

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILLS NOS. 518, 288,  
418 & 635**

**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Transportation, April 28, 2005, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1262S.08C

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**AN ACT**

To repeal sections 210.104, 210.106, 210.107, 301.010, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof eighteen new sections relating to the operation of motor vehicles, with penalty provisions.

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

Section A. Sections 210.104, 210.106, 210.107, 301.010, 302.510, 302.530, 304.015, 2 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, 3 section 302.302 as enacted by house substitute for senate substitute for senate committee 4 substitute for senate bills nos. 1233, 840 & 1043, ninety-second general assembly, second 5 regular session, and section 302.302 as enacted by conference committee substitute no. 6 2 for senate committee substitute for house committee substitute for house bill nos. 302 7 & 38, ninety-first general assembly, first regular session, are repealed and eighteen new 8 sections enacted in lieu thereof, to be known as sections 301.010, 302.302, 302.510, 9 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 304.582, 304.585, 307.156, 10 307.178, 307.179, 476.385, 577.023, and 577.041, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to

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

2 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

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

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

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

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

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

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

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

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

26 (9) "Dealer", any person, firm, corporation, association, agent or subagent  
27 engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

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

29 (11) "Driveaway operation":

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

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

38 (c) The movement of a motor vehicle by any person who is lawfully engaged in  
39 the business of transporting or delivering vehicles that are not the person's own and  
40 vehicles of a type otherwise required to be registered, by the driveaway or towaway  
41 methods, from a point of manufacture, assembly or distribution or from the owner of the  
42 vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by  
43 the shipper or consignor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 (b) An area that extends not more than a radius of fifty miles from its home base  
79 of operations when transporting its owner's machinery, equipment, or auxiliary supplies  
80 to or from projects not involving soil and water conservation. Nothing in this subdivision  
81 shall be construed to prevent any motor vehicle from being registered as a commercial  
82 motor vehicle or local commercial motor vehicle;

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

90 (26) "Local log truck", a commercial motor vehicle which is registered pursuant  
91 to this chapter to operate as a motor vehicle on the public highways of this state, used  
92 exclusively in this state, used to transport harvested forest products, operated solely at  
93 a forested site and in an area extending not more than a fifty-mile radius from such site,  
94 carries a load with dimensions not in excess of twenty-five cubic yards per two axles with  
95 dual wheels, and when operated on the national system of interstate and defense  
96 highways described in Title 23, Section 103(e) of the United States Code, such vehicle  
97 shall not exceed the weight limits of section 304.180, RSMo, does not have more than  
98 four axles, and does not pull a trailer which has more than two axles. **Harvesting**  
99 **equipment which is used specifically for cutting, felling, trimming, delimbing,**  
100 **debarking, chipping, skidding, loading, unloading, and stacking may be**  
101 **transported on a local log truck.** A local log truck may not exceed the limits  
102 required by law, however, if the truck does exceed such limits as determined by the  
103 inspecting officer, then notwithstanding any other provisions of law to the contrary, such  
104 truck shall be subject to the weight limits required by such sections as licensed for  
105 eighty thousand pounds;

106 (27) "Local log truck tractor", a commercial motor vehicle which is registered  
107 under this chapter to operate as a motor vehicle on the public highways of this state,  
108 used exclusively in this state, used to transport harvested forest products, operated  
109 solely at a forested site and in an area extending not more than a fifty-mile radius from

110 such site, operates with a weight not exceeding twenty-two thousand four hundred  
111 pounds on one axle or with a weight not exceeding forty-four thousand eight hundred  
112 pounds on any tandem axle, and when operated on the national system of interstate and  
113 defense highways described in Title 23, Section 103(e) of the United States Code, such  
114 vehicle does not exceed the weight limits contained in section 304.180, RSMo, and does  
115 not have more than three axles and does not pull a trailer which has more than two  
116 axles. Violations of axle weight limitations shall be subject to the load limit penalty as  
117 described for in sections 304.180 to 304.220, RSMo;

118 (28) "Local transit bus", a bus whose operations are confined wholly within a  
119 municipal corporation, or wholly within a municipal corporation and a commercial zone,  
120 as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public  
121 transportation system within such municipal corporation and such municipal corporation  
122 and adjacent commercial zone;

