on probation on such terms and conditions as the
23 department deems appropriate for a period not to exceed five
24 years, or may suspend, for a period not to exceed three years, or
25 revoke the license.

26 4. An individual whose license has been revoked shall wait
27 one year from the date of revocation to apply for relicensure.
28 Relicensure shall be at the discretion of the department after

1 compliance with all the requirements of sections 190.525 to
2 190.537 relative to the licensing of an applicant for the first
3 time.

4 5. The department may notify the proper licensing authority
5 of any other state in which the person whose license was
6 suspended or revoked was also licensed of the suspension or
7 revocation.

8 6. Any person, organization, association or corporation who
9 reports or provides information to the department pursuant to the
10 provisions of sections 190.525 to 190.537 and who does so in good
11 faith and without negligence shall not be subject to an action
12 for civil damages as a result thereof.

13 7. The department of health and senior services may suspend
14 any license required pursuant to sections 190.525 to 190.537
15 simultaneously with the filing of the complaint with the
16 administrative hearing commission as set forth in subsection 2 of
17 this section, if the department finds that there is an imminent
18 threat to the public health. The notice of suspension shall
19 include the basis of the suspension and notice of the right to
20 appeal such suspension. The licensee may appeal the decision to
21 suspend the license to the department. The appeal shall be filed
22 within ten days from the date of the filing of the complaint. A
23 hearing shall be conducted by the department within ten days from
24 the date the appeal is filed. The suspension shall continue in
25 effect until the conclusion of the proceedings, including review
26 thereof, unless sooner withdrawn by the department, dissolved by
27 a court of competent jurisdiction or stayed by the administrative
28 hearing commission.

1 190.534. 1. Any person violating, or failing to comply
2 with, the provisions of sections 190.525 to 190.537 is guilty of
3 a class B misdemeanor.

4 2. Each day that any violation of, or failure to comply
5 with, sections 190.525 to 190.537 is committed or permitted to
6 continue shall constitute a separate and distinct offense, and
7 shall be punishable as a separate offense pursuant to this
8 section; but the court may, in appropriate cases, stay the
9 cumulation of penalties.

10 3. The attorney general shall have concurrent jurisdiction
11 with any and all prosecuting attorneys to prosecute persons in
12 violation of sections 190.525 to 190.537, and the attorney
13 general or prosecuting attorney may institute injunctive
14 proceedings against any person operating in violation of sections
15 190.525 to 190.537.

16 190.537. Any rule or portion of a rule, as that term is
17 defined in section 536.010, RSMo, that is created pursuant to the
18 authority of sections 190.525 to 190.537 shall become effective
19 only if it complies with and is subject to all of the provisions
20 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
21 This section and chapter 536, RSMo, are nonseverable and if any
22 of the powers vested with the general assembly pursuant to
23 chapter 536, RSMo, to review, to delay the effective date or to
24 disapprove and annul a rule are subsequently held
25 unconstitutional, then the grant of rulemaking authority and any
26 rule proposed or adopted after August 28, 2004, shall be invalid
27 and void.

28 191.630. As used in sections 191.630 and 191.631, the

1 following terms mean:

2 (1) "Care provider", a person who is employed as an
3 emergency medical care provider, firefighter, or police officer;

4 (2) "Contagious or infectious disease", hepatitis in any
5 form and any other communicable disease as defined in section
6 192.800, RSMo, except AIDS or HIV infection as defined in section
7 191.650, determined to be life- threatening to a person exposed
8 to the disease as established by rules adopted by the department,
9 in accordance with guidelines of the Centers for Disease Control
10 and Prevention of the Department of Health and Human Services;

11 (3) "Department", the Missouri department of health and
12 senior services;

13 (4) "Emergency medical care provider", a licensed or
14 certified person trained to provide emergency and nonemergency
15 medical care as a first responder, EMT-B, or EMT-P as defined in
16 section 190.100, RSMo, or other certification or licensure levels
17 adopted by rule of the department;

18 (5) "Exposure", a specific eye, mouth, other mucous
19 membrane, nonintact skin, or parenteral contact with blood or
20 other potentially infectious materials that results from the
21 performance of an employee's duties;

22 (6) "HIV", the same meaning as defined in section 191.650;

23 (7) "Hospital", the same meaning as defined in section
24 197.020, RSMo.

25 191.631. 1. (1) Notwithstanding any other law to the
26 contrary, if a care provider sustains an exposure from a person
27 while rendering emergency health care services, the person to
28 whom the care provider was exposed is deemed to consent to a test

1 to determine if the person has a contagious or infectious disease
2 and is deemed to consent to notification of the care provider of
3 the results of the test, upon submission of an exposure report by
4 the care provider to the hospital where the person is delivered
5 by the care provider.

6 (2) The hospital where the person is delivered shall
7 conduct the test. The sample and test results shall only be
8 identified by a number and shall not otherwise identify the
9 person tested.

10 (3) A hospital shall have written policies and procedures
11 for notification of a care provider pursuant to this section.
12 The policies and procedures shall include designation of a
13 representative of the care provider to whom notification shall be
14 provided and who shall, in turn, notify the care provider. The
15 identity of the designated representative of the care provider
16 shall not be disclosed to the person tested. The designated
17 representative shall inform the hospital of those parties who
18 receive the notification, and following receipt of such
19 information and upon request of the person tested, the hospital
20 shall inform the person of the parties to whom notification was
21 provided.

22 2. If a person tested is diagnosed or confirmed as having a
23 contagious or infectious disease pursuant to this section, the
24 hospital shall notify the care provider or the designated
25 representative of the care provider who shall then notify the
26 care provider.

27 3. The notification to the care provider shall advise the
28 care provider of possible exposure to a particular contagious or

1 infectious disease and recommend that the care provider seek
2 medical attention. The notification shall be provided as soon as
3 is reasonably possible following determination that the
4 individual has a contagious or infectious disease. The
5 notification shall not include the name of the person tested for
6 the contagious or infectious disease unless the person consents.
7 If the care provider who sustained an exposure determines the
8 identity of the person diagnosed or confirmed as having a
9 contagious or infectious disease, the identity of the person
10 shall be confidential information and shall not be disclosed by
11 the care provider to any other individual unless a specific
12 written release obtained by the person diagnosed with or
13 confirmed as having a contagious or infectious disease.

14 4. This section does not require or permit, unless
15 otherwise provided, a hospital to administer a test for the
16 express purpose of determining the presence of a contagious or
17 infectious disease; except that testing may be performed if the
18 person consents and if the requirements of this section are
19 satisfied.

20 5. This section does not preclude a hospital from providing
21 notification to a care provider under circumstances in which the
22 hospital's policy provides for notification of the hospital's own
23 employees of exposure to a contagious or infectious disease that
24 is not life-threatening if the notice does not reveal a patient's
25 name, unless the patient consents.

26 6. A hospital participating in good faith in complying with
27 the provisions of this section is immune from any liability,
28 civil or criminal, which may otherwise be incurred or imposed.

1 7. A hospital's duty of notification pursuant to this
2 section is not continuing but is limited to diagnosis of a
3 contagious or infectious disease made in the course of admission,
4 care, and treatment following the rendering of health care
5 services to which notification pursuant to this section applies.

6 8. A hospital that performs a test in compliance with this
7 section or that fails to perform a test authorized pursuant to
8 this section is immune from any liability, civil or criminal,
9 which may otherwise be incurred or imposed.

10 9. A hospital has no duty to perform the test authorized.

11 10. The department shall adopt rules to implement this
12 section. The department may determine by rule the contagious or
13 infectious diseases for which testing is reasonable and
14 appropriate and which may be administered pursuant to this
15 section. No rule or portion of a rule promulgated under the
16 authority of this section shall become effective unless it has
17 been promulgated pursuant to chapter 536, RSMo.

18 11. The employer of a care provider who sustained an
19 exposure pursuant to this section shall pay the costs of testing
20 for the person who is the source of the exposure and of the
21 testing of the care provider if the exposure was sustained during
22 the course of employment.

23 12. The provisions of this section shall apply to all
24 counties within the state and to any city not within a county.

25 226.030. 1. The [state] highways and transportation
26 commission shall consist of six members, who shall be appointed
27 by the governor, by and with the advice and consent of the
28 senate, not more than three thereof to be members of the same

1 political party. Each commissioner shall be a taxpayer and
2 resident of state for at least five years prior to his
3 appointment. Any commissioner may be removed by the governor if
4 fully satisfied of his inefficiency, neglect of duty, or
5 misconduct in office. Commissioners appointed pursuant to this
6 section shall be appointed for terms of six years, except as
7 otherwise provided in this subsection. Upon the expiration of
8 each of the foregoing terms of these commissioners a successor
9 shall be appointed for a term of six years or until his successor
10 is appointed and qualified which term of six years shall
11 thereafter be the length of term of each member of the commission
12 unless removed as above provided. The members of the commission
13 shall receive as compensation for their services twenty-five
14 dollars per day for the time spent in the performance of their
15 official duties, and also their necessary traveling and other
16 expenses incurred while actually engaged in the discharge of
17 their official duties. Members whose terms otherwise expire
18 December 1, 2003, shall serve with terms expiring March 1, 2004,
19 and new members or the members reappointed shall be appointed for
20 terms expiring March 1, 2005; a member whose term otherwise
21 expires December 1, 2005, shall serve with a term expiring March
22 1, 2007; a member whose term otherwise expires December 1, 2007,
23 shall serve with a term expiring March 1, 2009; and one member
24 whose term otherwise expires October 13, 2007, shall serve with a
25 term expiring March 1, 2007; and one member whose term otherwise
26 expires October 13, 2007, shall serve with a term expiring March
27 1, 2009. If a vacancy occurs in any term of a commissioner due
28 to death, resignation, or removal, a successor shall be appointed

1 for only the remainder of the unexpired term.

2 2. [Beginning August 28, 2003, when two members of the state
3 highways and transportation commission are within two years of
4 expiration of their terms, the commission shall appoint one of
5 those two members as chair of the commission and the other as
6 vice chair, each to serve in such position for one year] The two
7 members of the commission, one each from opposing political
8 parties, who have the most seniority in commission service shall
9 serve as commission leadership with one member as chair and the
10 other member as vice chair, respectively, for terms ending March
11 1, 2005. The commission shall elect one of the members as chair
12 and the other as vice chair. Effective March 1, 2005, the
13 commission shall elect the two members of the commission, one
14 from each opposing political party who has the most seniority in
15 commission service, who shall serve as commission leadership with
16 one member as chair and the other member as vice chair,
17 respectively, for one year. At the end of such year, the member
18 currently serving as chair shall then serve as vice chair, and
19 the member currently serving as vice chair shall serve as chair,
20 each to serve in such position for one year. Thereafter,
21 commission leadership shall continue to rotate accordingly with
22 the two members from opposing political parties who have the most
23 seniority in terms of commission service being elected by the
24 commission to serve as commission leadership. If one of the
25 commission leadership offices becomes vacant due to death,
26 resignation, removal, or refuses to serve before the one-year
27 leadership term expires, the commission shall elect one of its
28 members that is of the same political party as the vacating

1 officer to serve the remainder of the vacating officer's
2 leadership term. Such election shall not prohibit that member
3 from later serving as chair and vice chair when such member's
4 seniority in commission service qualifies him or her for those
5 offices as provided in this subsection. At the end of such year,
6 the member currently serving as chair shall then serve as vice
7 chair, and the member currently serving as vice chair shall serve
8 as chair, each to serve in such position for one year.

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

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

19 5. The director of the department of transportation shall
20 by February fifteenth of each year, present an annual state of
21 the state of transportation to a joint session of the general
22 assembly. The six members of the [state highways and
23 transportation] commission shall be present and available at such
24 presentations for questions by members. The transportation
25 inspector general may also be present and report to the general
26 assembly on any matter of concern within his or her statutory
27 authority. The provisions of this subsection shall expire August
28 28, 2008.

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

4 226.060. The [state highways and transportation commission]
5 director of the department of transportation, with the consent of
6 the highways and transportation committee shall select and fix
7 the salary of a chief counsel who shall possess the same
8 qualifications as judges of the supreme court and who shall serve
9 at the pleasure of the [commission] director and shall appear for
10 and represent the commission in all actions and proceedings under
11 chapters 226 and 227, RSMo, or any other law administered by the
12 commission, or in any decision, order or proceeding of the
13 commission, or of the director and shall commence, prosecute or
14 defend all actions or proceedings authorized or requested by the
15 commission or to which the commission is a party and shall advise
16 the commission or the director, when requested, in all matters in
17 connection with the organization, powers and duties of the
18 commission or the powers and duties of the director.

19 2. The chief counsel shall, with the consent of the
20 [commission] director, appoint such assistant attorneys as the
21 [commission] director may deem necessary and their salaries shall
22 be fixed by the commission. The chief counsel's office of the
23 commission shall be furnished offices in the department of
24 transportation building.

25 3. Nothing in this subsection shall be construed to
26 conflict with the duties of the chief counsel as established in
27 subsection 1 of this section. The chief counsel, or assistant
28 attorneys designated by the chief counsel, shall render legal

1 opinions and advise the commission and director on any matter
2 required by the commission or the director. The commission, or
3 an individual commissioner or commissioners, may request legal
4 opinions or advice from the chief counsel pursuant to subsection
5 1 of this section and the chief counsel or an assistant attorney
6 designated by the chief counsel shall provide such opinion or
7 advice directly to the commission or individual commissioners
8 making the request.

9 227.120. 1. The state highways and transportation
10 commission shall have power to purchase, lease, or condemn, lands
11 in the name of the state of Missouri for the following purposes
12 when necessary for the proper and economical construction and
13 maintenance of state highways:

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

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

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

28 (4) Obtaining road building or road maintenance materials

1 or plants for the manufacture or production of such materials and
2 acquiring the right-of-way thereto; also acquiring the
3 right-of-way to such plants as are privately owned when necessary
4 for the proper and economical construction of the state highway
5 system;

6 (5) Changing gradients in any state highway;

7 (6) Establishing detours in connection with the location,
8 construction, reconstruction, widening, improvement or
9 maintenance of any state highway or any part thereof;

10 (7) Changing the channels of any stream and providing for
11 drainage ditches when necessary for the proper construction or
12 maintenance of any state highway;

13 (8) Eliminating grade crossings;

14 (9) Acquiring water supply and water power sites and
15 necessary lands for use in connection therewith, including
16 rights-of-way to any such sites;

17 (10) Acquiring sites for garages and division offices and
18 for storing materials, machinery and supplies;

19 (11) Acquiring lands for sight distances along any state
20 highway or any portion thereof whenever necessary, and also
21 acquiring lands within wyes formed by junctions of state
22 highways, or junctions of state highways and other public
23 highways;

24 (12) Acquiring lands or interests therein for the purpose
25 of depositing thereon excess excavated, or other materials
26 produced in the construction, reconstruction, widening,
27 improvement or maintenance of any state highway;

28 (13) Acquiring lands for any other purpose necessary for

1 the proper and economical construction of the state highway
2 system for which the commission may have authority granted by
3 law. If condemnation becomes necessary, the commission shall
4 have the power to proceed to condemn such lands in the name of
5 the state of Missouri, in accordance with the provisions of
6 chapter 523, RSMo, insofar as the same is applicable to the said
7 state highways and transportation commission, and the court or
8 jury shall take into consideration the benefits to be derived by
9 the owner, as well as the damage sustained thereby. The state
10 highways and transportation commission also shall have the same
11 authority to enter upon private lands to survey and determine the
12 most advantageous route of any state highway as granted, under
13 section 388.210, RSMo, to railroad corporations.

14 2. In any case in which the commission exercises eminent
15 domain involving a taking of real estate, the court,
16 commissioners, and jury shall consider the restriction of or loss
17 of access to any adjacent highway as an element in assessing the
18 damages. As used in this subsection, "restriction of or loss of
19 access" includes, but is not limited to, the prohibition of
20 making right or left turns into or out of the real estate
21 involved, provided that such access was present before the
22 proposed improvement or taking.

23 227.290. Whenever in the opinion of the state highways and
24 transportation commission the advantageous use of any interest in
25 land or any leasehold which has heretofore or may hereafter be
26 acquired by the commission has ceased, or for any other lawful
27 reason the commission wishes to dispose of the property, the
28 [state highways and transportation] commission shall have

1 authority to convey [the same for the best available cash price]
2 or exchange such interest in land or leasehold for its
3 approximate fair market value pursuant to any administrative
4 procedure or process as determined by the commission, by deed
5 signed by its [chairman] chair or vice [chairman] chair and
6 attested by its secretary[; provided, however, that]. Before any
7 sale shall be consummated [under] pursuant to this section, the
8 [grantor to the state] original owner of the property which is
9 now offered for sale[, if real estate,] by the commission and if
10 such [grantor] owner shall at the time of sale be in possession
11 of the adjoining land, shall be notified by written notice [of]
12 by the [state transportation] department[,] of transportation of
13 such contemplated sale[; provided, that]. All moneys received
14 from the disposal of any such interest in land or leasehold shall
15 be deposited by the commission in the state treasury to the
16 credit of the state road fund[; provided further, that when].
17 Any land or leasehold herein described that has been donated
18 without charge [whatsoever,] by the owner [and grantor of said
19 property] to the purpose of state highway construction or
20 maintenance and such [grantor] owner is still in possession of
21 contiguous property, the same shall revert to such original owner
22 without cost to [him] the owner if and when relinquished by the
23 [state] commission.

24 227.303. The portion of interstate highway 70 within a city
25 not within a county to the border with the state of Illinois
26 shall be designated the "[Mark McGwire Highway] St. Louis
27 Cardinals".

1 227.332. The portion of Missouri route 364 in St. Louis
2 County from interstate highway 270 to the crossing of the
3 Missouri River, known as the Veterans Memorial Bridge, being that
4 portion of route 364 extending from station 31+386.04 to station
5 23+292, shall be designated the "Buzz Westfall Memorial Highway".
6 The Buzz Westfall Memorial Highway shall not include any portion
7 of the Veterans Memorial Bridge.

8 227.344. The portion of Interstate 44 from the intersection
9 of Highway 100 at the city of Gray Summit west to the
10 Franklin/Crawford county line, except where otherwise designated,
11 shall be designated the "Grand Army of the Republic Memorial
12 Highway". This twenty-eight mile stretch of roadway will honor
13 Missourians who fought to preserve the Union during the Civil War
14 and who, as members of the Grand Army of the Republic, lobbied
15 for veterans rights, promoted patriotism, and established the
16 annual observance of Memorial Day. The department of
17 transportation shall erect and maintain appropriate signs
18 commemorating said portion of Interstate 44 at its discretion.
19 The signs shall include a graphic depicting the Grand Army of the
20 Republic badge either on the sign itself or on separate placards,
21 to be provided by the requesting organization, to be affixed to
22 the sign posts. The Department of Missouri, Sons of Union
23 Veterans of the Civil War, shall pay for all appropriate signage.

24 227.346. The portion of Interstate Highway 70 between mile
25 marker 69 in any county of the fourth classification with more
26 than twenty-three thousand seven hundred but less than twenty-
27 three thousand eight hundred inhabitants and east to mile marker
28 123 in any county of the first classification with more than one

1 hundred thirty-five thousand four hundred but less than one
2 hundred thirty-five thousand five hundred inhabitants, except
3 where otherwise designated, shall be designated the "U.S.
4 Submarine Veterans' Memorial Highway", and shall represent in its
5 fifty-four mile stretch the fifty-four submarines lost during war
6 and the Cold War. The department of transportation shall erect
7 and maintain appropriate signs designating such highway, with the
8 cost of such signs to be paid by the submarine veterans'
9 association.

10 227.349. The portion of state highway J in Lincoln County
11 from the intersection of state highway J and state highway 47 to
12 the intersection of state highway J and state highway U shall be
13 named the "Veterans Highway".

14 227.350. The portion of U.S. highway 67 in St. Francois
15 County between state route 8 in Desloge and state route 32 in
16 Leadington shall be designated the "Deputy Steven R. Ziegler
17 Memorial Highway". Costs for such designations shall be paid by
18 private donations.

19 227.352. The portion of state route 51 in Perry County from
20 interstate highway 55 to U.S. Highway 61 shall be designated the
21 "Thomas G. Tucker, Jr. Memorial Highway".

22 227.357. The portion of U.S. Highway 63 in Phelps County
23 from one mile north of the intersection of U.S. Highway 63 and
24 the parallel thirty-eight degrees north latitude to one mile
25 south of the intersection of U.S. Highway 63 and the parallel
26 thirty-eight degrees north latitude, except where otherwise
27 designated, shall be designated the "Korean War Veterans
28 Association Memorial Highway". The intersection of U.S. Highway

1 63 and the parallel thirty-eight degrees north latitude shall be
2 indicated as the "38th Parallel" by signs. Costs for such
3 designations and signs shall be paid by the Korean War Veterans
4 Association, Rolla Chapter 281.

5 227.358. The portion of state route H in Clay County from
6 the intersection of state route H and Richfield Road north to the
7 intersection of state route H and state route B shall be
8 designated the "Richard L. Harriman Highway". Costs for such
9 designation shall be paid by private donations.

10 233.166. Notwithstanding other provisions of this chapter
11 to the contrary, in any county, any petition to disincorporate a
12 road district organized under this chapter shall be presented to
13 the county commission or similar authority. The petition shall
14 be signed by the lesser of fifty or a majority of the registered
15 voters residing within the district, shall state the name of the
16 district, and shall request the disincorporation of the district.
17 If a petition is submitted as authorized in this section, and it
18 is the opinion of the county commission that the public good will
19 be advanced by the disincorporation after providing notice and a
20 hearing as required in section 233.295, then the county
21 commission shall disincorporate the road district.

22 234.707. The bridge, bridge number A4975, located at log
23 mile 1.067 on Missouri Route 30 within Franklin County shall be
24 designated the "Brown-Stinson Memorial Bridge".

25 238.207. 1. Whenever the creation of a district is
26 desired, not less than fifty registered voters from each county
27 partially or totally within the proposed district may file a
28 petition requesting the creation of a district. However, if no

1 persons eligible to be registered voters reside within the
2 district, the owners of record of all of the real property,
3 except public streets, located within the proposed district may
4 file a petition requesting the creation of a district. The
5 petition shall be filed in the circuit court of any county
6 partially or totally within the proposed district.

7 2. Alternatively, the governing body of any local
8 transportation authority within any county in which a proposed
9 project may be located may file a petition in the circuit court
10 of that county, requesting the creation of a district.

11 3. The proposed district area shall be contiguous and may
12 contain all or any portion of one or more municipalities and
13 counties; provided:

14 (1) Property separated only by public streets, easements or
15 rights-of-way shall be considered contiguous;

16 (2) In the case of a district formed pursuant to a petition
17 filed by the owners of record of all of the real property located
18 within the proposed district, the proposed district area need not
19 contain contiguous properties if:

20 (a) The petition provides that the only funding method for
21 project costs will be a sales tax;

22 (b) The court finds that all of the real property located
23 within the proposed district will benefit by each of the projects
24 to be undertaken by the district; and

25 (c) Each parcel within the district is within five miles of
26 every other parcel; and

27 (3) In the case of a district created pursuant to
28 subsection 5 of this section, property separated only by public

1 streets, easements, or rights-of-way or connected by a single
2 public street, easement, or right- of-way shall be considered
3 contiguous.

4 4. The petition shall set forth:

5 (1) The name, voting residence and county of residence of
6 each individual petitioner, or, if no persons eligible to be
7 registered voters reside within the proposed district, the name
8 and address of each owner of record of real property located
9 within the proposed district, or shall recite that the petitioner
10 is the governing body of a local transportation authority acting
11 in its official capacity;

12 (2) The name and address of each respondent. Respondents
13 must include the commission and each affected local
14 transportation authority within the proposed district, except a
15 petitioning local transportation authority;

16 (3) A specific description of the proposed district
17 boundaries including a map illustrating such boundaries;

18 (4) A general description of each project proposed to be
19 undertaken by that district, including a description of the
20 approximate location of each project;

21 (5) The name of the proposed district;

22 (6) The number of members of the board of directors of the
23 proposed district, which shall be not less than five or more than
24 fifteen;

25 (7) A statement that the terms of office of initial board
26 members shall be staggered in approximately equal numbers to
27 expire in one, two or three years;

28 (8) If the petition was filed by registered voters or by a

1 governing body, a request that the question be submitted to the
2 qualified voters within the limits of the proposed district
3 whether they will establish a transportation development district
4 to develop a specified project or projects;

5 (9) A proposal for funding the district initially, pursuant
6 to the authority granted in sections 238.200 to 238.275, together
7 with a request that the funding proposal be submitted to the
8 qualified voters residing within the limits of the proposed
9 district; provided, however, the funding method of special
10 assessments may also be approved as provided in subsection 1 of
11 section 238.230; and

12 (10) A statement that the proposed district shall not be an
13 undue burden on any owner of property within the district and is
14 not unjust or unreasonable.

15 5. (1) As an alternative to the methods described in
16 subsections 1 and 2 of this section, if two or more local
17 transportation authorities have adopted resolutions calling for
18 the joint establishment of a district, the governing body of any
19 one such local transportation authority may file a petition in
20 the circuit court of any county in which the proposed project is
21 located requesting the creation of a district.

22 (2) The proposed district area shall be contiguous and may
23 contain all or any portion of one or more municipalities and
24 counties. Property separated only by public streets, easements,
25 or rights-of-way or connected by a single public street,
26 easement, or right-of-way shall be considered contiguous.

27 (3) The petition shall set forth:

28 (a) That the petitioner is [the governing body of] a local

1 transportation authority acting in its official capacity;

2 (b) [The name of each local transportation authority within
3 the proposed district. The resolution of the governing body of
4 each local transportation authority calling for the joint
5 establishment of the district shall be attached to the petition;

6 (c) (b) The name and address of each respondent.
7 Respondents must include the commission and each affected local
8 transportation authority within the proposed district, except a
9 petitioning local transportation authority. The resolution of
10 the governing body of each local transportation authority calling
11 for the joint establishment of the district shall be attached to
12 the petition;

13 [(d)] (c) A specific description of the proposed district
14 boundaries including a map illustrating such boundaries;

15 [(e)] (d) A general description of each project proposed to
16 be undertaken by the district, including a description of the
17 approximate location of each project;

18 [(f)] (e) The name of the proposed district;

19 [(g)] (f) The number of members of the board of directors
20 of the proposed district;

21 [(h)] (g) A request that the question be submitted to the
22 qualified voters within the limits of the proposed district
23 whether they will establish a transportation development district
24 to develop the projects described in the petition and, if
25 applicable, whether the proposed district will be authorized to
26 impose a transportation development district-wide sales tax;

27 [(i)] (h) A proposal for funding the district initially,
28 pursuant to the authority granted in sections 238.200 to 238.275,

1 together with a request that the imposition of the funding
2 proposal be submitted to the qualified voters [residing] within
3 the limits of the proposed district; provided, however, the
4 funding method of special assessments may also be approved as
5 provided in subsection 1 of section 238.230; and

6 [(j)] (i) A statement that the proposed district shall not
7 be an undue burden on any owner of property within the district
8 and is not unjust or unreasonable.

9 238.208. The owners of property adjacent to a
10 transportation district formed under the Missouri transportation
11 development district act may petition the court by unanimous
12 petition to add their property to the district. If the property
13 owners within the transportation development district unanimously
14 approve of the addition of property, the adjacent properties in
15 the petition shall be added to the district. Any property added
16 under this section shall be subject to all projects, taxes, and
17 special assessments in effect as of the date of the court order
18 adding the property to the district. The owners of the added
19 property shall be allowed to vote at the next election scheduled
20 for the district to fill vacancies on the board and on any other
21 question submitted to them by the board under this chapter. The
22 owners of property added under this section shall have one vote
23 per acre in the same manner as provided in subdivision (2) of
24 subsection 2 of section 238.220.

25 238.210. 1. Within thirty days after the petition is
26 filed, the circuit court clerk shall serve a copy of the petition
27 on the respondents who shall have thirty days after receipt of
28 service to file an answer stating agreement with or opposition to

1 the creation of the district. If any respondent files its answer
2 opposing the creation of the district, it shall recite legal
3 reasons why the petition is defective, why the proposed district
4 is illegal or unconstitutional, or why the proposed method for
5 funding the district is illegal or unconstitutional. The
6 respondent shall ask the court for a declaratory judgment
7 respecting these issues. The answer of each respondent shall be
8 served on each petitioner and every other respondent named in the
9 petition. Any resident, taxpayer, [any other] entity, or [any]
10 local transportation authority within the proposed district may
11 join in or file a petition supporting or answer opposing the
12 creation of the district and seeking a declaratory judgment
13 respecting these same issues within thirty days after the date
14 notice is last published by the circuit clerk.

15 2. The court shall hear the case without a jury. If the
16 court shall thereafter determine the petition is defective or the
17 proposed district is illegal or unconstitutional, or shall be an
18 undue burden on any owner of property within the district or is
19 unjust and unreasonable, it shall enter its declaratory judgment
20 to that effect and shall refuse to make the certifications
21 requested in the pleadings. If the court determines that any
22 proposed funding method is illegal or unconstitutional, it shall
23 enter its judgment striking that funding method in whole or part.
24 If the court determines the petition is not legally defective and
25 the proposed district and method of funding are neither illegal
26 nor unconstitutional, the court shall enter its judgment to that
27 effect. If the petition was filed by registered voters or by a
28 governing body, the court shall then certify the questions

1 regarding district creation, project development, and proposed
2 funding for voter approval. If the petition was filed by a
3 governing body pursuant to subsection 5 of section 238.207, the
4 court shall then certify the single question regarding district
5 creation, project development, and, if applicable, the proposed
6 funding for voter approval. If the petition was filed by the
7 owners of record of all of the real property located within the
8 proposed district, the court shall declare the district organized
9 and certify the funding methods stated in the petition for
10 qualified voter approval; provided, however, the funding method
11 of special assessments may also be approved as provided in
12 subsection 1 of section 238.230. In either case, if no
13 objections to the petition are timely filed, the court may make
14 such certifications based upon the pleadings before it without
15 any hearing.

16 3. Any party having filed an answer or petition may appeal
17 the circuit court's order or declaratory judgment in the same
18 manner provided for other appeals.

19 238.215. 1. If the circuit court certifies the petition
20 for voter approval, it shall call an election pursuant to section
21 238.216.

22 2. At such election for voter approval of the qualified
23 voters, the questions shall be submitted in substantially the
24 following form:

25 Shall there be organized in (here specifically describe the
26 proposed district boundaries), within the state of Missouri, a
27 transportation development district, to be known as the
28 "..... Transportation Development District" for the

1 purpose of developing the following transportation project:
2 (here summarize the proposed project or projects and require each
3 voter to approve or disapprove of each project) and have the
4 power to fund the proposed project upon separate voter approval
5 by any or all of the following methods: (here specifically
6 describe the proposed funding methods and require each voter to
7 approve or disapprove of each proposed funding method)?

8 3. (1) If the petition was filed pursuant to subsection 5
9 of section 238.207 and the district desires to impose a sales tax
10 as the only proposed funding mechanism, at such election for
11 voter approval of the qualified voters, the question shall be
12 submitted in substantially the following form:

13 Shall there be organized in (here specifically describe the
14 proposed district boundaries), within the state of Missouri, a
15 transportation development district, to be known as the
16 "..... Transportation Development District" for the purpose
17 of developing the following transportation project: (here
18 summarize the proposed project or projects) and be authorized to
19 impose a [transportation development district-wide] sales tax
20 within the district at the rate of (insert amount) for a
21 period of (insert number) years from the date on which
22 such tax is first imposed for the purpose of funding the
23 transportation project or projects?

24 (2) If the petition was filed pursuant to subsection 5 of
25 section 238.207 and the district desires to impose a funding
26 mechanism other than a sales tax, at such election for voter
27 approval of the qualified voters, the question shall be submitted
28 in substantially the form set forth in subsection 2 of this

1 section and the proposed funding mechanism shall require separate
2 voter approval at a subsequent election.

3 4. The results of the election shall be entered upon the
4 records of the circuit court of the county in which the petition
5 was filed. Also, a certified copy thereof shall be filed with
6 the county clerk of each county in which a portion of the
7 proposed district lies, who shall cause the same to be spread
8 upon the records of the county commission. If the results show
9 that a majority of the votes cast by the qualified voters were in
10 favor of organizing the transportation development district, the
11 circuit court having jurisdiction of the matter shall declare the
12 district organized and certify the funding methods approved by
13 the qualified voters. If the results show that less than a
14 majority of the votes cast by the qualified voters were in favor
15 of the organization of the district, the circuit court shall
16 declare that the question has failed to pass, and the same
17 question shall not be again submitted for voter approval for [two
18 years] one year.

19 5. Notwithstanding the foregoing, if the election was held
20 pursuant to subsection 3 of this section, the results of the
21 election shall be entered upon the records of the circuit court
22 of the county in which the petition was filed. Also, a certified
23 copy thereof shall be filed with the county clerk of each county
24 in which a portion of the proposed district lies. If the results
25 show that a majority of the votes cast by the qualified voters
26 were in favor of the proposition, the circuit court having
27 jurisdiction of the matter shall declare the district organized
28 and, if applicable, the [funding methods] sales tax or other

1 funding method approved by the qualified voters to be in effect.
2 If the results show that less than a majority of the votes cast
3 by the qualified voters were in favor of the proposition, the
4 circuit court shall declare that the question has failed to pass.
5 A new petition shall be filed pursuant to subsection 5 of section
6 238.207 prior to the question being again submitted for voter
7 approval.

8 238.216. 1. Except as otherwise provided in section
9 238.220 with respect to the election of directors, in order to
10 call any election required or allowed under sections 238.200 to
11 238.275, the circuit court shall:

12 (1) Order the county clerk to cause the questions to appear
13 on the ballot on ~~[the next]~~ a regularly scheduled general,
14 primary or special election day, which date shall be the same in
15 each county or portion of a county included within and voting
16 upon the proposed district; or

17 (2) If the election is to be a mail-in election, specify a
18 date on which ballots for the election shall be mailed, which
19 date shall be a Tuesday, and shall be not earlier than the
20 ~~[eighth]~~ fourth Tuesday from the issuance of the order, and shall
21 not be on the same day as an election conducted under the
22 provisions of chapter 115, RSMo~~;~~ or.

23 ~~[(3)]~~ 2. In lieu of an election ordered or specified by the
24 circuit court, if all the owners of property in the district
25 joined in the petition for formation of the district, such owners
26 may cast their ballot by unanimous petition approving any measure
27 submitted to them as voters pursuant to this chapter. Each owner
28 shall receive one vote per acre owned. Fractional votes shall be

1 allowed. [The petition shall be submitted to the circuit court
2 clerk who shall verify the authenticity of all signatures
3 thereon.] The filing of a duly notarized unanimous petition with
4 the circuit court clerk shall constitute an election under
5 sections 238.200 to 238.275 and the results of said election
6 shall be entered pursuant to subsection 6 of this section.

7 [2.] 3. Application for a mail-in ballot shall be conducted
8 as follows:

9 (1) Only qualified voters shall be entitled to apply for a
10 ballot;

11 (2) Such persons shall apply with the clerk of the circuit
12 court in which the petition was filed;

13 (3) Each person applying shall provide:

14 (a) Such person's name, address, mailing address, and phone
15 number;

16 (b) An authorized signature; and

17 (c) Evidence that such person is entitled to vote. Such
18 evidence shall be:

19 a. For resident individuals, proof of registration from the
20 election authority;

21 b. For owners of real property, a tax receipt or deed or
22 other document which evidences ownership, and identifies the real
23 property by location;

24 (4) No person shall apply later than the [fourth] second
25 Tuesday before the date for mailing ballots specified in the
26 circuit court's order.

27 [3.] 4. If the election is to be a mail-in election, the
28 circuit court clerk shall mail a ballot to each qualified voter

1 who applied for a ballot pursuant to subsection [2] 3 of this
2 section along with a return addressed envelope directed to the
3 circuit court clerk's office with a sworn affidavit on the
4 reverse side of such envelope for the voter's signature. Such
5 affidavit shall be in the following form:

6 I hereby declare under penalties of perjury that I am
7 qualified to vote, or to affix my authorized signature in the
8 name of an entity which is entitled to vote, in this election.

9 Subscribed and sworn to before me this day of.....,
10 20.....

11
12
13 Authorized Signature
14

15
16 Printed Name of Voter Signature of notary or other
17 officer authorized to
18 administer oaths.
19

20 Mailing Address of Voter (if different)

21 [4.] 5. Except as otherwise provided in subsection 2 of
22 section 238.220, with respect to the election of directors, or as
23 otherwise provided in subsection 2 of this section, which allows
24 qualified voters to vote by acreage, each qualified voter shall
25 have one vote. Each voter which is not an individual shall
26 determine how to cast its vote as provided for in its articles of
27 incorporation, articles of organization, articles of partnership,
28 bylaws, or other document which sets forth an appropriate
29 mechanism for the determination of the entity's vote. If a voter
30 has no such mechanism, then its vote shall be cast as determined
31 by a majority of the persons who run the day-to-day affairs of

1 the voter. Each voted ballot shall be signed with the authorized
2 signature.

3 [5.] 6. Mail-in voted ballots shall be returned to the
4 circuit court clerk's office by mail or hand delivery no later
5 than 5:00 p.m. on the [sixth] fourth Tuesday after the date for
6 mailing the ballots as set forth in the circuit court's order.
7 The circuit court's clerk shall transmit all voted ballots to a
8 team of judges of not less than four, with an equal number from
9 each of the two major political parties. The judges shall be
10 selected by the circuit court from lists compiled by the election
11 authority. Upon receipt of the voted ballots, the judges shall
12 verify the authenticity of the ballots, canvass the votes, and
13 certify the results. Certification by the election judges shall
14 be final and shall be immediately transmitted to the circuit
15 court. Any qualified voter who voted in such election may
16 contest the result in the same manner as provided in chapter 115,
17 RSMo.

18 [6.] 7. The results of the election shall be entered upon
19 the records of the circuit court of the county in which the
20 petition was filed. Also, a certified copy thereof shall be
21 filed with the county clerk of each county in which a portion of
22 the proposed district lies, who shall cause the same to be spread
23 upon the records of the county commission.

24 238.217. The costs of preparing, filing, and defending
25 [the] any petition and all publication and incidental costs
26 incurred in obtaining circuit court certification of [the] any
27 petition for voter approval shall be paid by the petitioners. If
28 a district is organized under sections 238.200 to 238.275, the

1 petitioners may be reimbursed for such costs out of the revenues
2 received by the district, including any and all costs reasonably
3 incurred by petitioners relating to the costs of preliminary
4 engineering design, surveys, traffic studies, legal, and
5 planning.

6 238.220. 1. Notwithstanding anything to the contrary
7 contained in section 238.216, if any persons eligible to be
8 registered voters reside within the district the following
9 procedures shall be followed:

10 (1) After the district has been declared organized, the
11 court shall [upon petition of any interested person] order the
12 county clerk to cause an election to be held in all areas of the
13 district within one hundred twenty days after the order
14 establishing the district, to elect the district board of
15 directors which shall be not less than five nor more than
16 fifteen;

17 (2) Candidates shall pay the sum of five dollars as a
18 filing fee to the county clerk and shall file with the election
19 authority of such county a statement under oath that he or she
20 possesses all of the qualifications set out in this section for a
21 director. Thereafter, such candidate shall have his or her name
22 placed on the ballot as a candidate for director;

23 (3) The director or directors to be elected shall be
24 elected at large. Each registered voter shall be entitled to one
25 vote per director to be elected. Cumulative voting shall not be
26 permitted. The candidate receiving the most votes from qualified
27 voters shall be elected to the position having the longest term,
28 the second highest total votes elected to the position having the

1 next longest term, and so forth. Each initial director shall
2 serve the one-, two- or three-year term to which he or she was
3 elected, and until a successor is duly elected and qualified.
4 Each successor director shall serve a three-year term. The
5 directors shall nominate and elect an interim director to
6 complete any unexpired term of a director caused by resignation
7 or disqualification; and

8 (4) Each director shall be a resident of the district.
9 Directors shall be registered voters at least twenty-one years of
10 age.

11 2. Notwithstanding anything to the contrary contained in
12 section 238.216, if no persons eligible to be registered voters
13 reside within the district, the following procedures shall apply:

14 (1) Within thirty days after the district has been declared
15 organized, the circuit clerk of the county in which the petition
16 was filed shall, upon giving notice by causing publication to be
17 made once a week for two consecutive weeks in a newspaper of
18 general circulation in the county, the last publication of which
19 shall be at least ten days before the day of the meeting required
20 by this section, call a meeting of the owners of real property
21 within the district at a day and hour specified in a public place
22 in the county in which the petition was filed for the purpose of
23 electing a board of not less than five and not more than fifteen
24 directors, to be composed of owners or representatives of owners
25 of real property in the district; provided that, if all the
26 owners of property in the district joined in the petition for
27 formation of the district, such meeting may be called by order of
28 the court without further publication;

1 (2) The property owners, when assembled, shall organize by
2 the election of a chairman and secretary of the meeting who shall
3 conduct the election. At the election, each acre of real
4 property within the district shall represent one share, and each
5 owner may have one vote in person or by proxy for every acre of
6 real property owned by such person within the district per
7 director to be elected. Cumulative voting shall not be
8 permitted;

9 (3) The one-third of the initial board members receiving
10 the most votes shall be elected to positions having a term of
11 three years. The one-third of initial board members receiving
12 the next highest number of votes shall be elected to positions
13 having a term of two years. The lowest one-third of initial
14 board members receiving sufficient votes shall be elected to
15 positions having a term of one year. Each initial director shall
16 serve the term to which he or she was elected, and until a
17 successor is duly elected and qualified. Successor directors
18 shall be elected in the same manner as the initial directors at a
19 meeting of the real property owners called by the board. Each
20 successor director shall serve a three-year term. The directors
21 shall nominate and elect an interim director to complete any
22 unexpired term of a director caused by resignation or
23 disqualification;

24 (4) Directors shall be at least twenty-one years of age.

25 3. Notwithstanding any provision of section 238.216 and
26 this section to the contrary, if the petition for formation of
27 the district was filed pursuant to subsection 5 of section
28 238.207, the following procedures shall be followed:

1 (1) If the district is comprised of four or more local
2 transportation authorities, the board of directors shall consist
3 of the presiding officer of each affected local transportation
4 authority within the district. If the district is comprised of
5 two or three local transportation authorities, the board of
6 directors shall consist of the presiding officer of each affected
7 local transportation authority within the district and one person
8 designated by the governing body of each affected local
9 transportation authority within the district;

10 (2) In addition to the directors selected pursuant to
11 subsection 3 of this section, any local transportation authority
12 which is not otherwise an "affected local transportation
13 authority" and having adopted a resolution calling for the joint
14 establishment of the district pursuant to subsection 5 of section
15 238.207, may appoint, if the district is comprised of four or
16 more local transportation authorities, the presiding officer of
17 said local transportation authority, or, if the district is
18 comprised of two or three local transportation authorities, the
19 presiding officer of said local transportation authority, to the
20 board of directors.

21 (3) Such directors shall be deemed to have been selected
22 upon declaration by the circuit court that the district is
23 organized or upon passage of a resolution designating said
24 directors by the governing body of each local transportation
25 authority selecting a director within thirty days after the
26 district has been declared organized;

27 [(2)] (4) Each director shall be at least twenty-one years
28 of age and a resident or property owner of the local

1 transportation authority the director represents. A director
2 designated by the governing body of a local transportation
3 authority may be removed by such governing body at any time with
4 or without cause; and

5 ~~[(3)]~~ (5) Upon the assumption of office of a new presiding
6 officer of a local transportation authority, such individual
7 shall automatically succeed his predecessor as a member of the
8 board of directors. Upon the removal, resignation or
9 disqualification of a director designated by the governing body
10 of a local transportation authority, such governing body shall
11 designate a successor director.

12 4. The commission shall appoint one or more advisors to the
13 board, who shall have no vote but shall have the authority to
14 participate in all board meetings and discussions, whether open
15 or closed, and shall have access to all records of the district
16 and its board of directors.

17 5. If the proposed project is not intended to be merged
18 into the state highways and transportation system under the
19 commission's jurisdiction, the local transportation authority
20 that will assume maintenance of the project shall appoint one or
21 more advisors to the board of directors who shall have the same
22 rights as advisors appointed by the commission.

23 6. Any county or counties located wholly or partially
24 within the district which is not a "local transportation
25 authority" pursuant to subdivision (4) of subsection 1 of section
26 238.202 may appoint one or more advisors to the board who shall
27 have the same rights as advisors appointed by the commission.

28 238.227. 1. A district may use any one or more of the

1 taxes or other funding methods specifically authorized by
2 sections 238.200 to 238.275 to fund a project and its operating
3 expenses, including but not limited to, all necessary and
4 incidental expenses related to the issuance of revenue bonds, and
5 which may include payment of interest on any revenue bonds issued
6 pursuant to section 238.242 accruing during the estimated period
7 of construction of any project for which such revenue bonds are
8 issued and for not more than eighteen months thereafter, and
9 including reasonable reserves related thereto.

10 2. At any time during the existence of the district the
11 board may submit or resubmit a proposed funding method authorized
12 by sections 238.200 to 238.275 for a project to the qualified
13 voters for approval.

14 3. The commission may by contract with a district receive
15 any revenue received by the district from any funding method
16 authorized by sections 238.200 to 238.275. Such revenue shall be
17 deposited by the commission pursuant to section 227.180, RSMo,
18 and applied by the commission to project costs including debt
19 service on revenue bonds or refunding bonds issued by the
20 district or the commission under sections 238.200 to 238.275.

21 4. If the proposed project is not intended to be merged
22 into the state highways and transportation system under the
23 commission's jurisdiction, the local transportation authority
24 that will assume maintenance of the project may by contract with
25 a district receive any revenue received by the district and
26 deposit such revenue in a special trust account. Such revenue
27 and interest therefrom shall be applied by the local
28 transportation authority to project costs or debt service on

1 revenue bonds issued by the district or the local transportation
2 authority pursuant to sections 238.200 to 238.275.

3 238.233. 1. The county collector of each county in which
4 the district is located shall collect the real property taxes and
5 special assessments made upon all real property within that
6 county and district, in the same manner as other real property
7 taxes are collected. If the special assessment is based on
8 something other than the assessed value of real property, the
9 district shall provide the information on which such special
10 assessment is based for all applicable real property. [In
11 addition, the city treasurer of the city in which the district is
12 located shall collect business license taxes imposed by the
13 district in the same manner as other business license taxes, if
14 any, are collected.]

15 2. Every county collector and city treasurer having
16 collected or received district assessments or taxes shall, on or
17 before the fifteenth day of each month and after deducting the
18 cost of such collection but not to exceed one percent of the
19 total amount collected, remit to the treasurer of that district
20 the amount collected or received by him or her prior to the first
21 day of such month. Upon receipt of such money, the district
22 treasurer shall execute a receipt therefor, which he or she shall
23 forward or deliver to the county collector or city treasurer
24 which collected such money. The district treasurer shall deposit
25 such sums into the district treasury, credited to the appropriate
26 fund or account. The county collector or city treasurer, and
27 district treasurer shall make final settlement of the district
28 account and costs owing not less than once each year, if

1 necessary.

2 3. As an alternative to the method of collection set forth
3 in subsections 2 and 3 of this section, the district may elect to
4 collect any such special assessments[,] or real property taxes
5 [or business license taxes] on its own behalf.

6 238.235. 1. (1) Any transportation development district
7 may by resolution impose a transportation development district
8 sales tax on all retail sales made in such transportation
9 development district which are subject to taxation pursuant to
10 the provisions of sections 144.010 to 144.525, RSMo, except such
11 transportation development district sales tax shall not apply to
12 the sale or use of motor vehicles, trailers, boats or outboard
13 motors nor to all sales of electricity or electrical current,
14 water and gas, natural or artificial, nor to sales of service to
15 telephone subscribers, either local or long distance. Such
16 transportation development district sales tax may be imposed for
17 any transportation development purpose designated by the
18 transportation development district in its ballot of submission
19 to its qualified voters, except that no resolution enacted
20 pursuant to the authority granted by this section shall be
21 effective unless:

22 (a) [The board of directors of the transportation
23 development district submits] A ballot is submitted to the
24 qualified voters of the transportation development district [a
25 proposal] to authorize the board of directors of the
26 transportation development district to impose or increase the
27 levy of an existing tax pursuant to the provisions of this
28 section; or

1 (b) The voters approved the question certified by the
2 petition filed pursuant to subsection 5 of section 238.207.

3 (2) If **[the transportation district submits]** a ballot is
4 submitted to the qualified voters of the transportation
5 development district **[a proposal]** to authorize the board of
6 directors of the transportation development district to impose or
7 increase the levy of an existing tax pursuant to the provisions
8 of paragraph (a) of subdivision (1) of this subsection, **[the]**
9 such ballot of submission shall contain, but need not be limited
10 to, the following language:

11 Shall the transportation development district of
12 (transportation development district's name) impose
13 a **[transportation development district-wide]** sales tax within the
14 district at the rate of (insert amount) for a period
15 of (insert number) years from the date on which such
16 tax is first imposed for the purpose of (insert
17 transportation development purpose)?

18 YES NO

19 If you are in favor of the question, place an "X" in the box
20 opposite "YES". If you are opposed to the question, place an "X"
21 in the box opposite "NO".

22
23 If a majority of the votes cast on the proposal by the qualified
24 voters voting thereon are in favor of the proposal, then the
25 resolution and any amendments thereto shall be in effect. If a
26 majority of the votes cast by the qualified voters voting are
27 opposed to the proposal, then the board of directors of the
28 transportation development district shall have no power to impose

1 the sales tax authorized by this section unless and until [the
2 board of directors of the transportation development district]
3 another ballot shall [again have] be submitted [another proposal]
4 to authorize [it] the district's board of directors to impose the
5 sales tax pursuant to the provisions of this section and such
6 proposal is approved by a majority of the qualified voters voting
7 thereon.

8 (3) The sales tax authorized by this section shall become
9 effective on the first day of the month following adoption of the
10 tax by the qualified voters or such later date established by
11 resolution of the district provided such date is the first day of
12 a calendar month.

13 (4) In each transportation development district in which a
14 sales tax has been imposed in the manner provided by this
15 section, every retailer shall add the tax imposed by the
16 transportation development district pursuant to this section to
17 the retailer's sale price, and when so added such tax shall
18 constitute a part of the price, shall be a debt of the purchaser
19 to the retailer until paid, and shall be recoverable at law in
20 the same manner as the purchase price.

21 (5) In order to permit sellers required to collect and
22 report the sales tax authorized by this section to collect the
23 amount required to be reported and remitted, but not to change
24 the requirements of reporting or remitting tax or to serve as a
25 levy of the tax, and in order to avoid fractions of pennies, the
26 transportation development district may establish appropriate
27 brackets which shall be used in the district imposing a tax
28 pursuant to this section in lieu of those brackets provided in

1 section 144.285, RSMo.

2 (6) All revenue received by a transportation development
3 district from the tax authorized by this section which has been
4 designated for a certain transportation development purpose shall
5 be deposited in a special trust fund and shall be used solely for
6 such designated purpose. Upon the expiration of the period of
7 years approved by the qualified voters pursuant to subdivision
8 (2) of this subsection or subdivision (1) of subsection 3 of
9 section 238.215, or if the tax authorized by this section is
10 repealed pursuant to subsection 6 of this section, all funds
11 remaining in the special trust fund shall continue to be used
12 solely for such designated transportation development purpose.
13 Any funds in such special trust fund which are not needed for
14 current expenditures may be invested by the board of directors in
15 accordance with applicable laws relating to the investment of
16 other transportation development district funds.

17 (7) The sales tax may be imposed in increments of
18 one-eighth of one percent, up to a maximum of one percent on the
19 receipts from the sale at retail of all tangible personal
20 property or taxable services at retail within the transportation
21 development district adopting such tax, if such property and
22 services are subject to taxation by the state of Missouri
23 pursuant to the provisions of sections 144.010 to 144.525, RSMo,
24 except such transportation development district sales tax shall
25 not apply to the sale or use of motor vehicles, trailers, boats
26 or outboard motors nor to public utilities. Any transportation
27 development district sales tax imposed pursuant to this section
28 shall be imposed at a rate that shall be uniform throughout the

1 district.

2 2. The resolution imposing the sales tax pursuant to this
3 section shall impose upon all sellers a tax for the privilege of
4 engaging in the business of selling tangible personal property or
5 rendering taxable services at retail to the extent and in the
6 manner provided in sections 144.010 to 144.525, RSMo, and the
7 rules and regulations of the director of revenue issued pursuant
8 thereto; except that the rate of the tax shall be the rate
9 imposed by the resolution as the sales tax and the tax shall be
10 reported and returned to and collected by the transportation
11 development district.

12 3. On and after the effective date of any tax imposed
13 pursuant to this section, the transportation development district
14 shall perform all functions incident to the administration,
15 collection, enforcement, and operation of the tax. The tax
16 imposed pursuant to this section shall be collected and reported
17 upon such forms and under such administrative rules and
18 regulations as may be prescribed by the transportation
19 development district.

20 4. (1) All applicable provisions contained in sections
21 144.010 to 144.525, RSMo, governing the state sales tax, sections
22 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform
23 confidentiality provision, shall apply to the collection of the
24 tax imposed by this section, except as modified in this section.

25 (2) All exemptions granted to agencies of government,
26 organizations, persons and to the sale of certain articles and
27 items of tangible personal property and taxable services pursuant
28 to the provisions of sections 144.010 to 144.525, RSMo, are

1 hereby made applicable to the imposition and collection of the
2 tax imposed by this section.

3 (3) The same sales tax permit, exemption certificate and
4 retail certificate required by sections 144.010 to 144.525, RSMo,
5 for the administration and collection of the state sales tax
6 shall satisfy the requirements of this section, and no additional
7 permit or exemption certificate or retail certificate shall be
8 required; except that the transportation development district may
9 prescribe a form of exemption certificate for an exemption from
10 the tax imposed by this section.

11 (4) All discounts allowed the retailer pursuant to the
12 provisions of the state sales tax laws for the collection of and
13 for payment of taxes pursuant to such laws are hereby allowed and
14 made applicable to any taxes collected pursuant to the provisions
15 of this section.

16 (5) The penalties provided in section 32.057, RSMo, and
17 sections 144.010 to 144.525, RSMo, for violation of those
18 sections are hereby made applicable to violations of this
19 section.

20 (6) For the purpose of a sales tax imposed by a resolution
21 pursuant to this section, all retail sales except retail sales of
22 motor vehicles shall be deemed to be consummated at the place of
23 business of the retailer unless the tangible personal property
24 sold is delivered by the retailer or the retailer's agent to an
25 out-of-state destination or to a common carrier for delivery to
26 an out-of-state destination. In the event a retailer has more
27 than one place of business in this state which participates in
28 the sale, the sale shall be deemed to be consummated at the place

1 of business of the retailer where the initial order for the
2 tangible personal property is taken, even though the order must
3 be forwarded elsewhere for acceptance, approval of credit,
4 shipment or billing. A sale by a retailer's employee shall be
5 deemed to be consummated at the place of business from which the
6 employee works.

7 5. All sales taxes collected by the transportation
8 development district shall be deposited by the transportation
9 development district in a special fund to be expended for the
10 purposes authorized in this section. The transportation
11 development district shall keep accurate records of the amount of
12 money which was collected pursuant to this section, and the
13 records shall be open to the inspection of officers of each
14 transportation development district and the general public.

15 6. (1) No transportation development district imposing a
16 sales tax pursuant to this section may repeal or amend such sales
17 tax unless such repeal or amendment will not impair the
18 district's ability to repay any liabilities which it has
19 incurred, money which it has borrowed or revenue bonds, notes or
20 other obligations which it has issued or which have been issued
21 by the commission or any local transportation authority to
22 finance any project or projects.

23 (2) Whenever the board of directors of any transportation
24 development district in which a transportation development sales
25 tax has been imposed in the manner provided by this section
26 receives a petition, signed by ten percent of the qualified
27 voters calling for an election to repeal such transportation
28 development sales tax, the board of directors shall, if such

1 repeal will not impair the district's ability to repay any
2 liabilities which it has incurred, money which it has borrowed or
3 revenue bonds, notes or other obligations which it has issued or
4 which have been issued by the commission or any local
5 transportation authority to finance any project or projects,
6 submit to the qualified voters of such transportation development
7 district a proposal to repeal the transportation development
8 sales tax imposed pursuant to the provisions of this section. If
9 a majority of the votes cast on the proposal by the qualified
10 voters voting thereon are in favor of the proposal to repeal the
11 transportation development sales tax, then the resolution
12 imposing the transportation development sales tax, along with any
13 amendments thereto, is repealed. If a majority of the votes cast
14 by the qualified voters voting thereon are opposed to the
15 proposal to repeal the transportation development sales tax, then
16 the ordinance or resolution imposing the transportation
17 development sales tax, along with any amendments thereto, shall
18 remain in effect.

19 238.236. 1. This section shall not apply to any tax levied
20 pursuant to section 238.235, and no tax shall be imposed pursuant
21 to the provisions of this section if a tax has been imposed by a
22 transportation development district pursuant to section 238.235.

23 2. In lieu of the taxes allowed pursuant to section
24 238.235, any transportation development district which consists
25 of all of one or more entire counties, all of one or more entire
26 cities, or all of one or more entire counties and one or more
27 entire cities which are totally outside the boundaries of those
28 counties may by resolution impose a transportation development

1 district sales tax on all retail sales made in such
2 transportation development district which are subject to taxation
3 pursuant to the provisions of sections 144.010 to 144.525, RSMo,
4 for any transportation development purpose designated by the
5 transportation development district in its ballot of submission
6 to its qualified voters. No resolution enacted pursuant to the
7 authority granted by this section shall be effective unless:

8 (1) [The board of directors of the transportation
9 development district submits] A ballot is submitted to the
10 qualified voters of the transportation development district, at a
11 state general, primary, or special election, [a proposal] to
12 authorize the board of directors of the transportation
13 development district to impose or increase the levy of an
14 existing tax pursuant to the provisions of this section; or

15 (2) The voters approved the question certified by the
16 petition filed pursuant to subsection 5 of section 238.207.