123 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor  
124 and is used exclusively to transport harvested forest products to and from forested sites  
125 which is registered pursuant to this chapter to operate as a motor vehicle on the public  
126 highways of this state for the transportation of harvested forest products;

127 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end  
128 assembly, and front clip, as those terms are defined by the director of revenue pursuant  
129 to rules and regulations or by illustrations;

130 (31) "Manufacturer", any person, firm, corporation or association engaged in the  
131 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

132 (32) "Mobile scrap processor", a business located in Missouri or any other state  
133 that comes onto a salvage site and crushes motor vehicles and parts for transportation  
134 to a shredder or scrap metal operator for recycling;

135 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
136 receives a new, rebuilt or used engine, and which used the number stamped on the  
137 original engine as the vehicle identification number;

138 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon  
139 tracks, except farm tractors;

140 (35) "Motor vehicle primarily for business use", any vehicle other than a  
141 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle  
142 licensed for over twelve thousand pounds:

143 (a) Offered for hire or lease; or

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

145 (36) "Motorcycle", a motor vehicle operated on two wheels;

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

151 (38) "Motortricycle", a motor vehicle operated on three wheels, including a  
152 motorcycle while operated with any conveyance, temporary or otherwise, requiring the  
153 use of a third wheel. A motortricycle shall not be included in the definition of all-terrain  
154 vehicle;

155 (39) "Municipality", any city, town or village, whether incorporated or not;

156 (40) "Nonresident", a resident of a state or country other than the state of  
157 Missouri;

158 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured  
159 in compliance with United States emissions or safety standards;

160 (42) "Operator", any person who operates or drives a motor vehicle;

161 (43) "Owner", any person, firm, corporation or association, who holds the legal  
162 title to a vehicle or in the event a vehicle is the subject of an agreement for the  
163 conditional sale or lease thereof with the right of purchase upon performance of the  
164 conditions stated in the agreement and with an immediate right of possession vested in  
165 the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to  
166 possession, then such conditional vendee or lessee or mortgagor shall be deemed the  
167 owner for the purpose of this law;

168 (44) "Public garage", a place of business where motor vehicles are housed, stored,  
169 repaired, reconstructed or repainted for persons other than the owners or operators of  
170 such place of business;

171 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
172 rebuilder, but does not include certificated common or contract carriers of persons or  
173 property;

174 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original  
175 construction by the addition or substitution of two or more new or used major component  
176 parts, excluding motor vehicles made from all new parts, and new multistage  
177 manufactured vehicles;

178 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or  
179 substantially modified so that it may be used and is used for the purposes of temporary  
180 housing quarters, including therein sleeping and eating facilities which are either  
181 permanently attached to the motor vehicle or attached to a unit which is securely

182 attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from  
183 being registered as a commercial motor vehicle if the motor vehicle could otherwise be  
184 so registered;

185 (48) "Rollback or car carrier", any vehicle specifically designed to transport  
186 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly  
187 connected to a wrecker or towing service;

188 (49) "Saddlemount combination", a combination of vehicles in which a truck or  
189 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the  
190 frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that  
191 connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in  
192 front and functions like a fifth wheel kingpin connection. When two vehicles are towed  
193 in this manner the combination is called a "double saddlemount combination". When  
194 three vehicles are towed in this manner, the combination is called a "triple saddlemount  
195 combination";

196 (50) "Salvage dealer and dismantler", a business that dismantles used motor  
197 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and  
198 accessories;

199 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

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

204 (b) By reason of condition or circumstance, has been declared salvage, either by  
205 its owner, or by a person, firm, corporation, or other legal entity exercising the right of  
206 security interest in it;

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

209 (d) Ownership of which is evidenced by a salvage title; or

210 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or  
211 section 304.157, RSMo, and designated with the words "salvage/abandoned property".  
212 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost  
213 of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems,  
214 or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes  
215 of this definition, "fair market value" means the retail value of a motor vehicle as:

216 a. Set forth in a current edition of any nationally recognized compilation of retail  
217 values, including automated databases, or from publications commonly used by the

218 automotive and insurance industries to establish the values of motor vehicles;

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

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

224           (52) "School bus", any motor vehicle used solely to transport students to or from  
225 school or to transport students to or from any place for educational purposes;

226           (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
227 corporation as an incidental service to transport patrons or customers of the regular  
228 business of such person, firm, or corporation to and from the place of business of the  
229 person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall  
230 not be registered as buses or as commercial motor vehicles;

231           (54) "Special mobile equipment", every self-propelled vehicle not designed or used  
232 primarily for the transportation of persons or property and incidentally operated or  
233 moved over the highways, including farm equipment, implements of husbandry, road  
234 construction or maintenance machinery, ditch-digging apparatus, stone crushers, air  
235 compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing  
236 equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
237 leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving  
238 carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving  
239 equipment. This enumeration shall be deemed partial and shall not operate to exclude  
240 other such vehicles which are within the general terms of this section;

241           (55) "Specially constructed motor vehicle", a motor vehicle which shall not have  
242 been originally constructed under a distinctive name, make, model or type by a  
243 manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes  
244 kit vehicles;

245           (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth  
246 wheel is located on a drop frame located behind and below the rearmost axle of the  
247 power unit;

248           (57) "Tandem axle", a group of two or more axles, arranged one behind another,  
249 the distance between the extremes of which is more than forty inches and not more than  
250 ninety-six inches apart;

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



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

261 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation  
262 of property;

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

268 (62) "Truck-trailer boat transporter combination", a boat transporter combination  
269 consisting of a straight truck towing a trailer using typically a ball and socket connection  
270 with the trailer axle located substantially at the trailer center of gravity rather than the  
271 rear of the trailer but so as to maintain a downward force on the trailer tongue;

272 (63) "Used parts dealer", a business that buys and sells used motor vehicle parts  
273 or accessories, but not including a business that sells only new, remanufactured or  
274 rebuilt parts. "Business" does not include isolated sales at a swap meet of less than  
275 three days;

276 (64) "Vanpool", any van or other motor vehicle used or maintained by any person,  
277 group, firm, corporation, association, city, county or state agency, or any member thereof,  
278 for the transportation of not less than eight nor more than forty-eight employees, per  
279 motor vehicle, to and from their place of employment; however, a vanpool shall not be  
280 included in the definition of the term "bus" or "commercial motor vehicle" as defined by  
281 subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a  
282 "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool  
283 vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses  
284 constitute an unlicensed use of the motor vehicle, unless used for monetary profit other  
285 than for use in a ride-sharing arrangement;

286 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or  
287 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or  
288 human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or  
289 motorized wheelchairs operated by handicapped persons;

290 (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,  
 291 designed and used to assist or render aid and transport or tow disabled or wrecked  
 292 vehicles from a highway, road, street or highway rights-of-way to a point of storage or  
 293 repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

294 (67) "Wrecker or towing service", the act of transporting, towing or recovering  
 295 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator  
 296 of the wrecker, tow truck, rollback or car carrier for which the operator directly or  
 297 indirectly receives compensation or other personal gain.

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

4 (1) Any moving violation of a state law or  
 5 county or municipal or federal traffic ordinance or  
 6 regulation not listed in this section, other than a  
 7 violation of vehicle equipment provisions or a court-  
 8 ordered supervision as provided in section 302.303. . . . . 2 points

9 (except any violation of municipal stop sign ordinance  
 10 where no accident is involved. . . . . 1 point)

11 (2) Speeding  
 12 In violation of a state law. . . . . 3 points  
 13 In violation of a county or municipal ordinance. . . . . 2 points

14 (3) Leaving the scene of an accident in violation  
 15 of section 577.060, RSMo . . . . . 12 points  
 16 In violation of any county or municipal ordinance. . . . . 6 points

17 (4) Careless and imprudent driving in violation of subsection 4 of section 304.016,  
 18 RSMo . . . . . 4 points  
 19 In violation of a county or municipal ordinance. . . . . 2 points