17 3. If [the transportation development district submits] a
18 ballot is submitted to the qualified voters of the transportation
19 development district [a proposal] to authorize the board of
20 directors of the transportation development district to impose or
21 increase the levy of an existing tax pursuant to the provisions
22 of subdivision (1) of subsection 2 of this section, [the] such
23 ballot of submission shall contain, but need not be limited to,
24 the following language:

25 Shall the transportation development district of
26(transportation development district's name) impose a
27 transportation development district-wide sales tax at the rate of
28 (insert amount) for a period of (insert

1 number) years from the date on which such tax is first imposed
2 for the purpose of (insert
3 transportation development purpose)?

4 [] YES [] NO

5 If you are in favor of the question, place an "X" in the box
6 opposite "YES". If you are opposed to the question, place an "X"
7 in the box opposite "NO".

8

9 If a majority of the votes cast on the proposal by the qualified
10 voters voting thereon are in favor of the proposal, then the
11 resolution and any amendments thereto shall be in effect. If a
12 majority of the votes cast by the qualified voters voting are
13 opposed to the proposal, then the board of directors of the
14 transportation development district shall have no power to impose
15 the sales tax authorized by this section unless and until [the
16 board of directors of the transportation development district]
17 another ballot shall [again have] be submitted [another proposal]
18 to authorize [it] the district's board of directors to impose the
19 sales tax pursuant to the provisions of this section and such
20 proposal is approved by a majority of the qualified voters voting
21 thereon.

22 4. Within ten days after the adoption of any resolution in
23 favor of the adoption of a transportation development district
24 sales tax which has been approved by the qualified voters of such
25 transportation development district, the transportation
26 development district shall forward to the director of revenue, by
27 United States registered mail or certified mail, a certified copy
28 of the resolution of its board of directors. The resolution

1 shall reflect the effective date thereof. The sales tax
2 authorized by this section shall become effective on the first
3 day of the second calendar quarter after the director of revenue
4 receives notice of adoption of such tax.

5 5. All revenue received by a transportation development
6 district from the tax authorized by this section which has been
7 designated for a certain transportation development purpose shall
8 be deposited in a special trust fund and shall be used solely for
9 such designated purpose. Upon the expiration of the period of
10 years approved by the qualified voters pursuant to subsection 3
11 of this section or subdivision (1) subsection 3 of section
12 238.215, or if the tax authorized by this section is repealed
13 pursuant to subsection 12 of this section, all funds remaining in
14 the special trust fund shall continue to be used solely for such
15 designated transportation development purpose. Any funds in such
16 special trust fund which are not needed for current expenditures
17 may be invested by the board of directors in accordance with
18 applicable laws relating to the investment of other
19 transportation development district funds.

20 6. The sales tax may be imposed [at a rate] in increments
21 of one-eighth of one percent, [one-fourth of one percent,
22 three-eighths of one percent, one-half of one percent or one
23 percent] up to a maximum of one percent on the receipts from the
24 sale at retail of all tangible personal property or taxable
25 services at retail within the transportation development district
26 adopting such tax, if such property and services are subject to
27 taxation by the state of Missouri pursuant to the provisions of
28 sections 144.010 to 144.525, RSMo. Any transportation

1 development district sales tax imposed pursuant to this section
2 shall be imposed at a rate that shall be uniform throughout the
3 district.

4 7. The resolution imposing the sales tax pursuant to this
5 section shall impose upon all sellers a tax for the privilege of
6 engaging in the business of selling tangible personal property or
7 rendering taxable services at retail to the extent and in the
8 manner provided in sections 144.010 to 144.525, RSMo, and the
9 rules and regulations of the director of revenue issued pursuant
10 thereto; except that the rate of the tax shall be the rate
11 imposed by the resolution as the sales tax. The amount reported
12 and returned to the director of revenue by the seller shall be
13 computed on the basis of the combined rate of the tax imposed by
14 sections 144.010 to 144.525, RSMo, and the tax imposed by the
15 resolution as authorized by this section, plus any amounts
16 imposed pursuant to other provisions of law.

17 8. On and after the effective date of any tax imposed
18 pursuant to this section, the director of revenue shall perform
19 all functions incident to the administration, collection,
20 enforcement, and operation of the tax, and the director of
21 revenue shall collect, in addition to all other sales taxes
22 imposed by law, the additional tax authorized pursuant to this
23 section. The tax imposed pursuant to this section and the taxes
24 imposed pursuant to all other laws of the state of Missouri shall
25 be collected together and reported upon such forms and pursuant
26 to such administrative rules and regulations as may be prescribed
27 by the director of revenue.

28 9. All applicable provisions contained in sections 144.010

1 to 144.525, RSMo, governing the state sales tax, sections 32.085
2 and 32.087, RSMo, governing local sales taxes, and section
3 32.057, RSMo, the uniform confidentiality provision, shall apply
4 to the collection of the tax imposed by this section, except as
5 modified in this section.

6 10. All sales taxes collected by the director of revenue
7 pursuant to this section on behalf of any transportation
8 development district, less one percent for the cost of
9 collection, which shall be deposited in the state's general
10 revenue fund after payment of premiums for surety bonds as
11 provided in section 32.087, RSMo, shall be deposited in the state
12 treasury to the credit of the "Transportation Development
13 District Sales Tax Fund", which is hereby created. Moneys in the
14 transportation development district sales tax fund shall not be
15 deemed to be state funds and shall not be commingled with any
16 funds of the state. All interest earned upon the balance in the
17 transportation development district sales tax fund shall be
18 deposited to the credit of the same fund. Any balance in the
19 fund at the end of an appropriation period shall not be
20 transferred to the general revenue fund and the provisions of
21 section 33.080, RSMo, shall not apply to the fund. The director
22 of revenue shall keep accurate records of the amount of money
23 which was collected in each transportation development district
24 imposing a sales tax pursuant to this section, and the records
25 shall be open to the inspection of officers of each
26 transportation development district and the general public. Not
27 later than the tenth day of each month, the director of revenue
28 shall distribute all moneys deposited in such fund during the

1 preceding month to the proper transportation development
2 district.

3 11. The director of revenue may authorize the state
4 treasurer to make refunds from the amounts credited to any
5 transportation development district for erroneous payments and
6 overpayments made, and may redeem dishonored checks and drafts
7 deposited to the credit of such districts. If any transportation
8 development district repeals the tax authorized by this section,
9 the transportation development district shall notify the director
10 of revenue of the action at least ninety days prior to the
11 effective date of the repeal and the director of revenue may
12 order retention, for a period of one year, of two percent of the
13 amount collected after receipt of such notice to cover possible
14 refunds or overpayment of such tax and to redeem dishonored
15 checks and drafts deposited to the credit of such accounts.
16 After one year has elapsed after the effective date of repeal of
17 the tax authorized by this section in such transportation
18 development district, the director of revenue shall remit the
19 balance in the account to the transportation development district
20 and close the account of that transportation development
21 district. The director of revenue shall notify each
22 transportation development district of each instance of any
23 amount refunded or any check redeemed from receipts due the
24 transportation development district.

25 12. (1) No transportation development district imposing a
26 sales tax pursuant to this section may repeal or amend such sales
27 tax unless such repeal or amendment will not impair the
28 district's ability to repay any liabilities which it has

1 incurred, money which it has borrowed or revenue bonds, notes or
2 other obligations which it has issued or which have been issued
3 by the commission or any local transportation authority to
4 finance any project or projects.

5 (2) Whenever the board of directors of any transportation
6 development district in which a transportation development sales
7 tax has been imposed in the manner provided by this section
8 receives a petition, signed by ten percent of the qualified
9 voters of such transportation development district calling for an
10 election to repeal such transportation development sales tax, the
11 board of directors shall, if such repeal will not impair the
12 district's ability to repay any liabilities which it has
13 incurred, money which it has borrowed or revenue bonds, notes or
14 other obligations which it has issued or which have been issued
15 by the commission or any local transportation authority to
16 finance any project or projects, submit to the voters of such
17 transportation development district a proposal to repeal the
18 transportation development sales tax imposed pursuant to the
19 provisions of this section. If a majority of the votes cast on
20 the proposal by the qualified voters voting thereon are in favor
21 of the proposal to repeal the transportation development sales
22 tax, then the resolution imposing the transportation development
23 sales tax, along with any amendments thereto, is repealed. If a
24 majority of the votes cast by the qualified voters voting thereon
25 are opposed to the proposal to repeal the transportation
26 development sales tax, then the resolution imposing the
27 transportation development sales tax, along with any amendments
28 thereto, shall remain in effect.

1 238.242. 1. A district may at any time authorize or issue
2 revenue bonds for the purpose of paying all or any part of the
3 cost of any project. Every issue of such bonds shall be payable
4 out of the revenues of the district and may be further secured by
5 other property of the district which may be pledged, assigned,
6 mortgaged, or a security interest granted for such payment,
7 without preference or priority of the first bonds issued, subject
8 to any agreement with the holders of any other bonds pledging any
9 specified property or revenues. Such bonds shall be authorized
10 by resolution of the district, and if issued by the district,
11 shall bear such date or dates, and shall mature at such time or
12 times, but not in excess of forty years, as the resolution shall
13 specify. Such bonds shall be in such denomination, bear interest
14 at such rate or rates, be in such form, either coupon or
15 registered, be issued as current interest bonds, compound
16 interest bonds, variable rate bonds, convertible bonds, or zero
17 coupon bonds, be issued in such manner, be payable in such place
18 or places and subject to redemption as such resolution may
19 provide notwithstanding the provisions of section 108.170, RSMo.
20 The bonds may be sold at either public or private sale, at such
21 interest rates, and at such price or prices as the district shall
22 determine.

23 2. Any issue of district bonds outstanding may be refunded
24 at any time by the district by issuing its refunding bonds in
25 such amount as the district may deem necessary. Such bonds may
26 not exceed the amount sufficient to refund the principal of the
27 bonds so to be refunded together with any unpaid interest thereon
28 and any premiums, commissions, service fees, and other expenses

1 necessary to be paid in connection with the refunding. Any such
2 refunding may be effected whether the bonds to be refunded then
3 shall have matured or thereafter shall mature, either by sale of
4 the refunding bonds and the application of the proceeds thereof
5 to the payment of the bonds being refunded or by the exchange of
6 the refunding bonds for the bonds being refunded with the consent
7 of the holder or holders of the bonds being refunded. Refunding
8 bonds may be issued regardless of whether the bonds being
9 refunded were issued in connection with the same project or a
10 separate project and regardless of whether the bonds proposed to
11 be refunded shall be payable on the same date or different dates
12 or shall be due serially or otherwise.

13 3. If the proposed project is intended to be merged into
14 the state highways and transportation system for future
15 maintenance under the commission's jurisdiction, the district may
16 contract with the commission to assist it in issuing district
17 revenue bonds and refunding bonds. The district may also
18 contract with the commission to issue commission revenue bonds
19 and refunding bonds and to loan the proceeds thereof to the
20 district. Such bonds shall be authorized by commission minute
21 and shall be issued subject to conditions applicable to bonds
22 issued by the district but as determined by the commission rather
23 than the district.

24 4. If the proposed project is intended to be merged into a
25 local transportation system for future maintenance under the
26 local transportation authority's jurisdiction, the district may
27 contract with the local transportation authority to assist it in
28 issuing district revenue bonds and refunding bonds. The district

1 may also contract with the local transportation authority to
2 issue the local transportation authority's revenue bonds and
3 refunding bonds and to loan the proceeds thereof to the district.
4 Such bonds shall be authorized by the local transportation
5 authority's ordinance or order and shall be issued subject to
6 conditions applicable to bonds issued by the district but as
7 determined by the local transportation authority rather than the
8 district.

9 5. Bonds issued under this section shall exclusively be the
10 responsibility of the district payable solely out of district
11 funds and property provided in sections 238.200 to 238.275 and
12 shall not constitute a debt or liability of the state of Missouri
13 or any agency or political subdivision of the state. Neither the
14 district, local transportation authority, nor the commission
15 shall be obligated to pay such bonds with any funds other than
16 those specifically pledged to repayment of the bonds. Any bonds
17 issued by a district, a local transportation authority, or the
18 commission shall state on their face that they are not
19 obligations of the state of Missouri or any agency or political
20 subdivision thereof other than the district.

21 6. Bonds issued under this section, the interest thereon,
22 or any proceeds from such bonds shall be exempt from taxation in
23 the state of Missouri for all purposes except the state estate
24 tax.

25 7. The district may incur indebtedness and pledge the
26 revenues generated from the property or retail sales tax imposed
27 by the district pursuant to sections 238.232, 238.235, or 238.236
28 to the repayment of such indebtedness, provided the requirements

1 of article VI section 26 of the Missouri Constitution have been
2 met. The ballot language set forth in subsection 3 of section
3 238.215 and sections 238.232, 238.235, and 238.236 may be
4 modified to permit the submission to the qualified voters, as
5 part of the question approving the district's funding mechanism,
6 the incurring of indebtedness pursuant to this section.

7
8 238.252. In addition to all other powers granted by
9 sections 238.200 to 238.275 the district shall have the following
10 general powers:

11 (1) To sue and be sued in its own name, and to receive
12 service of process, which shall be served upon the district
13 secretary;

14 (2) To fix compensation of its employees and contractors.
15 All construction contracts in excess of five thousand dollars
16 between the district and any private person, firm, or corporation
17 shall be competitively bid and [shall] may be awarded to the
18 lowest and best bidder or the best to be selected pursuant to
19 subdivision (3) of this section;

20 (3) Notwithstanding any provision of this chapter or
21 section 227.100, RSMo, to the contrary, as an alternative to the
22 requirements and procedures specified by sections 227.040 to
23 227.100 or otherwise set forth in this chapter, the district is
24 authorized to enter into design-build road project contracts.

25 (a) For the purpose of this section a "design-builder" is
26 defined as an individual, corporation, partnership, joint
27 venture, or other entity, including combinations of such entities
28 making a proposal to perform or performing a design-build road

1 project contract.

2 (b) For the purpose of this section "design-build road
3 project contract" is defined as the procurement of all materials
4 and services necessary for the design, construction,
5 reconstruction, or improvement of a road project in a single
6 contract with a design-builder capable of providing the necessary
7 materials and services.

8 (c) For the purpose of this section, "road project" is
9 defined as the design, construction, reconstruction, or
10 improvement of roads or bridges under contract with the district.

11 (d) In using a design-build road project contract, the
12 district shall establish a written procedure for prequalifying
13 design-builders which will be allowed to make a proposal on the
14 project.

15 (e) The provisions of sections 8.285 to 8.291, RSMo, shall
16 not apply to the procurement of architectural, engineering, or
17 land surveying services for the design-build road project, except
18 that any person providing architectural, engineering, or land
19 surveying services for the design-builder on the design-build
20 highway project must be licensed in Missouri to provide such
21 services.

22 (f) The district may pay a reasonable stipend to
23 prequalifed responsive design-builders who submit a proposal, but
24 are not awarded the design-build highway project.

25 (g) The district shall comply with the provisions of any
26 act of congress or any regulations of any federal administrative
27 agency which provides and authorizes the use of federal funds for
28 highway projects using the design-build process.

1 (4) To purchase any real or personal property necessary or
2 convenient for its activities. All outright purchases of
3 personal property in excess of one thousand dollars between the
4 district and any private person, firm or corporation shall be
5 competitively bid and shall be awarded to the lowest and best
6 bidder;

7 [(4)] (5) To collect and disburse funds for its activities;
8 and

9 [(5)] (6) To exercise such other implied powers necessary
10 or convenient for the district to accomplish its purposes which
11 are not inconsistent with its express powers.

12 238.257. 1. At any time during the existence of a
13 district, the board may submit to the voters of the district,
14 without the necessity of filing a new petition with the circuit
15 court, a proposition to increase or decrease the number of
16 projects which it is authorized to complete.

17 2. If the board proposes to add one or more additional
18 projects, the question shall be submitted in substantially the
19 following form:

20 Shall the Transportation Development District
21 fund or develop the following additional transportation project
22 (or projects): (summarize the proposed project or projects), and
23 have the power to fund the proposed project upon separate voter
24 approval by any or all of the following methods: (here
25 specifically describe the proposed funding methods and require
26 each voter to approve or disapprove of each proposed funding
27 method)?

28 3. If the board proposes to discontinue a project, it shall

1 first obtain approval from the commission if the proposed project
2 is intended to be merged into the state highways and
3 transportation system under the commission's jurisdiction or
4 approval from the local transportation authority if the proposed
5 project is intended to be merged into a local transportation
6 system under the local authority's jurisdiction. If such
7 approval is obtained, then the question shall be submitted to the
8 district's voters in substantially the following form:

9 Shall the Transportation Development
10 District discontinue development of the following transportation
11 project: (summarize the transportation project), for the reason
12 that (describe the reason why the transportation project cannot
13 be completed as approved)?

14 4. The board may modify the project previously approved by
15 the district voters, if the modification is approved by the
16 commission and, where appropriate, a local transportation
17 authority.

18 238.258. 1. At any time during the existence of a
19 district, the board may pass a resolution authorizing the filing
20 of a petition in the circuit court of the county that entered the
21 judgment creating the district to amend the boundaries of the
22 district. The petition may be filed by the board of directors
23 or, if no persons eligible to be registered voters reside within
24 the proposed amended boundaries of the district, the owners of
25 record of all of the real property within the proposed district
26 boundaries.

27 2. The petition shall set forth:

28 (1) That the petitioner is the board of directors of the

1 district acting in its official capacity or, if no
2 persons eligible to be registered voters reside within the
3 proposed district boundaries, the name and address of each owner
4 of record of real property located within the district;

5 (2) The name and address of each respondent. Respondents
6 must include the commission and each affected local
7 transportation authority within the proposed boundaries of the
8 district;

9 (3) A specific description of the amended district
10 boundaries, including a map illustrating such boundaries;

11 (4) A statement that the amended district boundaries meet
12 the requirements of subsection 3 of section 238.207.

13 (5) A statement that the district shall not be an undue
14 burden on any owner of property within the amended district
15 boundaries and is not unjust or unreasonable;

16 (6) If the petition would result in an exclusion of
17 property from the current district boundaries, a
18 statement that the exclusion of such property would not
19 materially impair the ability of the district to undertake the
20 project or projects for which it was originally created and would
21 not materially impair the ability of the district to repay any
22 liabilities it has incurred;

23 (7) If the petition would result in the addition of
24 property to the current district boundaries, a statement that any
25 funding mechanism currently in effect within the district shall
26 extend to the additional property;

27 (8) A statement that, upon the adjustment made to the
28 district's boundaries, the project as originally approved will

1 not be amended unless the question is submitted to the qualified
2 voters pursuant to section 238.257; and

3 (9) A request that the question be submitted to the
4 qualified voters within the limits of the district whether they
5 approve the amended district boundaries and, if applicable,
6 whether they approve the extension of the district's current
7 funding mechanism to the newly amended area within the district;
8 provided that, if no persons eligible to be registered voters
9 reside within the amended boundaries of the district and all the
10 owners of property in the proposed district joined in the
11 petition filed pursuant to this section, no election shall be
12 required.

13 3. (1) Within thirty days after the petition is filed, the
14 circuit court clerk shall serve a copy of the petition on the
15 respondents who shall have thirty days after receipt of service
16 to file an answer stating agreement with or opposition to the
17 amended district boundaries. If any respondent files its answer
18 opposing the amendment to the boundaries of the district, it
19 shall recite legal reasons why the petition is defective or why
20 the proposed district boundaries are illegal or unconstitutional.
21 The respondent shall ask the court for a declaratory judgment
22 respecting these issues. The answer of each respondent shall be
23 served on each petitioner and every other respondent named in the
24 petition. Any resident, taxpayer, entity, or local
25 transportation authority within the proposed district may join in
26 or file a petition supporting or answer opposing the amendment to
27 the district boundaries and seek a declaratory judgment
28 respecting these same issues within thirty days after the date

1 notice is last published by the circuit clerk pursuant to
2 subsection 4 of this section 238.258.

3 (2) The court shall hear the case without a jury. If the
4 court shall thereafter determine the petition is defective or the
5 proposed amended district boundaries are illegal or
6 unconstitutional, or the district shall be an undue burden on any
7 owner of property within the district or is unjust and
8 unreasonable, it shall enter its declaratory judgment to that
9 effect and shall refuse to make the certifications requested in
10 the pleadings. If the court determines the petition is not
11 legally defective and the proposed amended district boundaries
12 are neither illegal nor unconstitutional, the court shall enter
13 its judgment to that effect. If required by subdivision (9)
14 subsection 2 of this section, the court shall then certify the
15 question regarding the amendment to the district boundaries and,
16 if applicable, the extension of the district's current funding
17 mechanism for voter approval. In either case, if no objections
18 to the petition are timely filed, the court may make such
19 certifications based upon the pleadings before it without any
20 hearing.

21 (3) Any party having filed an answer or petition may appeal
22 the circuit court's order or declaratory judgment in the same
23 manner provided for other appeals.

24 4. (1) The circuit clerk in whose office the petition was
25 filed shall give notice to the public by causing one or more
26 newspapers of general circulation serving the counties or
27 portions thereof contained in the proposed district to publish
28 once a week for four consecutive weeks a notice substantially in

1 the following form:

2 NOTICE OF PETITION TO SUBMIT TO A POPULAR
3 VOTE THE AMENDMENT TO THE BOUNDARIES OF
4 TRANSPORTATION DEVELOPMENT DISTRICT

5 Notice is hereby given to all persons residing or owning property
6 in..... (here specifically describe the district's amended
7 boundaries), within the state of Missouri, that a petition has
8 been filed asking that upon voter approval

9 Transportation Development District amend its boundaries to
10 (include) (exclude) the following property: (here specifically
11 describe the changes to the district's boundaries). A copy of
12 this petition is on file and available at the office of the Clerk
13 of the Circuit Court of County, located at,
14 Missouri. You are notified to join in or file your own petition
15 supporting or answer opposing the amendment to the boundaries of
16 the district and requesting a declaratory judgment, as required
17 by law, no later than the day of, 20... You
18 may show cause, if any there be, why such petition is defective
19 or why the proposed transportation development district
20 boundaries are illegal or unconstitutional and should not be
21 submitted for voter approval at a general, primary or special
22 election as directed by this court.

23

24 Clerk of the Circuit Court of County.

25 (2) If no persons eligible to be registered voters reside
26 within the amended boundaries of the district and all the owners
27 of property in the proposed district joined in the petition filed
28 pursuant to this section, no publication by the court shall be

1 required.

2 5. The circuit court may also order a public hearing on the
3 question of the amendment to the boundaries of the district, if
4 it deems such appropriate, under such terms and conditions as it
5 deems appropriate. If a public hearing is ordered, notice of the
6 time, date, and place of the hearing shall also be given in the
7 notice specified in subsection 1 of this section.

8 6. The question shall be submitted in substantially the
9 following form:

10 "Shall the Transportation Development District amend
11 its boundaries to contain the following area..... (here
12 specifically describe the amended district boundaries) (if the
13 amended boundaries would result in an inclusion of property to
14 the current district boundaries, add, if applicable, the
15 following language to the question: and be authorized to extend
16 (describe current funding mechanism) to the newly
17 amended area within the district)?

18 [] YES [] NO

19 If you are in favor of the question, place an "X" in the box
20 opposite "YES". If you are opposed to the question, place an "X"
21 in the box opposite "NO".

22 301.010. As used in this chapter and sections 304.010 to
23 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
24 307.175, RSMo, the following terms mean:

25 (1) "All-terrain vehicle", any motorized vehicle
26 manufactured and used exclusively for off-highway use which is
27 fifty inches or less in width, with an unladen dry weight of six
28 hundred pounds or less, traveling on three, four or more low

1 pressure tires, with a seat designed to be straddled by the
2 operator, and handlebars for steering control;

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

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

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

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

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

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

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

27 (9) "Dealer", any person, firm, corporation, association,
28 agent or subagent engaged in the sale or exchange of new, used or

1 reconstructed motor vehicles or trailers;

2 (10) "Director" or "director of revenue", the director of
3 the department of revenue;

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

9 (12) "Dromedary", a box, deck, or plate mounted behind the
10 cab and forward of the fifth wheel on the frame of the power unit
11 of a truck tractor-semitrailer combination. A truck tractor
12 equipped with a dromedary may carry part of a load when operating
13 independently or in a combination with a semitrailer;

14 (13) "Farm tractor", a tractor used exclusively for
15 agricultural purposes;

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

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

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

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

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

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

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

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

6 (22) "Junk vehicle", a vehicle which is incapable of
7 operation or use upon the highways and has no resale value except
8 as a source of parts or scrap, and shall not be titled or
9 registered;

10 (23) "Kit vehicle", a motor vehicle assembled by a person
11 other than a generally recognized manufacturer of motor vehicles
12 by the use of a glider kit or replica purchased from an
13 authorized manufacturer and accompanied by a manufacturer's
14 statement of origin;

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

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

24 (b) An area that extends not more than a radius of
25 twenty-five miles from its home base of operations when
26 transporting its owner's machinery, equipment, or auxiliary
27 supplies to or from projects not involving soil and water
28 conservation. Nothing in this subdivision shall be construed to

1 prevent any motor vehicle from being registered as a commercial
2 motor vehicle or local commercial motor vehicle;

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

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

1 subject to the weight limits required by such sections as
2 licensed for eighty thousand pounds;

3 (27) "Local log truck tractor", a commercial motor vehicle
4 which is registered under this chapter to operate as a motor
5 vehicle on the public highways of this state, used exclusively in
6 this state, used to transport harvested forest products, operated
7 solely at a forested site and in an area extending not more than
8 a fifty-mile radius from such site, operates with a weight not
9 exceeding twenty-two thousand four hundred pounds on one axle or
10 with a weight not exceeding forty-four thousand eight hundred
11 pounds on any tandem axle, and when operated on the national
12 system of interstate and defense highways described in Title 23,
13 Section 103(e) of the United States Code, such vehicle does not
14 exceed the weight limits contained in section 304.180, RSMo, and
15 does not have more than three axles and does not pull a trailer
16 which has more than two axles. Violations of axle weight
17 limitations shall be subject to the load limit penalty as
18 described for sections 304.180 to 304.220 in section 304.240,
19 RSMo;

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

26 [(28)] (29) "Log truck", a vehicle which is not a local log
27 truck or local log truck tractor and is used exclusively to
28 transport harvested forest products to and from forested sites

1 which is registered pursuant to this chapter to operate as a
2 motor vehicle on the public highways of this state for the
3 transportation of harvested forest products;

4 [(29)] (30) "Major component parts", the rear clip, cowl,
5 frame, body, cab, front-end assembly, and front clip, as those
6 terms are defined by the director of revenue pursuant to rules
7 and regulations or by illustrations;

8 [(30)] (31) "Manufacturer", any person, firm, corporation
9 or association engaged in the business of manufacturing or
10 assembling motor vehicles, trailers or vessels for sale;

11 [(31)] (32) "Mobile scrap processor", a business located in
12 Missouri or any other state that comes onto a salvage site and
13 crushes motor vehicles and parts for transportation to a shredder
14 or scrap metal operator for recycling;

15 [(32)] (33) "Motor change vehicle", a vehicle manufactured
16 prior to August, 1957, which receives a new, rebuilt or used
17 engine, and which used the number stamped on the original engine
18 as the vehicle identification number;

19 [(33)] (34) "Motor vehicle", any self-propelled vehicle not
20 operated exclusively upon tracks, except farm tractors;

21 [(34)] (35) "Motor vehicle primarily for business use", any
22 vehicle other than a recreational motor vehicle, motorcycle,
23 motortricycle, or any commercial motor vehicle licensed for over
24 twelve thousand pounds:

25 (a) Offered for hire or lease; or

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

28 [(35)] (36) "Motorcycle", a motor vehicle operated on two

1 wheels;

2 [(36)] (37) "Motorized bicycle", any two-wheeled or
3 three-wheeled device having an automatic transmission and a motor
4 with a cylinder capacity of not more than fifty cubic
5 centimeters, which produces less than three gross brake
6 horsepower, and is capable of propelling the device at a maximum
7 speed of not more than thirty miles per hour on level ground;

8 [(37)] (38) "Motortricycle", a motor vehicle operated on
9 three wheels, including a motorcycle while operated with any
10 conveyance, temporary or otherwise, requiring the use of a third
11 wheel. A motortricycle shall not be included in the definition
12 of all-terrain vehicle;

13 [(38)] (39) "Municipality", any city, town or village,
14 whether incorporated or not;

15 [(39)] (40) "Nonresident", a resident of a state or country
16 other than the state of Missouri;

17 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle
18 not originally manufactured in compliance with United States
19 emissions or safety standards;

20 [(41)] (42) "Operator", any person who operates or drives a
21 motor vehicle;

22 [(42)] (43) "Owner", any person, firm, corporation or
23 association, who holds the legal title to a vehicle or in the
24 event a vehicle is the subject of an agreement for the
25 conditional sale or lease thereof with the right of purchase upon
26 performance of the conditions stated in the agreement and with an
27 immediate right of possession vested in the conditional vendee or
28 lessee, or in the event a mortgagor of a vehicle is entitled to

1 possession, then such conditional vendee or lessee or mortgagor
2 shall be deemed the owner for the purpose of this law;

3 [(43)] (44) "Public garage", a place of business where
4 motor vehicles are housed, stored, repaired, reconstructed or
5 repainted for persons other than the owners or operators of such
6 place of business;

7 [(44)] (45) "Rebuilder", a business that repairs or
8 rebuilds motor vehicles owned by the rebuilder, but does not
9 include certificated common or contract carriers of persons or
10 property;

11 [(45)] (46) "Reconstructed motor vehicle", a vehicle that
12 is altered from its original construction by the addition or
13 substitution of two or more new or used major component parts,
14 excluding motor vehicles made from all new parts, and new
15 multistage manufactured vehicles;

16 [(46)] (47) "Recreational motor vehicle", any motor vehicle
17 designed, constructed or substantially modified so that it may be
18 used and is used for the purposes of temporary housing quarters,
19 including therein sleeping and eating facilities which are either
20 permanently attached to the motor vehicle or attached to a unit
21 which is securely attached to the motor vehicle. Nothing herein
22 shall prevent any motor vehicle from being registered as a
23 commercial motor vehicle if the motor vehicle could otherwise be
24 so registered;

25 [(47)] (48) "Rollback or car carrier", any vehicle
26 specifically designed to transport wrecked, disabled or otherwise
27 inoperable vehicles, when the transportation is directly
28 connected to a wrecker or towing service;

1 [(48)] (49) "Saddlemount combination", a combination of
2 vehicles in which a truck or truck tractor tows one or more
3 trucks or truck tractors, each connected by a saddle to the frame
4 or fifth wheel of the vehicle in front of it. The "saddle" is a
5 mechanism that connects the front axle of the towed vehicle to
6 the frame or fifth wheel of the vehicle in front and functions
7 like a fifth wheel kingpin connection. When two vehicles are
8 towed in this manner the combination is called a double
9 saddlemount combination. When three vehicles are towed in this
10 manner, the combination is called a triple saddlemount
11 combination;

12 [(49)] (50) "Salvage dealer and dismantler", a business
13 that dismantles used motor vehicles for the sale of the parts
14 thereof, and buys and sells used motor vehicle parts and
15 accessories;

16 [(50)] (51) "Salvage vehicle", a motor vehicle, semitrailer
17 or house trailer which, by reason of condition or circumstance,
18 has been declared salvage, either by its owner, or by a person,
19 firm, corporation, or other legal entity exercising the right of
20 security interest in it, or by an insurance company as a result
21 of settlement of a claim for loss due to damage or theft; or a
22 vehicle, ownership of which is evidenced by a salvage title; or
23 abandoned property which is titled pursuant to section 304.155,
24 RSMo, or section 304.157, RSMo, and designated with the words
25 "salvage/abandoned property";

26 [(51)] (52) "School bus", any motor vehicle used solely to
27 transport students to or from school or to transport students to
28 or from any place for educational purposes;

1 [(52)] (53) "Shuttle bus", a motor vehicle used or
2 maintained by any person, firm, or corporation as an incidental
3 service to transport patrons or customers of the regular business
4 of such person, firm, or corporation to and from the place of
5 business of the person, firm, or corporation providing the
6 service at no fee or charge. Shuttle buses shall not be
7 registered as buses or as commercial motor vehicles;

8 [(53)] (54) "Special mobile equipment", every
9 self-propelled vehicle not designed or used primarily for the
10 transportation of persons or property and incidentally operated
11 or moved over the highways, including farm equipment, implements
12 of husbandry, road construction or maintenance machinery,
13 ditch-digging apparatus, stone crushers, air compressors, power
14 shovels, cranes, graders, rollers, well-drillers and wood-sawing
15 equipment used for hire, asphalt spreaders, bituminous mixers,
16 bucket loaders, ditchers, leveling graders, finished machines,
17 motor graders, road rollers, scarifiers, earth-moving carryalls,
18 scrapers, drag lines, concrete pump trucks, rock-drilling and
19 earth-moving equipment. This enumeration shall be deemed partial
20 and shall not operate to exclude other such vehicles which are
21 within the general terms of this section;

22 [(54)] (55) "Specially constructed motor vehicle", a motor
23 vehicle which shall not have been originally constructed under a
24 distinctive name, make, model or type by a manufacturer of motor
25 vehicles. The term "specially constructed motor vehicle"
26 includes kit vehicles;

27 [(55)] (56) "Stinger-steered combination", a truck
28 tractor-semitrailer wherein the fifth wheel is located on a drop

1 frame located behind and below the rearmost axle of the power
2 unit;

3 [(56)] (57) "Tandem axle", a group of two or more axles,
4 arranged one behind another, the distance between the extremes of
5 which is more than forty inches and not more than ninety-six
6 inches apart;

7 [(57)] (58) "Tractor", "truck tractor" or "truck-tractor",
8 a self-propelled motor vehicle designed for drawing other
9 vehicles, but not for the carriage of any load when operating
10 independently. When attached to a semitrailer, it supports a
11 part of the weight thereof;

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

22 [(59)] (60) "Truck", a motor vehicle designed, used, or
23 maintained for the transportation of property;

24 [(60)] (61) "Truck-tractor semitrailer-semitrailer", a
25 combination vehicle in which the two trailing units are connected
26 with a B-train assembly which is a rigid frame extension attached
27 to the rear frame of a first semitrailer which allows for a
28 fifth-wheel connection point for the second semitrailer and has

1 one less articulation point than the conventional "A dolly"
2 connected truck-tractor semitrailer-trailer combination;

3 [(61)] (62) "Truck-trailer boat transporter combination", a
4 boat transporter combination consisting of a straight truck
5 towing a trailer using typically a ball and socket connection
6 with the trailer axle located substantially at the trailer center
7 of gravity rather than the rear of the trailer but so as to
8 maintain a downward force on the trailer tongue;

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

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

28 [(64)] (65) "Vehicle", any mechanical device on wheels,

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

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

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

18 301.062. The annual registration fee for a local log truck
19 or a local log truck tractor, registered pursuant to this
20 chapter, is three hundred dollars.

21 ____301.129. [There is established in this section an advisory
22 committee for the department of revenue, which shall exist solely
23 to develop uniform designs and common colors for motor vehicle
24 license plates issued under this chapter and to determine
25 appropriate license plate parameters for all license plates
26 issued under this chapter. The advisory committee may adopt more
27 than one type of design and color scheme for license plates
28 issued under this chapter; however, each license plate of a

1 distinct type shall be uniform in design and color scheme with
2 all other license plates of that distinct type. The
3 specifications for the fully reflective material used for the
4 plates, as required by section 301.130, shall be determined by
5 the committee. Such plates shall meet any specific requirements
6 prescribed in this chapter. The advisory committee shall consist
7 of the director of revenue, the superintendent of the highway
8 patrol, the correctional enterprises administrator, one person
9 appointed by the governor, one state senator appointed by the
10 president pro tem of the senate and one state representative
11 appointed by the speaker of the house of representatives. Prior
12 to April 1, 1996, the committee shall meet, select a chairman
13 from among their members, and develop uniform design and license
14 plate parameters for the motor vehicle license plates issued
15 under this chapter. Prior to determining the final design of the
16 plates, the committee shall hold at least three public meetings
17 in different areas of the state to invite public input on the
18 final design. Members of the committee shall be reimbursed for
19 their actual and necessary expenses incurred in the performance
20 of their duties under this section out of funds appropriated for
21 that purpose. The committee shall direct the director of revenue
22 to implement its final design of the uniform motor vehicle
23 license plates and any specific parameters for all license plates
24 developed by the committee not later than April 1, 1996. The
25 committee shall be dissolved upon completion of its duties under
26 this section.] There is established in this section an advisory
27 committee for the department of revenue, which shall exist solely
28 to develop uniform designs and common colors for motor vehicle

1 license plates issued under this chapter and to determine
2 appropriate license plate parameters for all license plates
3 issued under this chapter. The advisory committee may adopt more
4 than one type of design and color scheme for license plates
5 issued under this chapter; however, each license plate of a
6 distinct type shall be uniform in design and color scheme with
7 all other license plates of that distinct type. The
8 specifications for the fully reflective material used for the
9 plates, as required by section 301.130, shall be determined by
10 the committee. Such plates shall meet any specific requirements
11 prescribed in this chapter. The advisory committee shall consist
12 of the director of revenue, the superintendent of the highway
13 patrol, the correctional enterprises administrator, and the
14 respective chairpersons of both the senate and house of
15 representatives transportation committees. Prior to April 1,
16 2006, the committee shall meet, select a chairman from among
17 their members, and develop uniform design and license plate
18 parameters for the motor vehicle license plates issued under this
19 chapter. Prior to determining the final design of the plates,
20 the committee shall hold at least three public meetings in
21 different areas of the state to invite public input on the final
22 design. Members of the committee shall be reimbursed for their
23 actual and necessary expenses incurred in the performance of
24 their duties under this section out of funds appropriated for
25 that purpose. The committee shall direct the director of revenue
26 to implement its final design of the uniform motor vehicle
27 license plates and any specific parameters for all license plates
28 developed by the committee not later than April 1, 2006. The

1 committee shall be dissolved upon completion of its duties under
2 this section.

3 301.130. 1. The director of revenue, upon receipt of a
4 proper application for registration, required fees and any other
5 information which may be required by law, shall issue to the
6 applicant a certificate of registration in such manner and form
7 as the director of revenue may prescribe and a set of license
8 plates, or other evidence of registration, as provided by this
9 section. Each set of license plates shall bear the name or
10 abbreviated name of this state, the words "SHOW-ME STATE", the
11 month and year in which the registration shall expire, and an
12 arrangement of numbers or letters, or both, as shall be assigned
13 from year to year by the director of revenue. The plates shall
14 also contain fully reflective material with a common color scheme
15 and design for each type of license plate issued pursuant to this
16 chapter. The plates shall be clearly visible at night, and shall
17 be aesthetically attractive. Special plates for qualified
18 disabled veterans will have the "DISABLED VETERAN" wording on the
19 license plates in preference to the words "SHOW-ME STATE" and
20 special plates for members of the national guard will have the
21 "NATIONAL GUARD" wording in preference to the words "SHOW-ME
22 STATE".

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

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

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

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

21 5. No motor vehicle or trailer shall be operated on any
22 highway of this state unless it shall have displayed thereon the
23 license plate or set of license plates issued by the director of
24 revenue or the state highways and transportation commission and
25 authorized by section 301.140. Each such plate shall be securely
26 fastened to the motor vehicle in a manner so that all parts
27 thereof shall be plainly visible and reasonably clean so that the
28 reflective qualities thereof are not impaired. License plates

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

19 6. (1) The director of revenue shall issue annually or
20 biennially a tab or set of tabs as provided by law as evidence of
21 the annual payment of registration fees and the current
22 registration of a vehicle in lieu of the set of plates.

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

26 (3) A tab or set of tabs issued by the director of revenue
27 when attached to a vehicle in the prescribed manner shall be
28 prima facie evidence that the registration fee for such vehicle

1 has been paid.

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

5 (5) For those commercial motor vehicles and trailers
6 registered pursuant to section 301.041, the plate issued by the
7 [director of revenue] highways and transportation commission
8 shall be a permanent nonexpiring license plate for which no tabs
9 shall be issued. Nothing in this section shall relieve the owner
10 of any vehicle permanently registered pursuant to this section
11 from the obligation to pay the annual registration fee due for
12 the vehicle. The permanent nonexpiring license plate shall be
13 returned to the [director of revenue] highways and transportation
14 commission upon the sale or disposal of the vehicle by the owner
15 to whom the permanent nonexpiring license plate is issued, or the
16 plate may be transferred to a replacement commercial motor
17 vehicle when the owner files a supplemental application with the
18 Missouri [highway reciprocity] highways and transportation
19 commission for the registration of such replacement commercial
20 motor vehicle. Upon payment of the annual registration fee, the
21 [director of revenue] highways and transportation commission
22 shall issue a certificate of registration or other suitable
23 evidence of payment of the annual fee, and such evidence of
24 payment shall be carried at all times in the vehicle for which it
25 is issued.

26 (6) Upon the sale or disposal of any vehicle permanently
27 registered under this section, or upon the termination of a lease
28 of any such vehicle, the permanent nonexpiring plate issued for

1 such vehicle shall be returned to the [director] highways and
2 transportation commission and shall not be valid for operation of
3 such vehicle, or the plate may be transferred to a replacement
4 vehicle when the owner files a supplemental application with the
5 Missouri [highway reciprocity] highways and transportation
6 commission for the registration of such replacement vehicle. If
7 a vehicle which is permanently registered under this section is
8 sold, wrecked or otherwise disposed of, or the lease terminated,
9 the registrant shall be given credit for any unused portion of
10 the annual registration fee when the vehicle is replaced by the
11 purchase or lease of another vehicle during the registration
12 year.

13 7. The director of revenue and the highways and
14 transportation commission may prescribe rules and regulations for
15 the effective administration of this section. No rule or portion
16 of a rule promulgated under the authority of this section shall
17 become effective unless it has been promulgated pursuant to the
18 provisions of section 536.024, RSMo.

19 8. Notwithstanding the provisions of any other law to the
20 contrary, owners of motor vehicles other than apportioned motor
21 vehicles or commercial motor vehicles licensed in excess of
22 eighteen thousand pounds gross weight may apply for special
23 personalized license plates. Vehicles licensed for eighteen
24 thousand pounds that display special personalized license plates
25 shall be subject to the provisions of subsections 1 and 2 of
26 section 301.030.

27 9. Commencing January 1, 2007, the director and the state
28 highways and transportation commission shall cause to be reissued

1 new license plates of such design as directed by the director and
2 the highways and transportation commission consistent with the
3 terms, conditions, and provisions of this section and this
4 chapter. Except as otherwise provided in this section, in
5 addition to all other fees required by law, applicants for
6 registration of vehicles with license plates that expire between
7 January 1, 2007, and December 31, 2009, applicants for
8 registration of trailers or semitrailers with license plates that
9 expire between January 1, 2007, and December 31, 2009, and
10 applicants for registration of vehicles that are to be issued new
11 license plates shall pay an additional fee of up to two dollars
12 and fifty cents, based on the actual cost of the reissuance, to
13 cover the cost of the newly reissued plates required by this
14 subsection. The additional fee, based on the actual cost,
15 prescribed by this subsection shall only be one dollar and
16 twenty-five cents for issuance of one new plate for vehicles
17 requiring only one license plate pursuant to this section. The
18 additional fee of two dollars and fifty cents prescribed in this
19 subsection shall not be charged to persons receiving special
20 license plates issued under section 301.073 or 301.443. Historic
21 motor vehicle license plates registered pursuant to section
22 301.131 and specialized license plates are exempt from the
23 provisions of this subsection.

24 301.190. 1. No certificate of registration of any motor
25 vehicle or trailer, or number plate therefor, shall be issued by
26 the director of revenue unless the applicant therefor shall make
27 application for and be granted a certificate of ownership of such
28 motor vehicle or trailer, or shall present satisfactory evidence

1 that such certificate has been previously issued to the applicant
2 for such motor vehicle or trailer. Application shall be made
3 within thirty days after the applicant acquires the motor vehicle
4 or trailer upon a blank form furnished by the director of revenue
5 and shall contain the applicant's identification number, a full
6 description of the motor vehicle or trailer, the vehicle
7 identification number, and the mileage registered on the odometer
8 at the time of transfer of ownership, as required by section
9 407.536, RSMo, together with a statement of the applicant's
10 source of title and of any liens or encumbrances on the motor
11 vehicle or trailer, provided that for good cause shown the
12 director of revenue may extend the period of time for making such
13 application.

14 2. The director of revenue shall use reasonable diligence
15 in ascertaining whether the facts stated in such application are
16 true and shall, to the extent possible without substantially
17 delaying processing of the application, review any odometer
18 information pertaining to such motor vehicle that is accessible
19 to the director of revenue. If satisfied that the applicant is
20 the lawful owner of such motor vehicle or trailer, or otherwise
21 entitled to have the same registered in his name, the director
22 shall thereupon issue an appropriate certificate over his
23 signature and sealed with the seal of his office, procured and
24 used for such purpose. The certificate shall contain on its face
25 a complete description, vehicle identification number, and other
26 evidence of identification of the motor vehicle or trailer, as
27 the director of revenue may deem necessary, together with the
28 odometer information required to be put on the face of the

1 certificate pursuant to section 407.536, RSMo, a statement of any
2 liens or encumbrances which the application may show to be
3 thereon, and, if ownership of the vehicle has been transferred,
4 the name of the state issuing the transferor's title and whether
5 the transferor's odometer mileage statement executed pursuant to
6 section 407.536, RSMo, indicated that the true mileage is
7 materially different from the number of miles shown on the
8 odometer, or is unknown.

9 3. The director of revenue shall appropriately designate on
10 the current and all subsequent issues of the certificate the
11 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
12 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor
13 Vehicle", as defined in section 301.010. Effective July 1, 1990,
14 on all original and all subsequent issues of the certificate for
15 motor vehicles as referenced in subsections 2 and 3 of section
16 301.020, the director shall print on the face thereof the
17 following designation: "Annual odometer updates may be available
18 from the department of revenue.". On any duplicate certificate,
19 the director of revenue shall reprint on the face thereof the
20 most recent of either:

21 (1) The mileage information included on the face of the
22 immediately prior certificate and the date of purchase or
23 issuance of the immediately prior certificate; or

24 (2) Any other mileage information provided to the director
25 of revenue, and the date the director obtained or recorded that
26 information.

27 4. The certificate of ownership issued by the director of
28 revenue shall be manufactured in a manner to prohibit as nearly

1 as possible the ability to alter, counterfeit, duplicate, or
2 forge such certificate without ready detection. In order to
3 carry out the requirements of this subsection, the director of
4 revenue may contract with a nonprofit scientific or educational
5 institution specializing in the analysis of secure documents to
6 determine the most effective methods of rendering Missouri
7 certificates of ownership nonalterable or noncounterfeitable.

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

1 The certificate shall be good for the life of the motor vehicle
2 or trailer so long as the same is owned or held by the original
3 holder of the certificate and shall not have to be renewed
4 annually.

5 6. Any applicant for a certificate of ownership requesting
6 the department of revenue to process an application for a
7 certificate of ownership in an expeditious manner requiring
8 special handling shall pay a fee of five dollars in addition to
9 the regular certificate of ownership fee.

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

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

1 inspection and verification have been made, shall pay a fee of
2 twenty-five dollars for such verification and inspection, payable
3 to the director of revenue at the time of the request for the
4 application, which shall be deposited in the state treasury to
5 the credit of the state highway fund.

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

25 10. When an application is made for an original Missouri
26 certificate of ownership for a motor vehicle previously
27 registered or titled in a state other than Missouri, it shall be
28 accompanied by a current inspection form certified by a duly

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

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

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

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

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

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

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

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

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

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

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

12
13 The department of revenue shall issue the owner a certificate of
14 ownership designated with the words "Reconstructed Motor Vehicle"
15 and deliver such certificate of ownership in accordance with the
16 provisions of this chapter. Notwithstanding subsection 9 of this
17 section, no owner of a reconstructed motor vehicle described in
18 this subsection shall be required to obtain a vehicle examination
19 certificate issued by the Missouri state highway patrol.

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

28 302.233. 1. Notwithstanding any other provision of law,

1 any person who commits or assists another individual in
2 committing fraud or deception during any examination process
3 required by sections 302.010 to 302.782, or who knowingly
4 conceals a material fact or provides information which contains
5 or is substantiated with false or fraudulent information or
6 documentation, or otherwise commits a fraud in an application for
7 an instruction permit, driver's license, nondriver's license, or
8 commercial driver's license or permit is guilty of a class A
9 misdemeanor.

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

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

20 304.170. 1. No vehicle operated upon the highways of this
21 state shall have a width, including load, in excess of ninety-six
22 inches, except clearance lights, rearview mirrors or other
23 accessories required by federal, state or city law or regulation;
24 except that, vehicles having a width, including load, not in
25 excess of one hundred two inches, exclusive of clearance lights,
26 rearview mirrors or other accessories required by law or
27 regulations, may be operated on the interstate highways and such
28 other highways as may be designated by the highways and

1 transportation commission for the operation of such vehicles plus
2 a distance not to exceed ten miles from such interstate or
3 designated highway. Provided however, a recreational vehicle as
4 defined in section 700.010, RSMo, may exceed the foregoing width
5 limits if the appurtenances on such recreational vehicle extend
6 no further than the rearview mirrors. Such mirrors may only
7 extend the distance necessary to provide the required field of
8 view before the appurtenances were attached.

9 2. No vehicle operated upon the interstate highway system
10 or upon any route designated by the chief engineer of the state
11 transportation department shall have a height, including load, in
12 excess of fourteen feet. On all other highways, no vehicle shall
13 have a height, including load, in excess of thirteen and one-half
14 feet, except that any vehicle or combination of vehicles
15 transporting automobiles or other motor vehicles may have a
16 height, including load, of not more than fourteen feet.

17 3. No single motor vehicle operated upon the highways of
18 this state shall have a length, including load, in excess of
19 forty-five feet, except as otherwise provided in this section.

20 4. No bus, recreational motor vehicle or trackless trolley
21 coach operated upon the highways of this state shall have a
22 length in excess of forty-five feet, except that such vehicles
23 may exceed the forty-five feet length when such excess length is
24 caused by the projection of a front safety bumper or a rear
25 safety bumper or both. Such safety bumper shall not cause the
26 length of the bus or recreational motor vehicle to exceed the
27 forty-five feet length limit by more than one foot in the front
28 and one foot in the rear. The term "safety bumper" means any

1 device which may be fitted on an existing bumper or which
2 replaces the bumper and is so constructed, treated, or
3 manufactured that it absorbs energy upon impact.

4 5. No combination of truck-tractor and semitrailer or
5 truck-tractor equipped with dromedary and semitrailer operated
6 upon the highways of this state shall have a length, including
7 load, in excess of sixty feet; except that in order to comply
8 with the provisions of Title 23 of the United States Code (Public
9 Law 97-424), no combination of truck-tractor and semitrailer or
10 truck-tractor equipped with dromedary and semitrailer operated
11 upon the interstate highway system of this state shall have an
12 overall length, including load, in excess of the length of the
13 truck-tractor plus the semitrailer or truck-tractor equipped with
14 dromedary and semitrailer, the length of such semitrailer shall
15 not exceed fifty-three feet.

16 6. In order to comply with the provisions of Title 23 of
17 the United States Code (Public Law 97-424), no combination of
18 truck-tractor, semitrailer and trailer operated upon the
19 interstate highway system of this state shall have an overall
20 length, including load, in excess of the length of the
21 truck-tractor plus the semitrailer and trailer, neither of which
22 semitrailer or trailer shall exceed twenty-eight feet in length,
23 except that any existing semitrailer or trailer up to
24 twenty-eight and one-half feet in length actually and lawfully
25 operated on December 1, 1982, within a sixty-five foot overall
26 length limit in any state, may continue to be operated upon the
27 interstate highways of this state. On those primary highways not
28 designated by the state highways and transportation commission as

1 provided in subsection 10 of this section, no combination of
2 truck-tractor, semitrailer and trailer shall have an overall
3 length, including load, in excess of sixty-five feet; provided,
4 however, the state highways and transportation commission may
5 designate additional routes for such sixty-five foot
6 combinations.

7 7. Automobile transporters, boat transporters,
8 truck-trailer boat transporter combinations, stinger-steered
9 combination automobile transporters and stinger-steered
10 combination boat transporters having a length not in excess of
11 seventy-five feet may be operated on the interstate highways of
12 this state and such other highways as may be designated by the
13 highways and transportation commission for the operation of such
14 vehicles plus a distance not to exceed ten miles from such
15 interstate or designated highway. All length provisions
16 regarding automobile or boat transporters, truck-trailer boat
17 transporter combinations and stinger-steered combinations shall
18 include a semitrailer length not to exceed fifty-three feet and
19 are exclusive of front and rear overhang, which shall be no
20 greater than a three-foot front overhang and no greater than a
21 four-foot rear overhang.

22 8. Driveaway saddlemount combinations having a length not
23 in excess of seventy-five feet may be operated on the interstate
24 highways of this state and such other highways as may be
25 designated by the highways and transportation commission for the
26 operation of such vehicles plus a distance not to exceed ten
27 miles from such interstate or designated highway. Saddlemount
28 combinations must comply with the safety requirements of Section

1 393.71 of Title 49 of the Code of Federal Regulations and may
2 contain no more than three saddlemounted vehicles and one
3 fullmount.

4 9. No truck-tractor semitrailer-semitrailer combination
5 vehicles operated upon the interstate and designated primary
6 highway system of this state shall have a semitrailer length in
7 excess of twenty-eight feet or twenty-eight and one-half feet if
8 the semitrailer was in actual and lawful operation in any state
9 on December 1, 1982, operating in a truck-tractor
10 semitrailer-semitrailer combination. The B-train assembly is
11 excluded from the measurement of semitrailer length when used
12 between the first and second semitrailer of a truck-tractor
13 semitrailer-semitrailer combination, except that when there is no
14 semitrailer mounted to the B-train assembly, it shall be included
15 in the length measurement of the semitrailer.

16 10. The highways and transportation commission is
17 authorized to designate routes on the state highway system other
18 than the interstate system over which those combinations of
19 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9
20 of this section may be operated. Combinations of vehicles
21 operated under the provisions of subsections 5, 6, 7, 8 and 9 of
22 this section may be operated at a distance not to exceed ten
23 miles from the interstate system and such routes as designated
24 under the provisions of this subsection.

25 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10
26 of this section, no other combination of vehicles operated upon
27 the primary or interstate highways of this state plus a distance
28 of ten miles from a primary or interstate highway shall have an

1 overall length, unladen or with load, in excess of sixty-five
2 feet or in excess of fifty-five feet on any other highway, except
3 the state highways and transportation commission may designate
4 additional routes for use by sixty-five foot combinations,
5 seventy-five foot stinger-steered combinations or seventy-five
6 foot saddlemount combinations. Any vehicle or combination of
7 vehicles transporting automobiles, boats or other motor vehicles
8 may carry a load which extends no more than three feet beyond the
9 front and four feet beyond the rear of the transporting vehicle
10 or combination of vehicles.

11 12. (1) Except as hereinafter provided, these restrictions
12 shall not apply to agricultural implements operating occasionally
13 on the highways for short distances, or to self-propelled
14 hay-hauling equipment or to implements of husbandry, or to the
15 movement of farm products as defined in section 400.9-109, RSMo,
16 or to vehicles temporarily transporting agricultural implements
17 or implements of husbandry or roadmaking machinery, or road
18 materials or towing for repair purposes vehicles that have become
19 disabled upon the highways; or to implement dealers delivering or
20 moving farm machinery for repairs on any state highway other than
21 the interstate system.

22 (2) Implements of husbandry and vehicles transporting such
23 machinery or equipment and the movement of farm products as
24 defined in section 400.9.109, RSMo, may be operated occasionally
25 for short distances on state highways when operated between the
26 hours of sunrise and sunset by a driver licensed as an operator
27 or chauffeur.

28 13. As used in this chapter the term "implements of

1 husbandry" means all self-propelled machinery operated at speeds
2 of less than thirty miles per hour, specifically designed for, or
3 especially adapted to be capable of, incidental over-the-road and
4 primary offroad usage and used exclusively for the application of
5 commercial plant food materials or agricultural chemicals, and
6 not specifically designed or intended for transportation of such
7 chemicals and materials. [No implement of husbandry may exceed a
8 width of eleven feet, six inches.]

9 14. The purpose of this section is to permit a single trip
10 per day by the implement of husbandry from the source of supply
11 to a given farm.

12 15. Sludge disposal units may be operated on all state
13 highways other than the interstate system. Such units shall not
14 exceed one hundred thirty-eight inches in width and may be
15 equipped with over-width tires. Such units shall observe all
16 axle weight limits. The chief engineer of the state
17 transportation department shall issue special permits for the
18 movement of such disposal units and may by such permits restrict
19 the movements to specified routes, days and hours.

20 304.190. 1. No motor vehicle, unladen or with load,
21 operating exclusively within the corporate limits of cities
22 containing seventy-five thousand inhabitants or more or within
23 two miles of the corporate limits of the city or within the
24 commercial zone of the city shall exceed fifteen feet in height.

25 2. No motor vehicle operating exclusively within any said
26 area shall have a greater weight than twenty-two thousand four
27 hundred pounds on one axle.

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

1 Transportation increases the allowable weight limits on the
2 interstate highway system within commercial zones. In such case,
3 the mileage limits established in this section shall be
4 automatically increased only in the commercial zones to conform
5 with those authorized by the United States Department of
6 Transportation.