20 (5) Operating without a valid license in violation  
 21 of subdivision (1) or (2) of subsection 1 of section 302.020:

22 (a) For the first conviction . . . . . 2 points  
 23 (b) For the second conviction. . . . . 4 points  
 24 (c) For the third conviction . . . . . 6 points

25 (6) Operating with a suspended or revoked license  
 26 prior to restoration of operating privileges . . . . . 12 points

27 (7) Obtaining a license by misrepresentation . . . . . 12 points

28 (8) For the first conviction of driving while

29 in an intoxicated condition or under the influence  
30 of controlled substances or drugs. . . . . 8 points  
31 (9) For the second or subsequent conviction of  
32 any of the following offenses however combined:  
33 driving while in an intoxicated condition, driving  
34 under the influence of controlled substances or drugs  
35 or driving with a blood alcohol content of eight-  
36 hundredths of one percent or more by weight . . . . . 12 points  
37 (10) For the first conviction for driving with  
38 blood alcohol content eight-hundredths of one percent  
39 or more by weight  
40 In violation of state law. . . . . 8 points  
41 In violation of a county or municipal ordinance or  
42 federal law or regulation . . . . . 8 points  
43 (11) Any felony involving the use of a motor  
44 vehicle. . . . . 12 points  
45 (12) Knowingly permitting unlicensed operator  
46 to operate a motor vehicle . . . . . 4 points  
47 (13) For a conviction for failure to maintain  
48 financial responsibility pursuant to county or municipal  
49 ordinance or pursuant to section 303.025, RSMo . . . . . 4 points  
50 **(14) For a conviction for failure to yield the**  
51 **right-of-way in violation of section 304.351, RSMo,**  
52 **where the court has determined that the driver caused**  
53 **a physical injury or serious physical injury . . . . . 8 points**  
54 **(15) For a conviction for failure to yield the**  
55 **right-of-way in violation of section 304.351, RSMo,**  
56 **where the court has determined that the driver**  
57 **caused a fatality . . . . . 12 points**  
58 **(16) Endangerment of a highway worker in violation**  
59 **of section 304.585, RSMo, . . . . . 8 points**  
60 **(17) Aggravated endangerment of a highway worker**  
61 **in violation of section 304.585 RSMo, . . . . . 12 points**  
62 2. The director shall, as provided in subdivision (5) of subsection 1 of this section,  
63 assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection  
64 1 of section 302.020, when the director issues such operator a license or permit pursuant

65 to the provisions of sections 302.010 to 302.340.

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

69 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of  
70 this section constitutes both a violation of a state law and a violation of a county or  
71 municipal ordinance, points may be assessed for either violation but not for  
72 both. Notwithstanding that an offense arising out of the same occurrence could be  
73 construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section,  
74 no person shall be tried or convicted for more than one offense pursuant to subdivisions  
75 (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same  
76 occurrence.

77 5. The director of revenue shall put into effect a system for staying the  
78 assessment of points against an operator. The system shall provide that the satisfactory  
79 completion of a driver-improvement program or, in the case of violations committed while  
80 operating a motorcycle, a motorcycle-rider training course approved by the director of the  
81 department of public safety, by an operator, when so ordered and verified by any court  
82 having jurisdiction over any law of this state or county or municipal ordinance,  
83 regulating motor vehicles, other than a violation committed in a commercial motor  
84 vehicle as defined in section 302.700 or a violation committed by an individual who has  
85 been issued a commercial driver's license or is required to obtain a commercial driver's  
86 license in this state or any other state, shall be accepted by the director in lieu of the  
87 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection  
88 1 of this section or pursuant to subsection 3 of this section. For the purposes of this  
89 subsection, the driver-improvement program shall meet or exceed the standards of the  
90 National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a  
91 violation which occurred during the operation of a motorcycle, the program shall meet  
92 the standards established by the director of the department of public safety pursuant to  
93 sections 302.133 to 302.138. The completion of a driver-improvement program or a  
94 motorcycle-rider training course shall not be accepted in lieu of points more than one  
95 time in any thirty-six-month period and shall be completed within sixty days of the date  
96 of conviction in order to be accepted in lieu of the assessment of points. Every court  
97 having jurisdiction pursuant to the provisions of this subsection shall, within fifteen  
98 days after completion of the driver-improvement program or motorcycle-rider training  
99 course by an operator, forward a record of the completion to the director, all other  
100 provisions of the law to the contrary notwithstanding. The director shall establish

101 procedures for record keeping and the administration of this subsection.