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

10 304.351. 1. The driver of a vehicle approaching an
11 intersection shall yield the right-of-way to a vehicle which has
12 entered the intersection from a different highway, provided,
13 however, there is no form of traffic control at such
14 intersection.

15 2. When two vehicles enter an intersection from different
16 highways at approximately the same time, the driver of the
17 vehicle on the left shall yield the right-of-way to the driver of
18 the vehicle on the right. This subsection shall not apply to
19 vehicles approaching each other from opposite directions when the
20 driver of one of such vehicles is attempting to or is making a
21 left turn.

22 3. The driver of a vehicle within an intersection intending
23 to turn to the left shall yield the right-of-way to any vehicle
24 approaching from the opposite direction which is within the
25 intersection or so close thereto as to constitute an immediate
26 hazard.

27 4. (1) The state highways and transportation commission

1 with reference to state highways and local authorities with
2 reference to other highways under their jurisdiction may
3 designate through highways and erect stop signs or yield signs at
4 specified entrances thereto, or may designate any intersection as
5 a stop intersection or as a yield intersection and erect stop
6 signs or yield signs at one or more entrances to such
7 intersection.

8 [(1)] (2) Preferential right-of-way at an intersection may
9 be indicated by stop signs or yield signs as authorized in this
10 section:

11 (a) Except when directed to proceed by a police officer or
12 traffic-control signal, every driver of a vehicle approaching a
13 stop intersection, indicated by a stop sign, shall stop at a
14 clearly marked stop line, but if none, before entering the
15 crosswalk on the near side of the intersection, or if none, then
16 at the point nearest the intersecting roadway where the driver
17 has a view of approaching traffic in the intersecting roadway
18 before entering the intersection. After having stopped, the
19 driver shall yield the right-of-way to any vehicle which has
20 entered the intersection from another highway or which is
21 approaching so closely on the highway as to constitute an
22 immediate hazard during the time when such driver is moving
23 across or within the intersection.

24 (b) The driver of a vehicle approaching a yield sign shall
25 in obedience to the sign slow down to a speed reasonable to the
26 existing conditions and, if required for safety to stop, shall
27 stop at a clearly marked stop line, but if none, then at the
28 point nearest the intersecting roadway where the driver has a

1 view of approaching traffic on the intersecting roadway. After
2 slowing or stopping the driver shall yield the right-of-way to
3 any vehicle in the intersection or approaching on another highway
4 so closely as to constitute an immediate hazard during the time
5 such traffic is moving across or within the intersection.

6 5. The driver of a vehicle about to enter or cross a
7 highway from an alley, building or any private road or driveway
8 shall yield the right-of-way to all vehicles approaching on the
9 highway to be entered.

10 6. The driver of a vehicle intending to make a left turn
11 into an alley, private road or driveway shall yield the
12 right-of-way to any vehicle approaching from the opposite
13 direction when the making of such left turn would create a
14 traffic hazard.

15 7. The state highways and transportation commission or
16 local authorities with respect to roads under their respective
17 jurisdictions, on any section where construction or major
18 maintenance operations are being effected, may fix a speed limit
19 in such areas by posting of appropriate signs, and the operation
20 of a motor vehicle in excess of such speed limit in the area so
21 posted shall be deemed prima facie evidence of careless and
22 imprudent driving and a violation of section 304.010.

23 8. Notwithstanding the provisions of section 304.361,
24 violation of this section shall be deemed a class C misdemeanor.

25 9. In addition to the penalty specified in subsection 8 of
26 this section any person who pleads guilty to or is found guilty
27 of a violation of this section in which the offender is found to

1 have caused physical injury, there shall be assessed a surcharge
2 of up to two hundred dollars. The court may issue an order of
3 suspension of such person's driving privilege for a period of
4 thirty days.

5 10. In addition to the penalty specified in subsection 8 of
6 this section any person who pleads guilty to or is found guilty
7 of a violation of this section in which the offender is found to
8 have caused serious physical injury, there shall be assessed a
9 surchage of up to five hundred dollars. The court may issue an
10 order of suspension of such person's driving privilege for a
11 period of ninety days.

12 11. In addition to the penalty specified in subsection 8 of
13 this section any person who pleads guilty to or is found guilty
14 of a violation of this section in which the offender is found to
15 have caused a fatality, there shall be assessed a surcharge of up
16 to one thousand dollars. The court may issue an order of
17 suspension of such person's driving privilege for a period of six
18 months.

19 12. The surcharges imposed pursuant to subsections 9, 10,
20 and 11 of this subsection shall be collected and distributed by
21 the clerk of the court as provided in sections 488.010 to
22 488.020, RSMo. The surcharges collected pursuant to subsections
23 9, 10, and 11 of this section shall be credited to the motorcycle
24 safety trust fund established under section 302.137, RSMo.

25 304.580. 1. As used in this section, the term
26 "construction zone" or "work zone" means any area upon or around
27 any highway as defined in section 302.010, RSMo, which is visibly
28 marked by the department of transportation or a contractor

1 performing work for the department of transportation as an area
2 where construction, maintenance, or other work is temporarily
3 occurring. The term "work zone" or "construction zone" also
4 includes the lanes of highway leading up to the area upon which
5 an activity described in this subsection is being performed,
6 beginning at the point where appropriate signs directing motor
7 vehicles to merge from one lane into another lane are posted.

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

17 3. Upon [a] the first conviction or plea of guilty by any
18 person for a speeding violation pursuant to either section
19 304.009 or 304.010, or a passing violation pursuant to subsection
20 6 of this section, the court shall assess a fine of two hundred
21 fifty dollars in addition to any other fine authorized by law, if
22 the offense occurred within a construction zone or a work zone
23 and at the time the speeding or passing violation occurred there
24 was any person in such zone who was there to perform duties
25 related to the reason for which the area was designated a
26 construction zone or work zone. A second or subsequent violation
27 of this subsection shall result in the court assessing a fine of
28 three hundred dollars in addition to any other fine authorized by

1 law. However, no person assessed an additional fine pursuant to
2 this subsection shall also be assessed an additional fine
3 pursuant to subsection 2 of this section, and no person shall be
4 assessed an additional fine pursuant to this subsection if no
5 signs have been posted pursuant to subsection 4 of this section.

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

13 5. During any day in which no person is present in a
14 construction zone or work zone established pursuant to subsection
15 3 of this section to perform duties related to the purpose of the
16 zone, the sign warning of additional penalties shall not be
17 visible to motorists. During any period of two hours or more in
18 which no person is present in such zone on a day in which persons
19 have been or will be present to perform duties related to the
20 reason for which the area was designated as a construction zone
21 or work zone, the sign warning of additional penalties shall not
22 be visible to motorists. The department of transportation or
23 contractor performing work for the department of transportation
24 shall be responsible for compliance with provisions of this
25 subsection. Nothing in this subsection shall prohibit warning or
26 traffic control signs necessary for public safety in the
27 construction or work zone being visible to motorists at all
28 times.

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

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

13 307.178. 1. As used in this section, the term "passenger
14 car" means every motor vehicle designed for carrying ten persons
15 or less and used for the transportation of persons; except that,
16 the term "passenger car" shall not include motorcycles, motorized
17 bicycles, motor tricycles and trucks with a licensed gross weight
18 of twelve thousand pounds or more.

19 2. Each driver, except persons employed by the United
20 States Postal Service while performing duties for that federal
21 agency which require the operator to service postal boxes from
22 their vehicles, or which require frequent entry into and exit
23 from their vehicles, and front seat passenger of a passenger car
24 manufactured after January 1, 1968, operated on a street or
25 highway in this state, and persons less than eighteen years of
26 age operating or riding in a truck, as defined in section
27 301.010, RSMo, on a street or highway of this state shall wear a
28 properly adjusted and fastened safety belt that meets federal

1 National Highway, Transportation and Safety Act requirements;
2 except that, a child less than four years of age shall be
3 protected as required in section 210.104, RSMo. No person shall
4 be stopped, inspected, or detained solely to determine compliance
5 with this subsection; however, nothing shall prohibit a law
6 enforcement officer from enforcing the provisions of this section
7 if the violation is clearly visible to the officer without
8 stopping the vehicle. The provisions of this section shall not
9 be applicable to persons who have a medical reason for failing to
10 have a seat belt fastened about their body, nor shall the
11 provisions of this section be applicable to persons while
12 operating or riding a motor vehicle being used in agricultural
13 work-related activities. Noncompliance with this subsection
14 shall not constitute probable cause for violation of any other
15 provision of law or for a search of the driver, passenger, or
16 vehicle.

17 3. Each driver of a motor vehicle transporting a child four
18 years of age or more, but less than sixteen years of age, shall
19 secure the child in a properly adjusted and fastened safety belt.

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

26 (1) Parties seeking to introduce evidence of the failure to
27 wear a safety belt in violation of this section must first
28 introduce expert evidence proving that a failure to wear a safety

1 belt contributed to the injuries claimed by plaintiff;

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

8 5. Each driver who violates the provisions of subsection 2
9 or 3 of this section is guilty of an infraction for which a fine
10 not to exceed [~~ten~~] fifteen dollars may be imposed. All other
11 provisions of law and court rules to the contrary
12 notwithstanding, no court costs shall be imposed on any person
13 due to a violation of this section. In no case shall points be
14 assessed against any person, pursuant to section 302.302, RSMo,
15 for a violation of this section.

16 6. The department of public safety shall initiate and
17 develop a program of public information to develop understanding
18 of, and ensure compliance with, the provisions of this section.
19 The department of public safety shall evaluate the effectiveness
20 of this section and shall include a report of its findings in the
21 annual evaluation report on its highway safety plan that it
22 submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

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

26 307.366. 1. This enactment of the emissions inspection
27 program is a mandate of the United States Congress pursuant to

1 the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In
2 any portion of an area designated by the governor as a
3 nonattainment area, as defined in the federal Clean Air Act, as
4 amended, 42 U.S.C.A. Section 7501, and located within the area
5 described in subsection 1 of section 643.305, RSMo, certain motor
6 vehicles shall be tested and approved prior to sale or transfer
7 and biennially thereafter to determine that the emissions system
8 is functioning within the emission standards as specified by the
9 Missouri air conservation commission and as required to attain
10 the national health standards for air quality. For such biennial
11 testing, any such vehicle manufactured as an even-numbered model
12 year vehicle shall be tested and approved in each even-numbered
13 calendar year and any such vehicle manufactured as an
14 odd-numbered model year vehicle shall be tested and approved in
15 each odd-numbered calendar year. The motor vehicles to be tested
16 shall be all motor vehicles except those specifically exempted
17 pursuant to subdivisions (1) to (3) of subsection 1 of section
18 307.350 and those exempted pursuant to this section.

19 2. The provisions of this section shall not apply to:

20 (1) Motor vehicles with a manufacturer's gross vehicle
21 weight rating in excess of eight thousand five hundred pounds;

22 (2) Motorcycles and motortricycles;

23 (3) Model year vehicles manufactured twenty-six years or
24 more prior to [1971] the current model year;

25 (4) School buses;

26 (5) Diesel-powered vehicles;

27 (6) Motor vehicles registered in the area covered by this

1 section but which are based and operated exclusively in an area
2 of this state not subject to the provisions of this section if
3 the owner of such vehicle presents to the director a sworn
4 affidavit that the vehicle will be based and operated outside the
5 covered area;

6 (7) New and unused motor vehicles, of model years of the
7 current calendar year and of any calendar year within two years
8 of such calendar year, which have an odometer reading of less
9 than six thousand miles at the time of original sale by a motor
10 vehicle manufacturer or licensed motor vehicle dealer to the
11 first user; and

12 (8) Motor vehicles owned by a person who resides in a
13 county of the first classification without a charter form of
14 government with a population of less than one hundred thousand
15 inhabitants according to the most recent decennial census who has
16 completed an emission inspection pursuant to section 643.315,
17 RSMo.

18 Each official inspection station which conducts emissions
19 inspections within the area referred to in subsection 1 of this
20 section shall indicate the gross vehicle weight rating of the
21 motor vehicle on the inspection certificate if the vehicle is
22 exempt from the emissions inspection pursuant to subdivision (1)
23 of this subsection.

24 3. (1) At the time of sale, a licensed motor vehicle
25 dealer, as defined in section 301.550, RSMo, may choose to sell a
26 motor vehicle subject to the inspection requirements of this
27 section either:

1 (a) With prior inspection and approval as provided in
2 subdivision (2) of this subsection; or

3 (b) Without prior inspection and approval as provided in
4 subdivision (3) of this subsection.

5 (2) If the dealer chooses to sell the vehicle with prior
6 inspection and approval, the dealer shall disclose, in writing,
7 prior to sale, whether the vehicle obtained approval by meeting
8 the emissions standards established pursuant to this section or
9 by obtaining a waiver pursuant to subsection 6 of this section.
10 A vehicle sold pursuant to this subdivision by a licensed motor
11 vehicle dealer shall be inspected and approved within the one
12 hundred twenty days immediately preceding the date of sale, and,
13 for the purpose of registration of such vehicle, such inspection
14 shall be considered timely.

15 (3) If the dealer chooses to sell the vehicle without prior
16 inspection and approval, the purchaser may return the vehicle
17 within ten days of the date of purchase, provided that the
18 vehicle has no more than one thousand additional miles since the
19 time of sale, if the vehicle fails, upon inspection, to meet the
20 emissions standards specified by the commission and the dealer
21 shall have the vehicle inspected and approved without the option
22 for a waiver of the emissions standard and return the vehicle to
23 the purchaser with a valid emissions certificate and sticker
24 within five working days or the purchaser and dealer may enter
25 into any other mutually acceptable agreement. If the dealer
26 chooses to sell the vehicle without prior inspection and
27 approval, the dealer shall disclose conspicuously on the sales
28 contract and bill of sale that the purchaser has the option to

1 return the vehicle within ten days, provided that the vehicle has
2 no more than one thousand additional miles since the time of
3 sale, to have the dealer repair the vehicle and provide an
4 emissions certificate and sticker within five working days if the
5 vehicle fails, upon inspection, to meet the emissions standards
6 established by the commission, or enter into any mutually
7 acceptable agreement with the dealer. A violation of this
8 subsection shall be an unlawful practice as defined in section
9 407.020, RSMo. No emissions inspection shall be required
10 pursuant to this section for the sale of any motor vehicle which
11 may be sold without a certificate of inspection and approval, as
12 provided pursuant to subsection 2 of section 307.380.

13 4. A fee not to exceed twenty-four dollars may be charged
14 for an automobile emissions and air pollution control inspection
15 in order to attain the national health standards for air quality.
16 Such fee shall be conspicuously posted on the premises of each
17 such inspection station. The official emissions inspection
18 station shall issue a certificate of inspection and an approval
19 sticker or seal certifying the emissions system is functioning
20 properly. The certificate or approval issued shall bear the
21 legend: "This cost is mandated by your United States Congress."
22 No owner shall be charged an additional fee after having
23 corrected defects or unsafe conditions in the automobile's
24 emissions and air pollution control system if the reinspection is
25 completed within twenty consecutive days, excluding Saturdays,
26 Sundays and holidays, and if such follow-up inspection is made by
27 the station making the initial inspection.

28 5. The air conservation commission shall establish, by

1 rule, a waiver amount which may be lower for older model vehicles
2 and which shall be no greater than seventy-five dollars for model
3 year vehicles prior to 1981 and no greater than two hundred
4 dollars for model year vehicles of 1981 and all subsequent model
5 years.

6 6. An owner whose vehicle fails upon reinspection to meet
7 the emission standards specified by the Missouri air conservation
8 commission shall be issued a certificate of inspection and an
9 approval sticker or seal by the official emissions inspection
10 station that provided the inspection if the vehicle owner
11 furnishes a complete, signed affidavit satisfying the
12 requirements of this subsection and the cost of emissions repairs
13 and adjustments is equal to or greater than the waiver amount
14 established by the air conservation commission pursuant to this
15 section. The air conservation commission shall establish, by
16 rule, a form and a procedure for verifying that repair and
17 adjustment was performed on a failing vehicle prior to the
18 granting of a waiver and approval. The waiver form established
19 pursuant to this subsection shall be an affidavit requiring:

20 (1) A statement signed by the repairer that the specified
21 work was done and stating the itemized charges for the work; and

22 (2) A statement signed by the inspector that an inspection
23 of the vehicle verified, to the extent practical, that the
24 specified work was done.

25 7. The department of revenue shall require evidence of the
26 inspection and approval required by this section in issuing the
27 motor vehicle annual registration in conformity with the
28 procedure required by sections 307.350 to 307.370.

1 8. Each emissions inspection station located in the area
2 described in subsection 1 of this section shall purchase from the
3 highway patrol sufficient forms and stickers or other devices to
4 evidence approval of the motor vehicle's emissions control
5 system. In addition, emissions inspection stations may be
6 required to purchase forms for use in automated analyzers from
7 outside vendors of the inspection station's choice. The forms
8 must comply with state regulations.

9 9. In addition to the fee collected by the superintendent
10 pursuant to subsection 5 of section 307.365, the highway patrol
11 shall collect a fee of seventy-five cents for each automobile
12 emissions certificate issued to the applicable official emissions
13 inspection stations, except that no charge shall be made for
14 certificates of inspection issued to official emissions
15 inspection stations operated by governmental entities. All fees
16 collected by the superintendent pursuant to this section shall be
17 deposited in the state treasury to the credit of the "Missouri
18 Air Pollution Control Fund", which is hereby created.

19 10. The moneys collected and deposited in the Missouri air
20 pollution control fund pursuant to this section shall be
21 allocated on an equal basis to the Missouri state highway patrol
22 and the Missouri department of natural resources, air pollution
23 control program, and shall be expended subject to appropriation
24 by the general assembly for the administration and enforcement of
25 sections 307.350 to 307.390. The unexpended balance in the fund
26 at the end of each appropriation period shall not be transferred
27 to the general revenue fund, except as directed by the general
28 assembly by appropriation, and the provisions of section 33.080,

1 RSMo, relating to the transfer of funds to the general revenue
2 fund at the end of the biennium, shall not apply to this fund.
3 The moneys in the fund shall be invested by the treasurer as
4 provided by law, and the interest shall be credited to the fund.

5 11. The superintendent of the Missouri state highway patrol
6 shall issue such rules and regulations as are necessary to
7 determine whether a motor vehicle's emissions control system is
8 operating as required by subsection 1 of this section, and the
9 superintendent and the state highways and transportation
10 commission shall use their best efforts to seek federal funds
11 from which reimbursement grants may be made to those official
12 inspection stations which acquire and use the necessary testing
13 equipment which will be required to perform the tests required by
14 the provisions of this section.

15 12. The provisions of this section shall not apply in any
16 county for any time period during which the air conservation
17 commission has established a motor vehicle emissions inspection
18 program pursuant to sections 643.300 to 643.355, RSMo, for such
19 county, except where motor vehicle owners have the option of
20 biennial testing pursuant to chapter 643, RSMo. In counties
21 where such option is available, the emissions inspection may be
22 conducted in stations conducting only an emissions inspection
23 under contract to the state.

24 13. Notwithstanding the provisions of section 307.390,
25 violation of this section shall be deemed a class C misdemeanor.

26 321.130. 1. A person, to be qualified to serve as a
27 director, shall be a voter of the district at least two years
28 before the election or appointment and be over the age of

1 twenty-five years; except as provided in subsections 2 and 3 of
2 this section. Nominations and declarations of candidacy shall be
3 filed at the headquarters of the fire protection district by
4 paying a ten dollar filing fee and filing a statement under oath
5 that such person possesses the required qualifications.

6 2. In any fire protection district located in more than one
7 county one of which is a first class county without a charter
8 form of government having a population of more than one hundred
9 ninety-eight thousand and not adjoining any other first class
10 county or located wholly within a first class county as described
11 herein, a resident shall have been a resident of the district for
12 more than one year to be qualified to serve as a director.

13 3. In any fire protection district located in a county of
14 the third or fourth classification, a person to be qualified to
15 serve as a director shall be over the age of twenty-five years
16 and shall be a voter of the district for more than two years
17 before the election or appointment, except that for the first
18 board of directors in such district, a person need only be a
19 voter of the district for one year before the election or
20 appointment.

21 4. A person desiring to become a candidate for the first
22 board of directors of the proposed district shall pay the sum of
23 five dollars as a filing fee to the treasurer of the county and
24 shall file with the election authority a statement under oath
25 that such person possesses all of the qualifications set out in
26 this chapter for a director of a fire protection district.
27 Thereafter, such candidate shall have the candidate's name placed
28 on the ballot as a candidate for director.

1 5. The provisions of this section shall apply to any county
2 within the state and to any city not within a county.

3 321.180. The treasurer shall keep strict and accurate
4 accounts of all money received by and disbursed for and on behalf
5 of the district in permanent records. He shall file with the
6 clerk of the court, at the expense of the district, a corporate
7 fidelity bond in an amount to be determined by the board for not
8 less than five thousand dollars, conditioned on the faithful
9 performance of the duties of his office. He shall file in the
10 office of the county clerk of each county in which all or part of
11 the district lies a detailed financial statement for the
12 preceding fiscal year of the district on behalf of the board, on
13 or before April first of the following year.

14 321.554. 1. Except in any county of the first
15 classification with over two hundred thousand inhabitants, or any
16 county of the first classification without a charter form of
17 government and with more than seventy-three thousand seven
18 hundred but less than seventy-three thousand eight hundred
19 inhabitants; or any county of the first classification without a
20 charter form of government and with more than one hundred
21 eighty-four thousand but less than one hundred eighty-eight
22 thousand inhabitants; or any county with a charter form of
23 government with over one million inhabitants; or any county with
24 a charter form of government with over two hundred eighty
25 thousand inhabitants but less than three hundred thousand
26 inhabitants, when the revenue from the ambulance or fire
27 protection district sales tax is collected for distribution
28 pursuant to section 321.552, the board of the ambulance or fire

1 protection district, after determining its budget for the year
2 pursuant to section 67.010, RSMo, and the rate of levy needed to
3 produce the required revenue and after making any other
4 adjustments to the levy that may be required by any other law,
5 shall reduce the total operating levy of the district in an
6 amount sufficient to decrease the revenue it would have received
7 therefrom by an amount equal to fifty percent of the previous
8 fiscal year's sales tax receipts. Loss of revenue, due to a
9 decrease in the assessed valuation of real property located
10 within the ambulance or fire protection district as a result of
11 general reassessment, and from state-assessed railroad and
12 utility distributable property based upon the previous fiscal
13 year's receipts shall be considered in lowering the rate of levy
14 to comply with this section in the year of general reassessment
15 and in each subsequent year. In the event that in the
16 immediately preceding year the ambulance or fire protection
17 district actually received more or less sales tax revenue than
18 estimated, the ambulance or fire protection district board may
19 adjust its operating levy for the current year to reflect such
20 increase or decrease. The director of revenue shall certify the
21 amount payable from the ambulance or fire protection district
22 sales tax trust fund to the general revenue fund to the state
23 treasurer.

24 2. Except that, in the first year in which any sales tax is
25 collected pursuant to section 321.552, the collector shall not
26 reduce the tax rate as defined in section 137.073, RSMo.

27 3. In a year of general reassessment, as defined by section
28 137.073, RSMo, or assessment maintenance as defined by section

1 137.115, RSMo, in which an ambulance or fire protection district
2 in reliance upon the information then available to it relating to
3 the total assessed valuation of such ambulance or fire protection
4 district revises its property tax levy pursuant to section
5 137.073 or 137.115, RSMo, and it is subsequently determined by
6 decisions of the state tax commission or a court pursuant to
7 sections 138.430 to 138.433, RSMo, or due to clerical errors or
8 corrections in the calculation or recordation of assessed
9 valuations that the assessed valuation of such ambulance or fire
10 protection district has been changed, and but for such change the
11 ambulance or fire protection district would have adopted a
12 different levy on the date of its original action, then the
13 ambulance or fire protection district may adjust its levy to an
14 amount to reflect such change in assessed valuation, including,
15 if necessary, a change in the levy reduction required by this
16 section to the amount it would have levied had the correct
17 assessed valuation been known to it on the date of its original
18 action, provided:

19 _____ (1) The ambulance or fire protection district first levies
20 the maximum levy allowed without a vote of the people by article
21 X, section 11(b) of the constitution; and

22 _____ (2) The ambulance or fire protection district first adopts
23 the tax rate ceiling otherwise authorized by other laws of this
24 state; and

25 _____ (3) The levy adjustment or reduction may include a one-time
26 correction to recoup lost revenues the ambulance or fire
27 protection district was entitled to receive during the prior
28 year.

1 321.556. 1. Except in any county of the first
2 classification with over two hundred thousand inhabitants, or any
3 county of the first classification without a charter form of
4 government and with more than seventy-three thousand seven
5 hundred but less than seventy-three thousand eight hundred
6 inhabitants; or any county of the first classification without a
7 charter form of government and with more than one hundred
8 eighty-four thousand but less than one hundred eighty-eight
9 thousand inhabitants; or any county with a charter form of
10 government with over one million inhabitants; or any county with
11 a charter form of government with over two hundred eighty
12 thousand inhabitants but less than three hundred thousand
13 inhabitants, the governing body of any ambulance or fire
14 protection district, when presented with a petition signed by at
15 least twenty percent of the registered voters in the ambulance or
16 fire protection district that voted in the last gubernatorial
17 election, calling for an election to repeal the tax pursuant to
18 section 321.552, shall submit the question to the voters using
19 the same procedure by which the imposition of the tax was voted.
20 The ballot of submission shall be in substantially the following
21 form:

22 "Shall (insert name of ambulance or fire
23 protection district) repeal the (insert amount up to
24 one-half) of one percent sales tax now in effect in the
25 (insert name of ambulance or fire protection district)
26 and reestablish the property tax levy in the district to the rate
27 in existence prior to the enactment of the sales tax?

28 _____ [] Yes [] No

1 If you are in favor of the question, place an "X" in the box
2 opposite "Yes". If you are opposed to the question, place an "X"
3 in the box opposite "No"."

4 2. If a majority of the votes cast on the proposal by the
5 qualified voters of the district voting thereon are in favor of
6 repeal, that repeal shall become effective December thirty-first
7 of the calendar year in which such repeal was approved.

8 389.610. 1. No public road, highway or street shall be
9 constructed across the track of any railroad corporation, nor
10 shall the track of any railroad corporation be constructed across
11 a public road, highway or street, nor shall the track of any
12 railroad corporation be constructed across the track of any other
13 railroad or street railroad corporation at grade nor shall the
14 track of a street railroad corporation be constructed across the
15 tracks of a railroad corporation at grade, without having first
16 secured the permission of the state highways and transportation
17 commission, except that this subsection shall not apply to the
18 replacement of lawfully existing tracks. The commission shall
19 have the right to refuse its permission or to grant it upon such
20 terms and conditions as it may prescribe.

21 2. Every railroad corporation shall construct and maintain
22 good and sufficient crossings and crosswalks where its railroad
23 crosses public roads, highways, streets or sidewalks now or
24 hereafter to be opened.

25 3. The state highways and transportation commission shall
26 make and enforce reasonable rules and regulations pertaining to
27 the construction and maintenance of all public grade crossings.
28 These rules and regulations shall establish minimum standards

1 for:

2 (1) The materials to be used in the crossing surface;

3 (2) The length and width of the crossing;

4 (3) The approach grades;

5 (4) The party or parties responsible for maintenance of the
6 approaches and the crossing surfaces.

7 4. The state highways and transportation commission shall
8 have the exclusive power to determine and prescribe the manner,
9 including the particular point of crossing, and the terms of
10 installation, operation, maintenance, apportionment of expenses,
11 use and warning devices of each crossing of a public road, street
12 or highway by a railroad or street railroad, and of one railroad
13 or street railroad by another railroad or street railroad. In
14 order to facilitate such determinations, the state highways and
15 transportation commission may adopt pertinent provisions of The
16 Manual on Uniform Traffic Control Devices for Streets and
17 Highways or other national standards.

18 5. The state highways and transportation commission shall
19 have the exclusive power to alter or abolish any crossing, at
20 grade or otherwise, of a railroad or street railroad by a public
21 road, highway or street whenever the state highways and
22 transportation commission finds that public necessity will not be
23 adversely affected and public safety will be promoted by so
24 altering or abolishing such crossing, and to require, where, in
25 its judgment it would be practicable, a separation of grades at
26 any crossing heretofore or hereafter established, and to
27 prescribe the terms upon which such separation shall be made.

1 When a road authority lawfully closes or vacates a roadway which
2 provided access to a railroad crossing, the state highways and
3 transportation commission shall issue an order authorizing
4 removal of the crossing by the railroad within thirty days of
5 being notified of such action by the roadway authority or
6 railroad.

7 6. The state highways and transportation commission shall
8 have the exclusive power to prescribe the proportion in which the
9 expense of the construction, installation, alteration or
10 abolition of such crossings, the separation of grades, and the
11 continued maintenance thereof, shall be divided between the
12 railroad, street railroad, and the state, county, municipality or
13 other public authority in interest.

14 7. Any agreement entered into after October 13, 1963,
15 between a railroad or street railroad and the state, county,
16 municipality or other public authority in interest, as to the
17 apportionment of any cost mentioned in this section shall be
18 final and binding upon the filing with the state highways and
19 transportation commission of an executed copy of such agreement.
20 If such parties are unable to agree upon the apportionment of the
21 cost, the state highways and transportation commission shall
22 apportion the cost among the parties according to the benefits
23 accruing to each. In determining such benefits, the state
24 highways and transportation commission shall consider all
25 relevant factors including volume, speed and type of vehicular
26 traffic, volume, speed and type of train traffic, and advantages
27 to the public and to such railroad or street railroad resulting
28 from the elimination of delays and the reduction of hazard at the

1 crossing.

2 8. Upon application of any person, firm or corporation, the
3 state highways and transportation commission shall determine if
4 an existing private crossing has become or a proposed private
5 crossing will become utilized by the public to the extent that it
6 is necessary to protect or promote the public safety. The state
7 highways and transportation commission shall consider all
8 relevant factors including but not limited to volume, speed, and
9 type of vehicular traffic, and volume, speed, and type of train
10 traffic. If it be determined that it is necessary to protect and
11 promote the public safety, the state highways and transportation
12 commission shall prescribe the nature and type of crossing
13 protection or warning device for such crossing, the cost of which
14 shall be apportioned by the state highways and transportation
15 commission among the parties according to the benefits accruing
16 to each. In the event such crossing protection or warning device
17 as prescribed by the state highways and transportation commission
18 is not installed, maintained or operated, the crossing shall be
19 closed to the public.

20 9. The exclusive power of the state highways and
21 transportation commission pursuant to this section shall be
22 subject to review, determination, and prescription by the
23 administrative hearing commission, upon application to ~~that~~ the
24 administrative hearing commission by any interested party in
25 accordance with section 621.040, RSMo. Upon filing of an
26 application pursuant to this subsection, the administrative
27 hearing commission is vested with the exclusive power of the
28 state highways and transportation commission otherwise provided

1 in this section, with reference to matters reviewed, determined
2 or prescribed by the administrative hearing commission.

3 389.612. 1. The owner of a motor vehicle shall pay a
4 railroad crossing safety fee of [twenty-five] fifty cents when
5 such person registers or renews the registration of a motor
6 vehicle. All revenue collected by the director of revenue
7 pursuant to this section shall be deposited in the state treasury
8 to the credit of the state highways and transportation department
9 fund in an account to be known as the "Grade Crossing Safety
10 Account", which is hereby created.

11 2. Funds from the grade crossing safety account shall be
12 used for installation, construction or reconstruction of
13 automatic signals or other safety devices or other safety
14 improvements at crossings of railroads and public roads, streets
15 or highways. That portion of the costs proportioned to the
16 state, county, municipality or other public authority in
17 interest, for installation, construction or reconstruction of
18 automatic signals or other safety devices or other safety
19 improvements at crossings of railroads and public roads, streets
20 or highways which the division of motor carrier and railroad
21 safety orders pursuant to section 389.610 shall be paid out of
22 the grade crossing safety account, except that when any part of
23 such costs can be paid from funds available under any federal
24 program or the Federal-Aid Highway Act such part shall not be
25 paid from the grade crossing safety account. No more than ninety
26 percent of the cost of improving any grade crossing shall be paid
27 out of the grade crossing safety account. The division shall, in
28 cooperation with other governmental agencies of the state,

1 determine if any portion of the cost can be paid from funds
2 available pursuant to any federal program or the Federal-Aid
3 Highway Act. The division may order the payment of the amount
4 determined pursuant to section 389.610 to the person, firm, or
5 corporation entitled thereto from the grade crossing safety
6 account. Notwithstanding any other provision of this section to
7 the contrary, the division of motor carrier and railroad safety
8 within the department of economic development may expend annually
9 out of the grade crossing safety account an amount not greater
10 than one hundred thousand dollars of the total annual receipts
11 deposited in the state treasury to the credit of such account to
12 pay for administrative expenses of the division incurred in
13 carrying out the division's railroad grade crossing closure
14 program. The provisions of this section shall not limit or
15 enlarge the division's expenditures out of the grade crossing
16 safety account for any other purposes or the division's
17 expenditures out of any other account or fund.

18 3. Notwithstanding the provisions of section 33.080, RSMo,
19 to the contrary, moneys in the grade crossing safety account
20 shall not be transferred and placed to the credit of the state
21 road fund until the amount in the account at the end of the
22 biennium exceeds two times the amount encumbered from the account
23 to carry out the purposes of this section in the preceding fiscal
24 year. The amount, if any, in the account which shall be
25 transferred to the credit of the state road fund shall be that
26 amount in the account which exceeds two times the amount
27 encumbered from the account to carry out the purposes of this
28 section in the preceding fiscal year.

1 390.201. Subject to any exceptions which are applicable
2 under section 307.400, RSMo, or subsection 6 of section 390.063,
3 the officers and commercial motor vehicle inspectors of the state
4 highway patrol, the enforcement personnel of the division of
5 motor carrier and railroad safety, and other authorized peace
6 officers of this state and any civil subdivision of this state,
7 may enforce any of the provisions of Parts 350 through 399 of
8 Title 49, Code of Federal Regulations, as those regulations have
9 been and may periodically be amended, as they apply to motor
10 vehicles and drivers operating in interstate or intrastate
11 commerce within this state; except that the enforcement personnel
12 of the [division of motor carrier and railroad safety] state
13 highways and transportation commission and other authorized peace
14 officers of this state and any civil subdivision of this state
15 shall be authorized to enforce those regulations wholly within
16 the terminals of motor carriers and private carriers by motor
17 vehicle.

18 407.567. 1. If the manufacturer, through its authorized
19 dealer or its agent, cannot conform the new motor vehicle to any
20 applicable express warranty by repairing or correcting any
21 default or condition which impairs the use, market value, or
22 safety of the new motor vehicle to the consumer after a
23 reasonable number of attempts, the manufacturer shall, at its
24 option, either replace the new motor vehicle with a comparable
25 new vehicle acceptable to the consumer, or take title of the
26 vehicle from the consumer and refund to the consumer the full
27 purchase price, including all reasonably incurred collateral
28 charges, less a reasonable allowance for the consumer's use of

1 the vehicle. The subtraction of a reasonable allowance for use
2 shall apply when either a replacement or refund of the new motor
3 vehicle occurs.

4 2. Refunds shall be made to the consumer and lienholder of
5 record, if any, as their interests may appear.

6 3. (1) Upon taking the title to a vehicle under this
7 section, the manufacturer may apply to the department of revenue
8 for a reimbursement equal to any amounts refunded to a consumer
9 for any sales tax, license fees, registration fees, and title
10 fees paid by the consumer as a result of purchasing the vehicle.
11 Upon the receipt of a written request for a refund, accompanied
12 by satisfactory proof that such sales tax and fees on the vehicle
13 were paid when or after the vehicle was purchased and that the
14 manufacturer has refunded such sales tax and fees to the
15 consumer, lienholder, or lessor of the vehicle, the department of
16 revenue shall refund to the manufacturer an amount equal to the
17 amounts refunded to a consumer for such sales tax and fees paid
18 by the consumer as a result of purchasing the vehicle.

19 (2) The manufacturer may, in lieu of applying to the
20 department of revenue for a reimbursement under this subsection,
21 direct the consumer to apply to the department of revenue for a
22 refund of any sales tax, license fees, registration fees, and
23 title fees paid by the consumer as a result of purchasing the
24 vehicle. The manufacturer shall provide the consumer with the
25 documentation required to prove that the consumer paid such sales
26 tax and fees to the manufacturer. Upon the receipt of a written
27 request by the consumer for a refund, accompanied by satisfactory
28 proof that such sales tax and fees on the vehicle were paid when

1 or after the vehicle was purchased, and a written statement from
2 the manufacturer that such sales tax and fees were not refunded
3 to the consumer, lienholder, or lessor of the vehicle, the
4 department of revenue shall refund to the consumer an amount
5 equal to the amounts for such sales tax and fees paid by the
6 consumer as a result of purchasing the vehicle.

7 622.350. In all trials, actions, suits and proceedings
8 arising under the provisions of this chapter or growing out of
9 the exercise of the authority and powers granted in this chapter
10 to the [division] state highways and transportation commission,
11 the burden of proof shall be upon the [party adverse to the
12 division or seeking to set aside any determination, requirement,
13 direction or order of the division, to] state highways and
14 transportation commission. The state highways and transportation
15 commission shall show by clear and satisfactory evidence that the
16 determination, requirement, direction or order of the [division
17 complained of is unreasonable or unlawful] state highways and
18 transportation commission is reasonable or lawful as the case may
19 be.

20 643.315. 1. Except as provided in sections 643.300 to
21 643.355, all motor vehicles which are domiciled, registered or
22 primarily operated in an area for which the commission has
23 established a motor vehicle emissions inspection program pursuant
24 to sections 643.300 to 643.355, which may include all motor
25 vehicles owned by residents of a county of the first
26 classification without a charter form of government with a
27 population of less than one hundred thousand inhabitants
28 according to the most recent decennial census who have chosen to

1 participate in such a program in lieu of the provisions of
2 section 307.366, RSMo, shall be inspected and approved prior to
3 sale or transfer. In addition, any such vehicle manufactured as
4 an even-numbered model year vehicle shall be inspected and
5 approved under the emissions inspection program established
6 pursuant to sections 643.300 to 643.355 in each even-numbered
7 calendar year and any such vehicle manufactured as an
8 odd-numbered model year vehicle shall be inspected and approved
9 under the emissions inspection program established pursuant to
10 sections 643.300 to 643.355 in each odd-numbered calendar year.
11 All motor vehicles subject to the inspection requirements of
12 sections 643.300 to 643.355 shall display a valid emissions
13 inspection sticker, and when applicable, a valid emissions
14 inspection certificate shall be presented at the time of
15 registration or registration renewal of such motor vehicle.

16 2. No emission standard established by the commission for a
17 given make and model year shall exceed the lesser of the
18 following:

19 (1) The emission standard for that vehicle model year as
20 established by the United States Environmental Protection Agency;
21 or

22 (2) The emission standard for that vehicle make and model
23 year as established by the vehicle manufacturer.

24 3. The inspection requirement of subsection 1 of this
25 section shall apply to all motor vehicles except:

26 (1) Motor vehicles with a manufacturer's gross vehicle
27 weight rating in excess of eight thousand five hundred pounds;

1 (2) Motorcycles and motortricycles if such vehicles are
2 exempted from the motor vehicle emissions inspection under
3 federal regulation and approved by the commission by rule;

4 (3) Model year vehicles manufactured twenty-six years or
5 more prior to [1971] the current model year;

6 (4) Vehicles which are powered exclusively by electric or
7 hydrogen power or by fuels other than gasoline which are exempted
8 from the motor vehicle emissions inspection under federal
9 regulation and approved by the commission by rule;

10 (5) Motor vehicles registered in an area subject to the
11 inspection requirements of sections 643.300 to 643.355 which are
12 domiciled and operated exclusively in an area of the state not
13 subject to the inspection requirements of sections 643.300 to
14 643.355, but only if the owner of such vehicle presents to the
15 department an affidavit that the vehicle will be operated
16 exclusively in an area of the state not subject to the inspection
17 requirements of sections 643.300 to 643.355 for the next
18 twenty-four months, and the owner applies for and receives a
19 waiver which shall be presented at the time of registration or
20 registration renewal;

21 (6) New and unused motor vehicles, of model years of the
22 current calendar year and of any calendar year within two years
23 of such calendar year, which have an odometer reading of less
24 than six thousand miles at the time of original sale by a motor
25 vehicle manufacturer or licensed motor vehicle dealer to the
26 first user; and

27 (7) Historic motor vehicles registered pursuant to section

1 301.131, RSMo.

2 4. The commission may, by rule, allow inspection
3 reciprocity with other states having equivalent or more stringent
4 testing and waiver requirements than those established pursuant
5 to sections 643.300 to 643.355.

6 5. (1) At the time of sale, a licensed motor vehicle
7 dealer, as defined in section 301.550, RSMo, may choose to sell a
8 motor vehicle subject to the inspection requirements of sections
9 643.300 to 643.355 either:

10 (a) With prior inspection and approval as provided in
11 subdivision (2) of this subsection; or

12 (b) Without prior inspection and approval as provided in
13 subdivision (3) of this subsection.

14 (2) If the dealer chooses to sell the vehicle with prior
15 inspection and approval, the dealer shall disclose, in writing,
16 prior to sale, whether the vehicle obtained approval by meeting
17 the emissions standards established pursuant to sections 643.300
18 to 643.355 or by obtaining a waiver pursuant to section 643.335.
19 A vehicle sold pursuant to this subdivision by a licensed motor
20 vehicle dealer shall be inspected and approved within the one
21 hundred twenty days immediately preceding the date of sale, and,
22 for the purpose of registration of such vehicle, such inspection
23 shall be considered timely.

24 (3) If the dealer chooses to sell the vehicle without prior
25 inspection and approval, the purchaser may return the vehicle
26 within ten days of the date of purchase, provided that the
27 vehicle has no more than one thousand additional miles since the

1 time of sale, if the vehicle fails, upon inspection, to meet the
2 emissions standards specified by the commission and the dealer
3 shall have the vehicle inspected and approved without the option
4 for a waiver of the emissions standard and return the vehicle to
5 the purchaser with a valid emissions certificate and sticker
6 within five working days or the purchaser and dealer may enter
7 into any other mutually acceptable agreement. If the dealer
8 chooses to sell the vehicle without prior inspection and
9 approval, the dealer shall disclose conspicuously on the sales
10 contract and bill of sale that the purchaser has the option to
11 return the vehicle within ten days, provided that the vehicle has
12 no more than one thousand additional miles since the time of
13 sale, to have the dealer repair the vehicle and provide an
14 emissions certificate and sticker within five working days if the
15 vehicle fails, upon inspection, to meet the emissions standards
16 established by the commission, or enter into any mutually
17 acceptable agreement with the dealer. A violation of this
18 subdivision shall be an unlawful practice as defined in section
19 407.020, RSMo. No emissions inspection shall be required
20 pursuant to sections 643.300 to 643.360 for the sale of any motor
21 vehicle which may be sold without a certificate of inspection and
22 approval, as provided pursuant to subsection 2 of section
23 307.380, RSMo.

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

28 Section 2. The portion of U.S. 71 from Iris road to state

1 highway 86 in Newton county shall be designated the "James W.
2 Minton, Jr. Memorial Highway".

3 [190.044. 1. No taxpayer shall be required to
4 pay property taxes for ground ambulance service to both
5 an ambulance district and a fire protection district or
6 two ambulance districts which operate a ground
7 ambulance service, unless reaffirmed and authorized
8 pursuant to this section. In the event that a taxpayer
9 in a third class county is paying taxes to both
10 entities to provide ground ambulance service, any
11 taxpayer residing in the area subject to the double tax
12 may file a petition with the county clerk in which the
13 area, or greatest part thereof, is situated requesting
14 that the double tax be eliminated and that the area
15 only pay a tax to one entity.

16 2. Upon receipt of such petition, the county
17 clerk shall determine the area taxed by two such
18 entities and place the question before the voters of
19 such area at the next state or municipal election. The
20 petition shall request that the following question be
21 submitted to the voters residing within the geographic
22 limits of the area:

23
24 The (description of area) is
25 currently paying a tax to provide ambulance service to
26 the (name of entity created first)
27 and the (name of entity created
28 second).

29
30 As a result, choose only one of the following districts
31 to provide ambulance service and taxation:

32
33 (name of entity created first)
34 (name of entity created second).

35
36 3. The entity receiving the most votes shall be
37 declared as the single taxing entity for the area in
38 question. The taxpayers within the area shall
39 thereafter only pay one tax to the single taxing entity
40 following a three-year period, over which the tax rate
41 levied and collected shall be decreased by one-third
42 each year until such tax is no longer levied or
43 collected by the entity not chosen to provide service.

44 4. All costs incurred by the county clerk as a
45 result of this section, including election costs, shall

1 be paid by the entity not chosen to provide service.

2 5. The boundaries and service area of the entities
3 providing ambulance service will reflect the change as
4 determined by the election.]

5 [190.050. 1. After the ambulance district has
6 been declared organized, the declaring county
7 commission, except in counties of the second class
8 having more than one hundred five thousand inhabitants
9 located adjacent to a county of the first class having
10 a charter form of government which has a population of
11 over nine hundred thousand inhabitants, shall divide
12 the district into six election districts as equal in
13 population as possible, and shall by lot number the
14 districts from one to six inclusive. The county
15 commission shall cause an election to be held in the
16 ambulance district within ninety days after the order
17 establishing the ambulance district to elect ambulance
18 district directors. Each voter shall vote for one
19 director from the ambulance election district in which
20 the voter resides. The directors elected from
21 districts one and four shall serve for a term of one
22 year, the directors elected from districts two and five
23 shall serve for a term of two years, and the directors
24 from districts three and six shall serve for a term of
25 three years; thereafter, the terms of all directors
26 shall be three years. All directors shall serve the
27 term to which they were elected or appointed, and until
28 their successors are elected and qualified, except in
29 cases of resignation or disqualification. The county
30 commission shall reapportion the ambulance districts
31 within sixty days after the population of the county is
32 reported to the governor for each decennial census of
33 the United States. Notwithstanding any other provision
34 of law, if the number of candidates for the office of
35 director is no greater than the number of directors to
36 be elected, no election shall be held, and the
37 candidates shall assume the responsibilities of their
38 offices at the same time and in the same manner as if
39 they have been elected.

40 2. In all counties of the second class having
41 more than one hundred five thousand inhabitants located
42 adjacent to a county of the first class having a
43 charter form of government which has a population of
44 over nine hundred thousand inhabitants, the voters
45 shall vote for six directors elected at large from
46 within the district for a term of three years. Those
47 directors holding office in any district in such a
48 county on August 13, 1976, shall continue to hold
49 office until the expiration of their terms, and their
50 successors shall be elected from the district at large

1 for a term of three years. In any district formed in
2 such counties after August 13, 1976, the governing body
3 of the county shall cause an election to be held in
4 that district within ninety days after the order
5 establishing the ambulance district to elect ambulance
6 district directors. Each voter shall vote for six
7 directors. The two candidates receiving the highest
8 number of votes at such election shall be elected for a
9 term of three years, the two candidates receiving the
10 third and fourth highest number of votes shall be
11 elected for a term of two years, the two candidates
12 receiving the fifth and sixth highest number of votes
13 shall be elected for a term of one year; thereafter,
14 the term of all directors shall be three years.

15 3. A candidate for director of the ambulance
16 district shall, at the time of filing, be a citizen of
17 the United States, a qualified voter of the election
18 district as provided in subsection 1 of this section, a
19 resident of the district for two years next preceding
20 the election, and shall be at least twenty-four years
21 of age. In an established district which is located
22 within the jurisdiction of more than one election
23 authority, the candidate shall file his or her
24 declaration of candidacy with the secretary of the
25 board. In all other districts, a candidate shall file
26 a declaration of candidacy with the county clerk of the
27 county in which he or she resides. A candidate shall
28 file a statement under oath that he or she possesses
29 the required qualifications. No candidate's name shall
30 be printed on any official ballot unless the candidate
31 has filed a written declaration of candidacy pursuant
32 to subsection 5 of section 115.127, RSMo. If the time
33 between the county commission's call for a special
34 election and the date of the election is not sufficient
35 to allow compliance with subsection 5 of section
36 115.127, RSMo, the county commission shall, at the time
37 it calls the special election, set the closing date for
38 filing declarations of candidacy.]

39
40 [190.051. 1. Notwithstanding the provisions of
41 sections 190.050 and 190.052 to the contrary, upon a
42 motion by the board of directors in districts where
43 there are six-member boards, and upon approval by the
44 voters in the district, the number of directors may be
45 increased to seven with one board member running
46 district wide, or decreased to five or three board
47 members. The ballot to be used for the approval of the
48 voters to increase or decrease the number of members on
49 the board of directors of the ambulance district shall
50 be substantially in the following form:

1 Shall the number of members of the board of
2 directors of the (Insert name of
3 district) Ambulance District be (increased to seven
4 members/decreased to five members/decreased to three
5 members)?

6 YES NO

7 2. If a majority of the voters voting on a
8 proposition to increase the number of board members to
9 seven vote in favor of the proposition, then at the
10 next election of board members after the voters vote to
11 increase the number of directors, the voters shall
12 select one person to serve in addition to the existing
13 six directors as the member who shall run district
14 wide.

15 3. If a majority of the voters voting on a
16 proposition to decrease the number of board members
17 vote in favor of the proposition, then the county clerk
18 shall redraw the district into the resulting number of
19 subdistricts with equal population bases and hold
20 elections by subdistricts pursuant to section 190.050.
21 Thereafter, members of the board shall be elected to
22 serve terms of three years and until their successors
23 are duly elected and qualified.

24 4. Members of the board of directors in office on
25 the date of an election pursuant to this section to
26 increase or decrease the number of members of the board
27 of directors shall serve the term to which they were
28 elected or appointed and until their successors are
29 elected and qualified.]

30
31 [190.092. 1. A person or entity who acquires an
32 automated external defibrillator shall ensure that:

33 (1) Expected defibrillator users receive training
34 by the American Red Cross or American Heart Association
35 in cardiopulmonary resuscitation and the use of
36 automated external defibrillators, or an equivalent
37 nationally recognized course in defibrillator use and
38 cardiopulmonary resuscitation;

39 (2) The defibrillator is maintained and tested
40 according to the manufacturer's operational guidelines;

41 (3) Any person who renders emergency care or
42 treatment on a person in cardiac arrest by using an
43 automated external defibrillator activates the
44 emergency medical services system as soon as possible;
45 and

46 (4) Any person or entity that owns an automated
47 external defibrillator that is for use outside of a

1 health care facility shall have a physician review and
2 approve the clinical protocol for the use of the
3 defibrillator, review and advise regarding the training
4 and skill maintenance of the intended users of the
5 defibrillator and assure proper review of all
6 situations when the defibrillator is used to render
7 emergency care.

8 2. Any person or entity who acquires an automated
9 external defibrillator shall notify the emergency
10 communications district or the ambulance dispatch
11 center of the primary provider of emergency medical
12 services where the automated external defibrillator is
13 to be located.

14 3. Any person who has had appropriate training,
15 including a course in cardiopulmonary resuscitation,
16 has demonstrated a proficiency in the use of an
17 automated external defibrillator, and who gratuitously
18 and in good faith renders emergency care when medically
19 appropriate by use of or provision of an automated
20 external defibrillator, without objection of the
21 injured victim or victims thereof, shall not be held
22 liable for any civil damages as a result of such care
23 or treatment, where the person acts as an ordinarily
24 reasonable, prudent person, or with regard to a health
25 care professional, including the licensed physician who
26 reviews and approves the clinical protocol, as a
27 reasonably prudent and careful health care provider
28 would have acted, under the same or similar
29 circumstances. Nothing in this section shall affect
30 any claims brought pursuant to chapter 537 or 538,
31 RSMo.]

32
33 [190.094. In any county of the second
34 classification containing part of a city which is
35 located in four counties and any county bordering said
36 county on the east and south and in any county of the
37 third classification with a population of at least
38 eight thousand four hundred but less than eight
39 thousand five hundred inhabitants containing part of a
40 lake of nine hundred fifty-eight miles of shoreline but
41 less than one thousand miles of shoreline each
42 ambulance, when in use as an ambulance, shall be
43 staffed with a minimum of one emergency medical
44 technician and one other crew member as set forth in
45 rules adopted by the department. When transporting a
46 patient, at least one licensed emergency medical
47 technician, registered nurse or physician shall be in
48 attendance with the patient in the patient compartment
49 at all times.]

1
2 [190.101. 1. There is hereby established a
3 "State Advisory Council on Emergency Medical Services"
4 which shall consist of sixteen members, one of which
5 shall be a resident of a city not within a county. The
6 members of the council shall be appointed by the
7 governor with the advice and consent of the senate and
8 shall serve terms of four years. The governor shall
9 designate one of the members as chairperson. The
10 chairperson may appoint subcommittees that include
11 noncouncil members.

12 2. The state EMS medical directors advisory
13 committee and the regional EMS advisory committees will
14 be recognized as subcommittees of the state advisory
15 council on emergency medical services.

16 3. The council shall have geographical
17 representation and representation from appropriate
18 areas of expertise in emergency medical services
19 including volunteers, professional organizations
20 involved in emergency medical services, EMT's,
21 paramedics, nurses, firefighters, physicians, ambulance
22 service administrators, hospital administrators and
23 other health care providers concerned with emergency
24 medical services. The regional EMS advisory committees
25 shall serve as a resource for the identification of
26 potential members of the state advisory council on
27 emergency medical services.

28 4. The members of the council and subcommittees
29 shall serve without compensation except that members of
30 the council shall, subject to appropriations, be
31 reimbursed for reasonable travel expenses and meeting
32 expenses related to the functions of the council.

33 5. The purpose of the council is to make
34 recommendations to the governor, the general assembly,
35 and the department on policies, plans, procedures and
36 proposed regulations on how to improve the statewide
37 emergency medical services system. The council shall
38 advise the governor, the general assembly, and the
39 department on all aspects of the emergency medical
40 services system.]

41
42 [190.105. 1. No person, either as owner, agent
43 or otherwise, shall furnish, operate, conduct,
44 maintain, advertise, or otherwise be engaged in or
45 profess to be engaged in the business or service of the
46 transportation of patients by ambulance in the air,
47 upon the streets, alleys, or any public way or place of
48 the state of Missouri unless such person holds a

1 currently valid license from the department for an
2 ambulance service issued pursuant to the provisions of
3 sections 190.001 to 190.245.

4 2. No ground ambulance shall be operated for
5 ambulance purposes, and no individual shall drive,
6 attend or permit it to be operated for such purposes in
7 the state of Missouri unless the ground ambulance is
8 under the immediate supervision and direction of a
9 person who is holding a currently valid Missouri
10 license as an emergency medical technician. Nothing in
11 this section shall be construed to mean that a duly
12 registered nurse or a duly licensed physician be
13 required to hold an emergency medical technician's
14 license. Each ambulance service is responsible for
15 assuring that any person driving its ambulance is
16 competent in emergency vehicle operations and has a
17 safe driving record. Each ground ambulance shall be
18 staffed with at least two licensed individuals when
19 transporting a patient, except as provided in section
20 190.094.

21 3. No license shall be required for an ambulance
22 service, or for the attendant of an ambulance, which:

23 (1) Is rendering assistance in the case of an
24 emergency, major catastrophe or any other unforeseen
25 event or series of events which jeopardizes the ability
26 of the local ambulance service to promptly respond to
27 emergencies; or

28 (2) Is operated from a location or headquarters
29 outside of Missouri in order to transport patients who
30 are picked up beyond the limits of Missouri to
31 locations within or outside of Missouri, but no such
32 outside ambulance shall be used to pick up patients
33 within Missouri for transportation to locations within
34 Missouri, except as provided in subdivision (1) of this
35 subsection.

36 4. The issuance of a license pursuant to the
37 provisions of sections 190.001 to 190.245 shall not be
38 construed so as to authorize any person to provide
39 ambulance services or to operate any ambulances without
40 a franchise in any city not within a county or in a
41 political subdivision in any county with a population
42 of over nine hundred thousand inhabitants, or a
43 franchise, contract or mutual-aid agreement in any
44 other political subdivision which has enacted an
45 ordinance making it unlawful to do so.

46 5. Sections 190.001 to 190.245 shall not preclude
47 the adoption of any law, ordinance or regulation not in
48 conflict with such sections by any city not within a
49 county, or at least as strict as such sections by any

1 county, municipality or political subdivision except
2 that no such regulations or ordinances shall be adopted
3 by a political subdivision in a county with a
4 population of over nine hundred thousand inhabitants
5 except by the county's governing body.

6 6. In a county with a population of over nine
7 hundred thousand inhabitants, the governing body of the
8 county shall set the standards for all ambulance
9 services which shall comply with subsection 5 of this
10 section. All such ambulance services must be licensed
11 by the department. The governing body of such county
12 shall not prohibit a licensed ambulance service from
13 operating in the county, as long as the ambulance
14 service meets county standards.

15 7. An ambulance service or vehicle when operated
16 for the purpose of transporting persons who are sick,
17 injured, or otherwise incapacitated shall not be
18 treated as a common or contract carrier under the
19 jurisdiction of the Missouri division of motor carrier
20 and railroad safety.

21 8. Sections 190.001 to 190.245 shall not apply
22 to, nor be construed to include, any motor vehicle used
23 by an employer for the transportation of such
24 employer's employees whose illness or injury occurs on
25 private property, and not on a public highway or
26 property, nor to any person operating such a motor
27 vehicle.

28 9. A political subdivision that is authorized to
29 operate a licensed ambulance service may establish,
30 operate, maintain and manage its ambulance service, and
31 select and contract with a licensed ambulance service.
32 Any political subdivision may contract with a licensed
33 ambulance service.

34 10. Except as provided in subsections 5 and 6,
35 nothing in section 67.300, RSMo, or subsection 2 of
36 section 190.109, shall be construed to authorize any
37 municipality or county which is located within an
38 ambulance district or a fire protection district that
39 is authorized to provide ambulance service to
40 promulgate laws, ordinances or regulations related to
41 the provision of ambulance services. This provision
42 shall not apply to any municipality or county which
43 operates an ambulance service established prior to
44 August 28, 1998.

45 11. Nothing in section 67.300, RSMo, or
46 subsection 2 of section 190.109 shall be construed to
47 authorize any municipality or county which is located
48 within an ambulance district or a fire protection
49 district that is authorized to provide ambulance

1 service to operate an ambulance service without a
2 franchise in an ambulance district or a fire protection
3 district that is authorized to provide ambulance
4 service which has enacted an ordinance making it
5 unlawful to do so. This provision shall not apply to
6 any municipality or county which operates an ambulance
7 service established prior to August 28, 1998.

8 12. No provider of ambulance service within the
9 state of Missouri which is licensed by the department
10 to provide such service shall discriminate regarding
11 treatment or transportation of emergency patients on
12 the basis of race, sex, age, color, religion, sexual
13 preference, national origin, ancestry, handicap,
14 medical condition or ability to pay.

15 13. No provision of this section, other than
16 subsections 5, 6, 10 and 11 of this section, is
17 intended to limit or supersede the powers given to
18 ambulance districts pursuant to this chapter or to fire
19 protection districts pursuant to chapter 321, RSMo, or
20 to counties, cities, towns and villages pursuant to
21 chapter 67, RSMo.

22 14. Upon the sale or transfer of any ground
23 ambulance service ownership, the owner of such service
24 shall notify the department of the change in ownership
25 within thirty days of such sale or transfer. After
26 receipt of such notice, the department shall conduct an
27 inspection of the ambulance service to verify
28 compliance with the licensure standards of sections
29 190.001 to 190.245.]

30
31 [190.108. 1. The department shall, within a
32 reasonable time after receipt of an application, cause
33 such investigation as the department deems necessary to
34 be made of the applicant for an air ambulance license.

35 2. The department shall have the authority and
36 responsibility to license an air ambulance service in
37 accordance with sections 190.001 to 190.245, and in
38 accordance with rules adopted by the department
39 pursuant to sections 190.001 to 190.245. The
40 department may promulgate rules relating to the
41 requirements for an air ambulance license including,
42 but not limited to:

- 43 (1) Medical control plans;
- 44 (2) Medical director qualifications;
- 45 (3) Air medical staff qualifications;
- 46 (4) Response and operations standards to assure
47 that the health and safety needs of the public are met;

- 1 (5) Standards for air medical communications;
- 2 (6) Criteria for compliance with licensure
- 3 requirements;
- 4 (7) Records and forms;
- 5 (8) Equipment requirements;
- 6 (9) Five-year license renewal;
- 7 (10) Quality improvement committees; and
- 8 (11) Response time, patient care and
- 9 transportation standards.

10 3. Application for an air ambulance service
11 license shall be made upon such forms as prescribed by
12 the department in rules adopted pursuant to sections
13 190.001 to 190.245. The application form shall contain
14 such information as the department deems necessary to
15 make a determination as to whether the air ambulance
16 service meets all the requirements of sections 190.001
17 to 190.245 and rules promulgated pursuant to sections
18 190.001 to 190.245.

19 4. Upon the sale or transfer of any air ambulance
20 service ownership, the owner of such service shall
21 notify the department of the change in ownership within
22 thirty days of such sale or transfer. After receipt of
23 such notice, the department shall conduct an inspection
24 of the ambulance service to verify compliance with the
25 licensure standards of sections 190.001 to 190.245.]

26
27 [190.109. 1. The department shall, within a
28 reasonable time after receipt of an application, cause
29 such investigation as the department deems necessary to
30 be made of the applicant for a ground ambulance
31 license.

32 2. Any person that owned and operated a licensed
33 ambulance on December 31, 1997, shall receive an
34 ambulance service license from the department, unless
35 suspended, revoked or terminated, for that ambulance
36 service area which was, on December 31, 1997, described
37 and filed with the department as the primary service
38 area for its licensed ambulances on August 28, 1998,
39 provided that the person makes application and adheres
40 to the rules and regulations promulgated by the
41 department pursuant to sections 190.001 to 190.245.

42 3. The department shall issue a new ground
43 ambulance service license to an ambulance service that
44 is not currently licensed by the department, or is
45 currently licensed by the department and is seeking to
46 expand its ambulance service area, except as provided

1 in subsection 4 of this section, to be valid for a
2 period of five years, unless suspended, revoked or
3 terminated, when the director finds that the applicant
4 meets the requirements of ambulance service licensure
5 established pursuant to sections 190.100 to 190.245 and
6 the rules adopted by the department pursuant to
7 sections 190.001 to 190.245. In order to be considered
8 for a new ambulance service license, an ambulance
9 service shall submit to the department a letter of
10 endorsement from each ambulance district or fire
11 protection district that is authorized to provide
12 ambulance service, or from each municipality not within
13 an ambulance district or fire protection district that
14 is authorized to provide ambulance service, in which
15 the ambulance service proposes to operate. If an
16 ambulance service proposes to operate in unincorporated
17 portions of a county not within an ambulance district
18 or fire protection district that is authorized to
19 provide ambulance service, in order to be considered
20 for a new ambulance service license, the ambulance
21 service shall submit to the department a letter of
22 endorsement from the county. Any letter of endorsement
23 required pursuant to this section shall verify that the
24 political subdivision has conducted a public hearing
25 regarding the endorsement and that the governing body
26 of the political subdivision has adopted a resolution
27 approving the endorsement. The letter of endorsement
28 shall affirmatively state that the proposed ambulance
29 service:

30 (1) Will provide a benefit to public health that
31 outweighs the associated costs;

32 (2) Will maintain or enhance the public's access
33 to ambulance services;

34 (3) Will maintain or improve the public health
35 and promote the continued development of the regional
36 emergency medical service system;

37 (4) Has demonstrated the appropriate expertise in
38 the operation of ambulance services; and

39 (5) Has demonstrated the financial resources
40 necessary for the operation of the proposed ambulance
41 service.

42 4. A contract between a political subdivision and
43 a licensed ambulance service for the provision of
44 ambulance services for that political subdivision shall
45 expand, without further action by the department, the
46 ambulance service area of the licensed ambulance
47 service to include the jurisdictional boundaries of the
48 political subdivision. The termination of the
49 aforementioned contract shall result in a reduction of

1 the licensed ambulance service's ambulance service area
2 by removing the geographic area of the political
3 subdivision from its ambulance service area, except
4 that licensed ambulance service providers may provide
5 ambulance services as are needed at and around the
6 state fair grounds for protection of attendees at the
7 state fair.

8 5. The department shall renew a ground ambulance
9 service license if the applicant meets the requirements
10 established pursuant to sections 190.001 to 190.245,
11 and the rules adopted by the department pursuant to
12 sections 190.001 to 190.245.

13 6. The department shall promulgate rules relating
14 to the requirements for a ground ambulance service
15 license including, but not limited to:

16 (1) Vehicle design, specification, operation and
17 maintenance standards;

18 (2) Equipment requirements;

19 (3) Staffing requirements;

20 (4) Five-year license renewal;

21 (5) Records and forms;

22 (6) Medical control plans;

23 (7) Medical director qualifications;

24 (8) Standards for medical communications;

25 (9) Memorandums of understanding with emergency
26 medical response agencies that provide advanced life
27 support;

28 (10) Quality improvement committees; and

29 (11) Response time, patient care and
30 transportation standards.

31 7. Application for a ground ambulance service
32 license shall be made upon such forms as prescribed by
33 the department in rules adopted pursuant to sections
34 190.001 to 190.245. The application form shall contain
35 such information as the department deems necessary to
36 make a determination as to whether the ground ambulance
37 service meets all the requirements of sections 190.001
38 to 190.245 and rules promulgated pursuant to sections
39 190.001 to 190.245.]

40
41 [190.120. 1. No ambulance service license shall
42 be issued pursuant to sections 190.001 to 190.245, nor
43 shall such license be valid after issuance, nor shall
44 any ambulance be operated in Missouri unless there is
45 at all times in force and effect insurance coverage or

1 proof of financial responsibility with adequate
2 reserves maintained for each and every ambulance owned
3 or operated by or for the applicant or licensee to
4 provide for the payment of damages in an amount as
5 prescribed in regulation:

6 (1) For injury to or death of individuals in
7 accidents resulting from any cause for which the owner
8 of such vehicle would be liable on account of liability
9 imposed on him or her by law, regardless of whether the
10 ambulance was being driven by the owner or the owner's
11 agent; and

12 (2) For the loss of or damage to the property of
13 another, including personal property, under like
14 circumstances.

15 2. The insurance policy or proof of financial
16 responsibility shall be submitted by all licensees
17 required to provide such insurance pursuant to sections
18 190.001 to 190.245. The insurance policy, or proof of
19 the existence of financial responsibility, shall be
20 submitted to the director, in such form as the director
21 may specify, for the director's approval prior to the
22 issuance of each ambulance service license.

23 3. Every insurance policy or proof of financial
24 responsibility document required by the provisions of
25 this section shall contain proof of a provision for a
26 continuing liability thereunder to the full amount
27 thereof, notwithstanding any recovery thereon; that the
28 liability of the insurer shall not be affected by the
29 insolvency or the bankruptcy of the assured; and that
30 until the policy is revoked the insurance company or
31 self-insured licensee or entity will not be relieved
32 from liability on account of nonpayment of premium,
33 failure to renew license at the end of the year, or any
34 act or omission of the named assured. Such policy of
35 insurance or self-insurance shall be further
36 conditioned for the payment of any judgments up to the
37 limits of such policy, recovered against any person
38 other than the owner, the owner's agent or employee,
39 who may operate the same with the consent of the owner.
40

41 4. Every insurance policy or self-insured
42 licensee or entity as required by the provisions of
43 this section shall extend for the period to be covered
44 by the license applied for and the insurer shall be
45 obligated to give not less than thirty days' written
46 notice to the director and to the insured before any
47 cancellation or termination thereof earlier than its
48 expiration date, and the cancellation or other
49 termination of any such policy shall automatically

1 revoke and terminate the licenses issued for the
2 ambulance service covered by such policy unless covered
3 by another insurance policy in compliance with sections
4 190.001 to 190.245.]

5
6 [190.131. 1. The department shall accredit or
7 certify training entities for first responders,
8 emergency medical dispatchers, emergency medical
9 technicians-basic, emergency medical
10 technicians-intermediate, and emergency medical
11 technicians-paramedic, for a period of five years, if
12 the applicant meets the requirements established
13 pursuant to sections 190.001 to 190.245.

14 2. Such rules promulgated by the department shall
15 set forth the minimum requirements for entrance
16 criteria, training program curricula, instructors,
17 facilities, equipment, medical oversight, record
18 keeping, and reporting.

19 3. Application for training entity accreditation
20 or certification shall be made upon such forms as
21 prescribed by the department in rules adopted pursuant
22 to sections 190.001 to 190.245. The application form
23 shall contain such information as the department deems
24 reasonably necessary to make a determination as to
25 whether the training entity meets all requirements of
26 sections 190.001 to 190.245 and rules promulgated
27 pursuant to sections 190.001 to 190.245.

28 4. Upon receipt of such application for training
29 entity accreditation or certification, the department
30 shall determine whether the training entity, its
31 instructors, facilities, equipment, curricula and
32 medical oversight meet the requirements of sections
33 190.001 to 190.245 and rules promulgated pursuant to
34 sections 190.001 to 190.245.

35 5. Upon finding these requirements satisfied, the
36 department shall issue a training entity accreditation
37 or certification in accordance with rules promulgated
38 by the department pursuant to sections 190.001 to
39 190.245.

40 6. Subsequent to the issuance of a training
41 entity accreditation or certification, the department
42 shall cause a periodic review of the training entity to
43 assure continued compliance with the requirements of
44 sections 190.001 to 190.245 and all rules promulgated
45 pursuant to sections 190.001 to 190.245.

46 7. No person or entity shall hold itself out or
47 provide training required by this section without
48 accreditation or certification by the department.]

1
2 [190.133. 1. The department shall, within a
3 reasonable time after receipt of an application, cause
4 such investigation as the department deems necessary to
5 be made of the applicant for an emergency medical
6 response agency license.

7 2. The department shall issue a license to any
8 emergency medical response agency which provides
9 advanced life support if the applicant meets the
10 requirements established pursuant to sections 190.001
11 to 190.245, and the rules adopted by the department
12 pursuant to sections 190.001 to 190.245. The
13 department may promulgate rules relating to the
14 requirements for an emergency medical response agency
15 including, but not limited to:

- 16 (1) A licensure period of five years;
17 (2) Medical direction;
18 (3) Records and forms; and
19 (4) Memorandum of understanding with local
20 ambulance services.

21 3. Application for an emergency medical response
22 agency license shall be made upon such forms as
23 prescribed by the department in rules adopted pursuant
24 to sections 190.001 to 190.245. The application form
25 shall contain such information as the department deems
26 necessary to make a determination as to whether the
27 emergency medical response agency meets all the
28 requirements of sections 190.001 to 190.245 and rules
29 promulgated pursuant to sections 190.001 to 190.245.

30 4. No person or entity shall hold itself out as
31 an emergency medical response agency that provides
32 advanced life support or provide the services of an
33 emergency medical response agency that provides
34 advanced life support unless such person or entity is
35 licensed by the department.

36 5. Only emergency medical response agencies
37 licensed and serving in any county of the first
38 classification without a charter form of government and
39 with more than one hundred eighty-four thousand but
40 less than one hundred eighty-eight thousand
41 inhabitants, any county with a charter form of
42 government and with more than six hundred thousand but
43 less than seven hundred thousand inhabitants, or any
44 county of the first classification with more than
45 seventy-three thousand seven hundred but less than
46 seventy-three thousand eight hundred inhabitants will
47 be licensed to provide certain ALS services with the

1 services of EMT-Is.

2 6. Emergency medical response agencies
3 functioning with the services of EMT-Is must work in
4 collaboration with an ambulance service providing
5 advanced life support with personnel trained to the
6 emergency medical technician-paramedic level.]

7
8 [190.142. 1. The department shall, within a
9 reasonable time after receipt of an application, cause
10 such investigation as it deems necessary to be made of
11 the applicant for an emergency medical technician's
12 license. The director may authorize investigations
13 into criminal records in other states for any
14 applicant.

15 2. The department shall issue a license to all
16 levels of emergency medical technicians, for a period
17 of five years, if the applicant meets the requirements
18 established pursuant to sections 190.001 to 190.245 and
19 the rules adopted by the department pursuant to
20 sections 190.001 to 190.245. The department may
21 promulgate rules relating to the requirements for an
22 emergency medical technician including but not limited
23 to:

24 (1) Age requirements;

25 (2) Education and training requirements based on
26 respective national curricula of the United States
27 Department of Transportation and any modification to
28 such curricula specified by the department through
29 rules adopted pursuant to sections 190.001 to 190.245;

30 (3) Initial licensure testing requirements;

31 (4) Continuing education and relicensure
32 requirements; and

33 (5) Ability to speak, read and write the English
34 language.

35 3. Application for all levels of emergency
36 medical technician license shall be made upon such
37 forms as prescribed by the department in rules adopted
38 pursuant to sections 190.001 to 190.245. The
39 application form shall contain such information as the
40 department deems necessary to make a determination as
41 to whether the emergency medical technician meets all
42 the requirements of sections 190.001 to 190.245 and
43 rules promulgated pursuant to sections 190.001 to
44 190.245.

45 4. All levels of emergency medical technicians
46 may perform only that patient care which is:

1 (1) Consistent with the training, education and
2 experience of the particular emergency medical
3 technician; and

4 (2) Ordered by a physician or set forth in
5 protocols approved by the medical director.

6 5. No person shall hold themselves out as an
7 emergency medical technician or provide the services of
8 an emergency medical technician unless such person is
9 licensed by the department.

10 6. Any rule or portion of a rule, as that term is
11 defined in section 536.010, RSMo, that is created under
12 the authority delegated in this section shall become
13 effective only if it complies with and is subject to
14 all of the provisions of chapter 536, RSMo, and, if
15 applicable, section 536.028, RSMo. This section and
16 chapter 536, RSMo, are nonseverable and if any of the
17 powers vested with the general assembly pursuant to
18 chapter 536, RSMo, to review, to delay the effective
19 date or to disapprove and annul a rule are subsequently
20 held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August
22 28, 2002, shall be invalid and void.]

23
24 [190.143. 1. Notwithstanding any other
25 provisions of law, the department may grant a
26 ninety-day temporary emergency medical technician
27 license to all levels of emergency medical technicians
28 who meet the following:

29 (1) Can demonstrate that they have, or will have,
30 employment requiring an emergency medical technician
31 license;

32 (2) Are not currently licensed as an emergency
33 medical technician in Missouri or have been licensed as
34 an emergency medical technician in Missouri and
35 fingerprints need to be submitted to the Federal Bureau
36 of Investigation to verify the existence or absence of
37 a criminal history, or they are currently licensed and
38 the license will expire before a verification can be
39 completed of the existence or absence of a criminal
40 history;

41 (3) Have submitted a complete application upon
42 such forms as prescribed by the department in rules
43 adopted pursuant to sections 190.001 to 190.245;

44 (4) Have not been disciplined pursuant to
45 sections 190.001 to 190.245 and rules promulgated
46 pursuant to sections 190.001 to 190.245;

47 (5) Meet all the requirements of rules

1 promulgated pursuant to sections 190.001 to 190.245.

2 2. A temporary emergency medical technician
3 license shall only authorize the license to practice
4 while under the immediate supervision of a licensed
5 emergency medical technician-basic, emergency medical
6 technician-paramedic, registered nurse or physician who
7 is currently licensed, without restrictions, to
8 practice in Missouri.

9 3. A temporary emergency medical technician
10 license shall automatically expire either ninety days
11 from the date of issuance or upon the issuance of a
12 five-year emergency medical technician license.]

13
14 [190.146. Any licensee allowing a license to
15 lapse may within two years of the lapse request that
16 their license be returned to active status by notifying
17 the department in advance of such intention, and submit
18 a complete application upon such forms as prescribed by
19 the department in rules adopted pursuant to sections
20 190.001 to 190.245. If the licensee meets all the
21 requirements for relicensure, the department shall
22 issue a new emergency medical technician license to the
23 licensee.]

24
25 [190.160. The renewal of any license shall
26 require conformance with sections 190.001 to 190.245
27 and sections 190.525 to 190.537, and rules adopted by
28 the department pursuant to sections 190.001 to 190.245
29 and sections 190.525 to 190.537.]

30
31 [190.165. 1. The department may refuse to issue
32 or deny renewal of any certificate, permit or license
33 required pursuant to sections 190.100 to 190.245 for
34 failure to comply with the provisions of sections
35 190.100 to 190.245 or any lawful regulations
36 promulgated by the department to implement its
37 provisions as described in subsection 2 of this
38 section. The department shall notify the applicant in
39 writing of the reasons for the refusal and shall advise
40 the applicant of his or her right to file a complaint
41 with the administrative hearing commission as provided
42 by chapter 621, RSMo.

43 2. The department may cause a complaint to be
44 filed with the administrative hearing commission as
45 provided by chapter 621, RSMo, against any holder of
46 any certificate, permit or license required by sections
47 190.100 to 190.245 or any person who has failed to

1 renew or has surrendered his or her certificate, permit
2 or license for failure to comply with the provisions of
3 sections 190.100 to 190.245 or any lawful regulations
4 promulgated by the department to implement such
5 sections. Those regulations shall be limited to the
6 following:

7 (1) Use or unlawful possession of any controlled
8 substance, as defined in chapter 195, RSMo, or
9 alcoholic beverage to an extent that such use impairs a
10 person's ability to perform the work of any activity
11 licensed or regulated by sections 190.100 to 190.245;

12 (2) Being finally adjudicated and found guilty,
13 or having entered a plea of guilty or nolo contendere,
14 in a criminal prosecution under the laws of any state
15 or of the United States, for any offense reasonably
16 related to the qualifications, functions or duties of
17 any activity licensed or regulated pursuant to sections
18 190.100 to 190.245, for any offense an essential
19 element of which is fraud, dishonesty or an act of
20 violence, or for any offense involving moral turpitude,
21 whether or not sentence is imposed;

22 (3) Use of fraud, deception, misrepresentation or
23 bribery in securing any certificate, permit or license
24 issued pursuant to sections 190.100 to 190.245 or in
25 obtaining permission to take any examination given or
26 required pursuant to sections 190.100 to 190.245;

27 (4) Obtaining or attempting to obtain any fee,
28 charge, tuition or other compensation by fraud,
29 deception or misrepresentation;

30 (5) Incompetency, misconduct, gross negligence,
31 fraud, misrepresentation or dishonesty in the
32 performance of the functions or duties of any activity
33 licensed or regulated by sections 190.100 to 190.245;

34 (6) Violation of, or assisting or enabling any
35 person to violate, any provision of sections 190.100 to
36 190.245, or of any lawful rule or regulation adopted by
37 the department pursuant to sections 190.100 to 190.245;

38 (7) Impersonation of any person holding a
39 certificate, permit or license or allowing any person
40 to use his or her certificate, permit, license or
41 diploma from any school;

42 (8) Disciplinary action against the holder of a
43 license or other right to practice any activity
44 regulated by sections 190.100 to 190.245 granted by
45 another state, territory, federal agency or country
46 upon grounds for which revocation or suspension is
47 authorized in this state;

1 (9) For an individual being finally adjudged
2 insane or incompetent by a court of competent
3 jurisdiction;

4 (10) Assisting or enabling any person to practice
5 or offer to practice any activity licensed or regulated
6 by sections 190.100 to 190.245 who is not licensed and
7 currently eligible to practice pursuant to sections
8 190.100 to 190.245;

9 (11) Issuance of a certificate, permit or license
10 based upon a material mistake of fact;

11 (12) Violation of any professional trust or
12 confidence;

13 (13) Use of any advertisement or solicitation
14 which is false, misleading or deceptive to the general
15 public or persons to whom the advertisement or
16 solicitation is primarily directed;

17 (14) Violation of the drug laws or rules and
18 regulations of this state, any other state or the
19 federal government;

20 (15) Refusal of any applicant or licensee to
21 cooperate with the department of health and senior
22 services during any investigation;

23 (16) Any conduct or practice which is or might be
24 harmful or dangerous to the mental or physical health
25 of a patient or the public;

26 (17) Repeated negligence in the performance of
27 the functions or duties of any activity licensed or
28 regulated by sections 190.100 to 190.245.

29 3. After the filing of such complaint, the
30 proceedings shall be conducted in accordance with the
31 provisions of chapter 621, RSMo. Upon a finding by the
32 administrative hearing commission that the grounds,
33 provided in subsection 2 of this section, for
34 disciplinary action are met, the department may, singly
35 or in combination, censure or place the person named in
36 the complaint on probation on such terms and conditions
37 as the department deems appropriate for a period not to
38 exceed five years, or may suspend, for a period not to
39 exceed three years, or revoke the license, certificate
40 or permit.

41 4. An individual whose license has been revoked
42 shall wait one year from the date of revocation to
43 apply for relicensure. Relicensure shall be at the
44 discretion of the department after compliance with all
45 the requirements of sections 190.100 to 190.245
46 relative to the licensing of an applicant for the first
47 time. Any individual whose license has been revoked

1 twice within a ten-year period shall not be eligible
2 for relicensure.

3 5. The department may notify the proper licensing
4 authority of any other state in which the person whose
5 license was suspended or revoked was also licensed of
6 the suspension or revocation.

7 6. Any person, organization, association or
8 corporation who reports or provides information to the
9 department pursuant to the provisions of sections
10 190.100 to 190.245 and who does so in good faith shall
11 not be subject to an action for civil damages as a
12 result thereof.

13 7. The department of health and senior services
14 may suspend any certificate, permit or license required
15 pursuant to sections 190.100 to 190.245 simultaneously
16 with the filing of the complaint with the
17 administrative hearing commission as set forth in
18 subsection 2 of this section, if the department finds
19 that there is an imminent threat to the public health.
20 The notice of suspension shall include the basis of the
21 suspension and notice of the right to appeal such
22 suspension. The licensee may appeal the decision to
23 suspend the license, certificate or permit to the
24 department. The appeal shall be filed within ten days
25 from the date of the filing of the complaint. A
26 hearing shall be conducted by the department within ten
27 days from the date the appeal is filed. The suspension
28 shall continue in effect until the conclusion of the
29 proceedings, including review thereof, unless sooner
30 withdrawn by the department, dissolved by a court of
31 competent jurisdiction or stayed by the administrative
32 hearing commission.]

33
34 [190.171. Any person aggrieved by an official
35 action of the department of health and senior services
36 affecting the licensed status of a person pursuant to
37 the provisions of sections 190.001 to 190.245 and
38 sections 190.525 to 190.537, including the refusal to
39 grant, the grant, the revocation, the suspension, or
40 the failure to renew a license, may seek a
41 determination thereon by the administrative hearing
42 commission pursuant to the provisions of section
43 621.045, RSMo, and it shall not be a condition to such
44 determination that the person aggrieved seek a
45 reconsideration, a rehearing, or exhaust any other
46 procedure within the department of health and senior
47 services or the department of social services.]

1 [190.172. Notwithstanding the provisions of
2 subdivision (3) of subsection 3 of section 621.045,
3 RSMo, to the contrary, if no contested case has been
4 filed against the licensee, the agency shall submit a
5 copy of the settlement agreement signed by all of the
6 parties within fifteen days after signature to the
7 administrative hearing commission for determination
8 that the facts agreed to by the parties to the
9 settlement constitute grounds for denying or
10 disciplining the license of the licensee. Any person
11 who is directly harmed by the specific conduct for
12 which the discipline is sought may submit a written
13 impact statement to the administrative hearing
14 commission for consideration in connection with the
15 commission's review of the settlement agreement.]
16

17 [190.175. 1. Each ambulance service licensee or
18 emergency medical response agency licensee shall
19 maintain accurate records, which contain information
20 concerning the care and, if applicable, the
21 transportation of each patient.

22 2. Records will be retained by the ambulance
23 service licensees and emergency medical response agency
24 licensees for five years, readily available for
25 inspection by the department, notwithstanding transfer,
26 sale or discontinuance of the ambulance services or
27 business.

28 3. A patient care report, approved by the
29 department, shall be completed for each ambulance run
30 on which are entered pertinent remarks by the emergency
31 medical technician, registered nurse or physician and
32 such other items as specified by rules promulgated by
33 the department.

34 4. A written or electronic patient care document
35 shall be completed and given to the ambulance service
36 personnel by the health care facility when a patient is
37 transferred between health care facilities. Such
38 patient care record shall contain such information
39 pertinent to the continued care of the patient as well
40 as the health and safety of the ambulance service
41 personnel during the transport. Nothing in this
42 section shall be construed as to limit the reporting
43 requirements established in federal law relating to the
44 transfer of patients between health care facilities.

45 5. Such records shall be available for inspection
46 by the department at any reasonable time during
47 business hours.]
48

1 [190.185. The department shall adopt, amend,
2 promulgate, and enforce such rules, regulations and
3 standards with respect to the provisions of this
4 chapter as may be designed to further the
5 accomplishment of the purpose of this law in promoting
6 state-of-the-art emergency medical services in the
7 interest of public health, safety and welfare. When
8 promulgating such rules and regulations, the department
9 shall consider the recommendations of the state
10 advisory council on emergency medical services. Any
11 rule or portion of a rule promulgated pursuant to the
12 authority of sections 190.001 to 190.245 or sections
13 190.525 to 190.537 shall become effective only if it
14 complies with and is subject to all of the provisions
15 of chapter 536, RSMo, and, if applicable, section
16 536.028, RSMo. This section and chapter 536, RSMo, are
17 nonseverable and if any of the powers vested with the
18 general assembly pursuant to chapter 536, RSMo, to
19 review, to delay the effective date or to disapprove
20 and annul a rule are subsequently held
21 unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after August
23 28, 2002, shall be invalid and void.]

24
25 [190.196. 1. No employer shall knowingly employ
26 or permit any employee to perform any services for
27 which a license, certificate or other authorization is
28 required by sections 190.001 to 190.245, or by rules
29 adopted pursuant to sections 190.001 to 190.245, unless
30 and until the person so employed possesses all
31 licenses, certificates or authorizations that are
32 required.

33 2. Any person or entity that employs or
34 supervises a person's activities as a first responder,
35 emergency medical dispatcher, emergency medical
36 technician-basic, emergency medical
37 technician-paramedic, registered nurse or physician
38 shall cooperate with the department's efforts to
39 monitor and enforce compliance by those individuals
40 subject to the requirements of sections 190.001 to
41 190.245.

42 3. Any person or entity who employs individuals
43 licensed by the department pursuant to sections 190.001
44 to 190.245 shall report to the department within
45 seventy-two hours of their having knowledge of any
46 charges filed against a licensee in their employ for
47 possible criminal action involving the following felony
48 offenses:

49 (1) Child abuse or sexual abuse of a child;

1 (2) Crimes of violence; or

2 (3) Rape or sexual abuse.

3 4. Any licensee who has charges filed against him
4 or her for the felony offenses in subsection 3 of this
5 section shall report such an occurrence to the
6 department within seventy-two hours of the charges
7 being filed.

8 5. The department will monitor these reports for
9 possible licensure action authorized pursuant to
10 section 190.165.]

11
12 [190.246. 1. As used in this section, the
13 following terms shall mean:

14 (1) "Eligible person, firm, organization or other
15 entity", an ambulance service or emergency medical
16 response agency, a certified first responder, emergency
17 medical technical-basic or emergency medical
18 technician-paramedic who is employed by, or an enrolled
19 member, person, firm, organization or entity designated
20 by, rule of the department of health and senior
21 services in consultation with other appropriate
22 agencies. All such eligible persons, firms,
23 organizations or other entities shall be subject to the
24 rules promulgated by the director of the department of
25 health and senior services;

26 (2) "Emergency health care provider":

27 (a) A physician licensed pursuant to chapter 334,
28 RSMo, with knowledge and experience in the delivery of
29 emergency care; or

30 (b) A hospital licensed pursuant to chapter 197,
31 RSMo, that provides emergency care.

32 2. Possession and use of epinephrine
33 auto-injector devices shall be limited as follows:

34 (1) No person shall use an epinephrine
35 auto-injector device unless such person has
36 successfully completed a training course in the use of
37 epinephrine auto-injector devices approved by the
38 director of the department of health and senior
39 services. Nothing in this section shall prohibit the
40 use of an epinephrine auto-injector device:

41 (a) By a health care professional licensed or
42 certified by this state who is acting within the scope
43 of his or her practice; or

44 (b) By a person acting pursuant to a lawful
45 prescription;

1 (2) Every person, firm, organization and entity
2 authorized to possess and use epinephrine auto-injector
3 devices pursuant to this section shall use, maintain
4 and dispose of such devices in accordance with the
5 rules of the department;

6 (3) Every use of an epinephrine auto-injector
7 device pursuant to this section shall immediately be
8 reported to the emergency health care provider.

9 3. (1) Use of an epinephrine auto-injector
10 device pursuant to this section shall be considered
11 first aid or emergency treatment for the purpose of any
12 law relating to liability.

13 (2) Purchase, acquisition, possession or use of
14 an epinephrine auto-injector device pursuant to this
15 section shall not constitute the unlawful practice of
16 medicine or the unlawful practice of a profession.

17 (3) Any person otherwise authorized to sell or
18 provide an epinephrine auto-injector device may sell or
19 provide it to a person authorized to possess it
20 pursuant to this section.

21 4. Any person, firm, organization or entity that
22 violates the provisions of this section is guilty of a
23 class B misdemeanor.]

24
25 [190.248. 1. All investigations conducted in
26 response to allegations of violations of sections
27 190.001 to 190.245 shall be completed within six months
28 of receipt of the allegation.

29 2. In the course of an investigation the
30 department shall have access to all records directly
31 related to the alleged violations from persons or
32 entities licensed pursuant to this chapter or chapter
33 197 or 198, RSMo.

34 3. Any department investigations that involve
35 other administrative or law enforcement agencies shall
36 be completed within six months of notification and
37 final determination by such administrative or law
38 enforcement agencies.]

39
40 [190.250. 1. As used in this section, the
41 following terms mean:

- 42 (1) "Claim", a claim of a patient for:
43 (a) Damages from a tort-feasor; or
44 (b) Benefits from an insurance carrier;
45 (2) "Insurance carrier", any person, firm,

1 corporation, association or aggregation of persons
2 conducting an insurance business pursuant to chapter
3 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

4 (3) "Patient", any person to whom an ambulance
5 service delivers treatment, care, or transportation for
6 sickness or injury caused by a tort-feasor from whom
7 such person seeks damages or any insurance carrier
8 which has insured such tort-feasor.

9 2. Ambulance services shall have the same rights
10 granted to hospitals in sections 430.230 to 430.250,
11 RSMo.

12 3. If the liens of such ambulance services or
13 hospitals exceed fifty percent of the amount due the
14 patient, every ambulance service or hospital giving
15 notice of its lien, as aforesaid, shall share in up to
16 fifty percent of the net proceeds due the patient, in
17 the proportion that each claim bears to the total
18 amount of all other liens of ambulance services or
19 hospitals. "Net proceeds", as used in this section,
20 means the amount remaining after the payment of
21 contractual attorney fees, if any, and other expenses
22 of recovery.

23 4. In administering the lien of the ambulance
24 service, the insurance carrier may pay the amount due
25 secured by the lien of the ambulance service directly,
26 if the claimant authorizes it and does not challenge
27 the amount of the customary charges or that the
28 treatment provided was for injuries caused by the
29 tort-feasor.

30 5. Any ambulance service electing to receive
31 benefits hereunder releases the claimant from further
32 liability on the cost of the services and treatment
33 provided to that point in time.]

34
35 [191.630. As used in sections 191.630 and
36 191.631, the following terms mean:

37 (1) "Care provider", a person who is employed as
38 an emergency medical care provider, firefighter, or
39 police officer;

40 (2) "Contagious or infectious disease", hepatitis
41 in any form and any other communicable disease as
42 defined in section 192.800, RSMo, except AIDS or HIV
43 infection as defined in section 191.650, determined to
44 be life-threatening to a person exposed to the disease
45 as established by rules adopted by the department, in
46 accordance with guidelines of the Centers for Disease
47 Control and Prevention of the Department of Health and

1 Human Services;

2 (3) "Department", the Missouri department of
3 health and senior services;

4 (4) "Emergency medical care provider", a licensed
5 or certified person trained to provide emergency and
6 nonemergency medical care as a first responder, EMT-B,
7 or EMT-P as defined in section 190.100, RSMo, or other
8 certification or licensure levels adopted by rule of
9 the department;

10 (5) "Exposure", a specific eye, mouth, other
11 mucous membrane, nonintact skin, or parenteral contact
12 with blood or other potentially infectious materials
13 that results from the performance of an employee's
14 duties;

15 (6) "HIV", the same meaning as defined in section
16 191.650;

17 (7) "Hospital", the same meaning as defined in
18 section 197.020, RSMo.]

19
20 [190.525. As used in sections 190.525 to 190.537,
21 the following terms mean:

22 (1) "Department", the department of health and
23 senior services;

24 (2) "Director", the director of the department of
25 health and senior services or the director's duly
26 authorized representative;

27 (3) "Passenger", an individual needing
28 transportation in a supine position who does not
29 require medical monitoring, observation, aid, care or
30 treatment during transportation, with the exception of
31 self-administered oxygen as ordered by a physician
32 during transportation;

33 (4) "Patient", an individual who is sick,
34 injured, wounded, diseased, or otherwise incapacitated
35 or helpless, and who may require medical monitoring,
36 medical observation, aid, care or treatment during
37 transportation, with the exception of self-administered
38 oxygen as ordered by a physician;

39 (5) "Person", any individual, firm, partnership,
40 copartnership, joint venture, association, cooperative
41 organization, corporation, municipal or private, and
42 whether organized for profit or not, state, county,
43 political subdivision, state department, commission,
44 board, bureau or fraternal organization, estate, public
45 trust, business or common law trust, receiver, assignee
46 for the benefit of creditors, trustee or trustee in

1 bankruptcy, or any other service user or provider;

2 (6) "Stretcher van", any vehicle other than an
3 ambulance designed and equipped to transport passengers
4 in a supine position. No such vehicle shall be used to
5 provide medical services;

6 (7) "Stretcher van service", any person or agency
7 that provides stretcher van transportation to
8 passengers who are confined to stretchers and whose
9 conditions are such that they do not need and are not
10 likely to need medical attention during
11 transportation.]

12 [190.528. 1. No person, either as owner, agent
13 or otherwise, shall furnish, operate, conduct,
14 maintain, advertise, or otherwise be engaged in or
15 profess to be engaged in the business or service of the
16 transportation of passengers by stretcher van upon the
17 streets, alleys, or any public way or place of the
18 state of Missouri unless such person holds a currently
19 valid license from the department for a stretcher van
20 service issued pursuant to the provisions of sections
21 190.525 to 190.537 notwithstanding any provisions of
22 chapter 390 or 622, RSMo, to the contrary.

23 2. Subsection 1 of this section shall not
24 preclude any political subdivision that is authorized
25 to operate a licensed ambulance service from adopting
26 any law, ordinance or regulation governing the
27 operation of stretcher vans that is at least as strict
28 as the minimum state standards, and no such regulations
29 or ordinances shall prohibit stretcher van services
30 that were legally picking up passengers within a
31 political subdivision prior to January 1, 2002, from
32 continuing to operate within that political subdivision
33 and no political subdivision which did not regulate or
34 prohibit stretcher van services as of January 1, 2002,
35 shall implement unreasonable regulations or ordinances
36 to prevent the establishment and operation of such
37 services.

38 3. In any county with a charter form of
39 government and with more than one million inhabitants,
40 the governing body of the county shall set reasonable
41 standards for all stretcher van services which shall
42 comply with subsection 2 of this section. All such
43 stretcher van services must be licensed by the
44 department. The governing body of such county shall
45 not prohibit a licensed stretcher van service from
46 operating in the county, as long as the stretcher van
47 service meets county standards.

48 4. Nothing shall preclude the enforcement of any

1 laws, ordinances or regulations of any political
2 subdivision authorized to operate a licensed ambulance
3 service that were in effect prior to August 28, 2001.

4 5. Stretcher van services may transport
5 passengers.

6 6. A stretcher van shall be staffed by at least
7 two individuals when transporting passengers.

8 7. The crew of the stretcher van is required to
9 immediately contact the appropriate ground ambulance
10 service if a passenger's condition deteriorates.

11 8. Stretcher van services shall not transport
12 patients, persons currently admitted to a hospital or
13 persons being transported to a hospital for admission
14 or emergency treatment.

15 9. The department of health and senior services
16 shall promulgate regulations, including but not limited
17 to adequate insurance, on-board equipment, vehicle
18 staffing, vehicle maintenance, vehicle specifications,
19 vehicle communications, passenger safety and records
20 and reports.

21 10. The department of health and senior services
22 shall issue service licenses for a period of no more
23 than five years for each service meeting the
24 established rules.

25 11. Application for a stretcher van license shall
26 be made upon such forms as prescribed by the department
27 in rules adopted pursuant to sections 190.525 to
28 190.537. The application form shall contain such
29 information as the department deems necessary to make a
30 determination as to whether the stretcher van agency
31 meets all the requirements of sections 190.525 to
32 190.537 and rules promulgated pursuant to sections
33 190.525 to 190.537. The department shall conduct an
34 inspection of the stretcher van service to verify
35 compliance with the licensure standards of sections
36 190.525 to 190.537.

37 12. Upon the sale or transfer of any stretcher
38 van service ownership, the owner of the stretcher van
39 service shall notify the department of the change in
40 ownership within thirty days prior to the sale or
41 transfer. The department shall conduct an inspection
42 of the stretcher van service to verify compliance with
43 the licensure standards of sections 190.525 to 190.537.
44

45 13. Ambulance services licensed pursuant to this
46 chapter or any rules promulgated by the department of
47 health and senior services pursuant to this chapter may

1 provide stretcher van and wheelchair transportation
2 services pursuant to sections 190.525 to 190.537.

3 14. Any rule or portion of a rule, as that term
4 is defined in section 536.010, RSMo, that is created
5 under the authority delegated in this section shall
6 become effective only if it complies with and is
7 subject to all of the provisions of chapter 536, RSMo,
8 and, if applicable, section 536.028, RSMo. This
9 section and chapter 536, RSMo, are nonseverable and if
10 any of the powers vested with the general assembly
11 pursuant to chapter 536, RSMo, to review, to delay the
12 effective date or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of
14 rulemaking authority and any rule proposed or adopted
15 after August 28, 2002, shall be invalid and void.]

16
17 [190.531. 1. The department may refuse to issue
18 or deny renewal of any license required pursuant to
19 sections 190.525 to 190.537 for failure to comply with
20 the provisions of sections 190.525 to 190.537 or any
21 lawful regulations promulgated by the department to
22 implement the provisions of sections 190.525 to
23 190.537. The department shall notify the applicant in
24 writing of the reasons for the refusal and shall advise
25 the applicant of his or her right to file a complaint
26 with the administrative hearing commission as provided
27 by chapter 621, RSMo.

28 2. The department may cause a complaint to be
29 filed with the administrative hearing commission as
30 provided by chapter 621, RSMo, against any holder of
31 any license required by sections 190.525 to 190.537 or
32 any person who has failed to renew or has surrendered
33 his or her license for failure to comply with the
34 provisions of sections 190.525 to 190.537 or any lawful
35 regulations promulgated by the department to implement
36 such sections. Those regulations shall be limited to
37 the following:

38 (1) Use or unlawful possession of any controlled
39 substance, as defined in chapter 195, RSMo, or
40 alcoholic beverage to an extent that such use impairs a
41 person's ability to perform the work of any activity
42 licensed or regulated by sections 190.525 to 190.537;

43 (2) Being finally adjudicated and found guilty,
44 or having entered a plea of guilty or nolo contendere,
45 in a criminal prosecution pursuant to the laws of any
46 state or of the United States, for any offense
47 reasonably related to the qualifications, functions or
48 duties of any activity licensed or regulated pursuant

1 to sections 190.525 to 190.537, for any offense an
2 essential element of which is fraud, dishonesty or an
3 act of violence, or for any offense involving moral
4 turpitude, whether or not sentence is imposed;

5 (3) Use of fraud, deception, misrepresentation or
6 bribery in securing any certificate, permit or license
7 issued pursuant to sections 190.525 to 190.537 or in
8 obtaining permission to take any examination given or
9 required pursuant to sections 190.537 to 190.540;

10 (4) Obtaining or attempting to obtain any fee,
11 charge, tuition or other compensation by fraud,
12 deception or misrepresentation;

13 (5) Incompetency, misconduct, gross negligence,
14 fraud, misrepresentation or dishonesty in the
15 performance of the functions or duties of any activity
16 licensed or regulated by sections 190.525 to 190.537;

17 (6) Violation of, or assisting or enabling any
18 person to violate, any provision of sections 190.525 to
19 190.537, or of any lawful rule or regulation adopted by
20 the department pursuant to sections 190.525 to 190.537;

21 (7) Impersonation of any person holding a license
22 or allowing any person to use his or her license;

23 (8) Disciplinary action against the holder of a
24 license or other right to practice any activity
25 regulated by sections 190.525 to 190.537 granted by
26 another state, territory, federal agency or country
27 upon grounds for which revocation or suspension is
28 authorized in this state;

29 (9) For an individual, being finally adjudged
30 insane or incompetent by a court of competent
31 jurisdiction;

32 (10) Issuance of a license based upon a material
33 mistake of fact;

34 (11) Violation of any professional trust or
35 confidence;

36 (12) Use of any advertisement or solicitation
37 which is false, misleading or deceptive to the general
38 public or persons to whom the advertisement or
39 solicitation is primarily directed;

40 (13) Violation of the drug laws or rules and
41 regulations of this state, any other state or the
42 federal government;

43 (14) Refusal of any applicant or licensee to
44 cooperate with the department of health and senior
45 services during any investigation;

46 (15) Any conduct or practice which is or might be

1 harmful or dangerous to the mental or physical health
2 of a patient or the public;

3 (16) Repeated negligence in the performance of
4 the functions or duties of any activity licensed by
5 this chapter.

6 3. After the filing of such complaint, the
7 proceedings shall be conducted in accordance with the
8 provisions of chapter 621, RSMo. Upon a finding by the
9 administrative hearing commission that the grounds, as
10 provided in subsection 2 of this section, for
11 disciplinary action are met, the department may, singly
12 or in combination, censure or place the person named in
13 the complaint on probation on such terms and conditions
14 as the department deems appropriate for a period not to
15 exceed five years, or may suspend, for a period not to
16 exceed three years, or revoke the license.

17 4. An individual whose license has been revoked
18 shall wait one year from the date of revocation to
19 apply for relicensure. Relicensure shall be at the
20 discretion of the department after compliance with all
21 the requirements of sections 190.525 to 190.537
22 relative to the licensing of an applicant for the first
23 time.

24 5. The department may notify the proper licensing
25 authority of any other state in which the person whose
26 license was suspended or revoked was also licensed of
27 the suspension or revocation.

28 6. Any person, organization, association or
29 corporation who reports or provides information to the
30 department pursuant to the provisions of sections
31 190.525 to 190.537 and who does so in good faith and
32 without negligence shall not be subject to an action
33 for civil damages as a result thereof.

34 7. The department of health and senior services
35 may suspend any license required pursuant to sections
36 190.525 to 190.537 simultaneously with the filing of
37 the complaint with the administrative hearing
38 commission as set forth in subsection 2 of this
39 section, if the department finds that there is an
40 imminent threat to the public health. The notice of
41 suspension shall include the basis of the suspension
42 and notice of the right to appeal such suspension. The
43 licensee may appeal the decision to suspend the license
44 to the department. The appeal shall be filed within
45 ten days from the date of the filing of the complaint.
46 A hearing shall be conducted by the department within
47 ten days from the date the appeal is filed. The
48 suspension shall continue in effect until the
49 conclusion of the proceedings, including review

1 thereof, unless sooner withdrawn by the department,
2 dissolved by a court of competent jurisdiction or
3 stayed by the administrative hearing commission.]

4
5 [190.534. 1. Any person violating, or failing to
6 comply with, the provisions of sections 190.525 to
7 190.537 is guilty of a class B misdemeanor.

8 2. Each day that any violation of, or failure to
9 comply with, sections 190.525 to 190.537 is committed
10 or permitted to continue shall constitute a separate
11 and distinct offense, and shall be punishable as a
12 separate offense pursuant to this section; but the
13 court may, in appropriate cases, stay the cumulation of
14 penalties.

15 3. The attorney general shall have concurrent
16 jurisdiction with any and all prosecuting attorneys to
17 prosecute persons in violation of sections 190.525 to
18 190.537, and the attorney general or prosecuting
19 attorney may institute injunctive proceedings against
20 any person operating in violation of sections 190.525
21 to 190.537.]

22
23 [190.537. Any rule or portion of a rule, as that
24 term is defined in section 536.010, RSMo, that is
25 created pursuant to the authority of sections 190.525
26 to 190.537 shall become effective only if it complies
27 with and is subject to all of the provisions of chapter
28 536, RSMo, and, if applicable, section 536.028, RSMo.
29 This section and chapter 536, RSMo, are nonseverable
30 and if any of the powers vested with the general
31 assembly pursuant to chapter 536, RSMo, to review, to
32 delay the effective date or to disapprove and annul a
33 rule are subsequently held unconstitutional, then the
34 grant of rulemaking authority and any rule proposed or
35 adopted after August 28, 2002, shall be invalid and
36 void.]

37
38 [191.631. 1. (1) Notwithstanding any other law
39 to the contrary, if a care provider sustains an
40 exposure from a person while rendering emergency health
41 care services, the person to whom the care provider was
42 exposed is deemed to consent to a test to determine if
43 the person has a contagious or infectious disease and
44 is deemed to consent to notification of the care
45 provider of the results of the test, upon submission of
46 an exposure report by the care provider to the hospital
47 where the person is delivered by the care provider.

1 (2) The hospital where the person is delivered
2 shall conduct the test. The sample and test results
3 shall only be identified by a number and shall not
4 otherwise identify the person tested.

5 (3) A hospital shall have written policies and
6 procedures for notification of a care provider pursuant
7 to this section. The policies and procedures shall
8 include designation of a representative of the care
9 provider to whom notification shall be provided and who
10 shall, in turn, notify the care provider. The identity
11 of the designated representative of the care provider
12 shall not be disclosed to the person tested. The
13 designated representative shall inform the hospital of
14 those parties who receive the notification, and
15 following receipt of such information and upon request
16 of the person tested, the hospital shall inform the
17 person of the parties to whom notification was
18 provided.

19 2. If a person tested is diagnosed or confirmed
20 as having a contagious or infectious disease pursuant
21 to this section, the hospital shall notify the care
22 provider or the designated representative of the care
23 provider who shall then notify the care provider.

24 3. The notification to the care provider shall
25 advise the care provider of possible exposure to a
26 particular contagious or infectious disease and
27 recommend that the care provider seek medical
28 attention. The notification shall be provided as soon
29 as is reasonably possible following determination that
30 the individual has a contagious or infectious disease.
31 The notification shall not include the name of the
32 person tested for the contagious or infectious disease
33 unless the person consents. If the care provider who
34 sustained an exposure determines the identity of the
35 person diagnosed or confirmed as having a contagious or
36 infectious disease, the identity of the person shall be
37 confidential information and shall not be disclosed by
38 the care provider to any other individual unless a
39 specific written release obtained by the person
40 diagnosed with or confirmed as having a contagious or
41 infectious disease.

42 4. This section does not require or permit,
43 unless otherwise provided, a hospital to administer a
44 test for the express purpose of determining the
45 presence of a contagious or infectious disease; except
46 that testing may be performed if the person consents
47 and if the requirements of this section are satisfied.

48 5. This section does not preclude a hospital from
49 providing notification to a care provider under

1 circumstances in which the hospital's policy provides
2 for notification of the hospital's own employees of
3 exposure to a contagious or infectious disease that is
4 not life-threatening if the notice does not reveal a
5 patient's name, unless the patient consents.

6 6. A hospital participating in good faith in
7 complying with the provisions of this section is immune
8 from any liability, civil or criminal, which may
9 otherwise be incurred or imposed.

10 7. A hospital's duty of notification pursuant to
11 this section is not continuing but is limited to
12 diagnosis of a contagious or infectious disease made in
13 the course of admission, care, and treatment following
14 the rendering of health care services to which
15 notification pursuant to this section applies.

16 8. A hospital that performs a test in compliance
17 with this section or that fails to perform a test
18 authorized pursuant to this section is immune from any
19 liability, civil or criminal, which may otherwise be
20 incurred or imposed.

21 9. A hospital has no duty to perform the test
22 authorized.

23 10. The department shall adopt rules to implement
24 this section. The department may determine by rule the
25 contagious or infectious diseases for which testing is
26 reasonable and appropriate and which may be
27 administered pursuant to this section. No rule or
28 portion of a rule promulgated under the authority of
29 this section shall become effective unless it has been
30 promulgated pursuant to chapter 536, RSMo.

31 11. The employer of a care provider who sustained
32 an exposure pursuant to this section shall pay the
33 costs of testing for the person who is the source of
34 the exposure and of the testing of the care provider if
35 the exposure was sustained during the course of
36 employment.]

37
38 [321.130. 1. A person, to be qualified to serve
39 as a director, shall be a voter of the district at
40 least two years before the election or appointment and
41 be over the age of twenty-five years; except as
42 provided in subsections 2 and 3 of this section.
43 Nominations and declarations of candidacy shall be
44 filed at the headquarters of the fire protection
45 district by paying a ten dollar filing fee and filing a
46 statement under oath that such person possesses the
47 required qualifications.

1 2. In any fire protection district located in
2 more than one county one of which is a first class
3 county without a charter form of government having a
4 population of more than one hundred ninety-eight
5 thousand and not adjoining any other first class county
6 or located wholly within a first class county as
7 described herein, a resident shall have been a resident
8 of the district for more than one year to be qualified
9 to serve as a director.

10 3. In any fire protection district located in a
11 county of the third or fourth classification, a person
12 to be qualified to serve as a director shall be over
13 the age of twenty-five years and shall be a voter of
14 the district for more than two years before the
15 election or appointment, except that for the first
16 board of directors in such district, a person need only
17 be a voter of the district for one year before the
18 election or appointment.

19 4. A person desiring to become a candidate for
20 the first board of directors of the proposed district
21 shall pay the sum of five dollars as a filing fee to
22 the treasurer of the county and shall file with the
23 election authority a statement under oath that such
24 person possesses all of the qualifications set out in
25 this chapter for a director of a fire protection
26 district. Thereafter, such candidate shall have the
27 candidate's name placed on the ballot as a candidate
28 for director.]

29
30 [321.554. 1. When the revenue from the ambulance
31 or fire protection district sales tax is collected for
32 distribution pursuant to section 321.552, the board of
33 the ambulance or fire protection district, after
34 determining its budget for the year pursuant to section
35 67.010, RSMo, and the rate of levy needed to produce
36 the required revenue and after making any other
37 adjustments to the levy that may be required by any
38 other law, shall reduce the total operating levy of the
39 district in an amount sufficient to decrease the
40 revenue it would have received therefrom by an amount
41 equal to fifty percent of the previous fiscal year's
42 sales tax receipts. Loss of revenue, due to a decrease
43 in the assessed valuation of real property located
44 within the ambulance or fire protection district as a
45 result of general reassessment, and from state-assessed
46 railroad and utility distributable property based upon
47 the previous fiscal year's receipts shall be considered
48 in lowering the rate of levy to comply with this
49 section in the year of general reassessment and in each

1 subsequent year. In the event that in the immediately
2 preceding year the ambulance or fire protection
3 district actually received more or less sales tax
4 revenue than estimated, the ambulance or fire
5 protection district board may adjust its operating levy
6 for the current year to reflect such increase or
7 decrease. The director of revenue shall certify the
8 amount payable from the ambulance or fire protection
9 district sales tax trust fund to the general revenue
10 fund to the state treasurer.

11 2. Except that, in the first year in which any
12 sales tax is collected pursuant to section 321.552, the
13 collector shall not reduce the tax rate as defined in
14 section 137.073, RSMo.

15 3. In a year of general reassessment, as defined
16 by section 137.073, RSMo, or assessment maintenance as
17 defined by section 137.115, RSMo, in which an ambulance
18 or fire protection district in reliance upon the
19 information then available to it relating to the total
20 assessed valuation of such ambulance or fire protection
21 district revises its property tax levy pursuant to
22 section 137.073 or 137.115, RSMo, and it is
23 subsequently determined by decisions of the state tax
24 commission or a court pursuant to sections 138.430 to
25 138.433, RSMo, or due to clerical errors or corrections
26 in the calculation or recordation of assessed
27 valuations that the assessed valuation of such
28 ambulance or fire protection district has been changed,
29 and but for such change the ambulance or fire
30 protection district would have adopted a different levy
31 on the date of its original action, then the ambulance
32 or fire protection district may adjust its levy to an
33 amount to reflect such change in assessed valuation,
34 including, if necessary, a change in the levy reduction
35 required by this section to the amount it would have
36 levied had the correct assessed valuation been known to
37 it on the date of its original action, provided:

38 (1) The ambulance or fire protection district
39 first levies the maximum levy allowed without a vote of
40 the people by article X, section 11(b) of the
41 constitution; and

42 (2) The ambulance or fire protection district
43 first adopts the tax rate ceiling otherwise authorized
44 by other laws of this state; and

45 (3) The levy adjustment or reduction may include
46 a one-time correction to recoup lost revenues the
47 ambulance or fire protection district was entitled to
48 receive during the prior year.]

1
2 [321.556. 1. The governing body of any ambulance
3 or fire protection district, when presented with a
4 petition signed by at least twenty percent of the
5 registered voters in the ambulance or fire protection
6 district that voted in the last gubernatorial election,
7 calling for an election to repeal the tax pursuant to
8 section 321.552, shall submit the question to the
9 voters using the same procedure by which the imposition
10 of the tax was voted. The ballot of submission shall
11 be in substantially the following form:

12 "Shall (insert name of
13 ambulance or fire protection district) repeal the
14 (insert amount up to one-half) of one percent
15 sales tax now in effect in the (insert name
16 of ambulance or fire protection district) and
17 reestablish the property tax levy in the district to
18 the rate in existence prior to the enactment of the
19 sales tax?

20 [] Yes [] No

21
22 If you are in favor of the question, place an "X" in
23 the box opposite "Yes". If you are opposed to the
24 question, place an "X" in the box opposite "No".

25 2. If a majority of the votes cast on the
26 proposal by the qualified voters of the district voting
27 thereon are in favor of repeal, that repeal shall
28 become effective December thirty-first of the calendar
29 year in which such repeal was approved.]

30
31 Section B. Because immediate action is necessary to ensure
32 just compensation for the restriction on loss of property rights
33 for owners of real estate, the repeal and reenactment of section
34 227.120 of this act, and because immediate action is necessary to
35 deter the commission of fraud in the obtaining of driver's
36 licenses in this state, the repeal and reenactment of section
37 302.230 and the enactment of section 302.233, are deemed
38 necessary for the immediate preservation of the public health,
39 welfare, peace, and safety, and is hereby declared to be an
40 emergency act within the meaning of the constitution, and the

1 repeal and reenactment of sections 227.120 and 302.230, and the
2 enactment of section 302.233 of this act shall be in full force
3 and effect upon its passage and approval.

4 Section C. The repeal and reenactment of section 301.130 of
5 this act shall become effective January 1, 2007.

6 Section D. The repeal and reenactment of section 304.351 of
7 this act shall become effective January 1, 2005.