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

5 (1) Any moving violation of a state  
6 law or county or municipal or federal traffic  
7 ordinance or regulation not listed in this  
8 section, other than a violation of vehicle  
9 equipment provisions or a court-ordered  
10 supervision as provided in section 302.303 . . . . . 2 points

11 (except any violation of municipal stop  
12 sign ordinance where no accident is involved . . . . . 1 point

13 (2) Speeding  
14 In violation of a state law 3 points  
15 In violation of a county or municipal  
16 ordinance . . . . . 2 points

17 (3) Leaving the scene of an accident  
18 in violation of section 577.060, RSMo . . . . . 12 points  
19 In violation of any county or municipal  
20 ordinance. . . . . 6 points

21 (4) Careless and imprudent driving in  
22 violation of subsection 4 of section 304.016,  
23 RSMo . . . . . 4 points  
24 In violation of a county or municipal  
25 ordinance . . . . . 2 points

26 (5) Operating without a valid license in  
27 violation of subdivision (1) or (2) of  
28 subsection 1 of section 302.020:

29 (a) For the first conviction . . . . . 2 points

30 (b) For the second conviction . . . . . 4 points

31 (c) For the third conviction . . . . . 6 points

32 (6) Operating with a suspended or  
33 revoked license prior to restoration of  
34 operating privileges . . . . . 12 points

35 (7) Obtaining a license by

- 36 misrepresentation . . . . . 12 points
- 37 (8) For the first conviction of driving
- 38 while in an intoxicated condition or under
- 39 the influence of controlled substances or
- 40 drugs . . . . . 8 points
- 41 (9) For the second or subsequent
- 42 conviction of any of the following offenses
- 43 however combined: driving while in an
- 44 intoxicated condition, driving under the
- 45 influence of controlled substances or drugs
- 46 or driving with a blood alcohol content of
- 47 eight-hundredths of one percent or more by
- 48 weight . . . . . 12 points
- 49 (10) For the first conviction for
- 50 driving with blood alcohol content eight-
- 51 hundredths of one percent or more by weight
- 52 In violation of state law . . . . . 8 points
- 53 In violation of a county or municipal ordinance
- 54 or federal law or regulation . . . . . 8 points
- 55 (11) Any felony involving the use of a
- 56 motor vehicle . . . . . 12 points
- 57 (12) Knowingly permitting unlicensed
- 58 operator to operate a motor vehicle . . . . . 4 points
- 59 (13) For a conviction for failure to
- 60 maintain financial responsibility pursuant to
- 61 county or municipal ordinance or pursuant to
- 62 section 303.025, RSMo . . . . . 4 points
- 63 2. The director shall, as provided in subdivision (5) of subsection
- 64 1 of this section, assess an operator points for a conviction pursuant to
- 65 subdivision (1) or (2) of subsection 1 of section 302.020, when the director
- 66 issues such operator a license or permit pursuant to the provisions of
- 67 sections 302.010 to 302.340.
- 68 3. An additional two points shall be assessed when personal injury
- 69 or property damage results from any violation listed in subsection 1 of this
- 70 section and if found to be warranted and certified by the reporting court.
- 71 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of

subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.]

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol-related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was eight-hundredths of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a [verified] **certified** report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol-related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court.

2. The report required by this section shall be **certified under penalties of perjury for making a false statement to a public official and** made on forms supplied by the department or in a manner specified by regulations of the department.

3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol-related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been [certified] **licensed** by the director of the department of public safety pursuant to the provisions of [sections 590.100 to 590.180] **chapter 590**, RSMo.

302.530. 1. Any person who has received a notice of suspension or revocation may make a request within fifteen days of receipt of the notice for a review of the department's determination at a hearing. If the person's driver's license has not been previously surrendered, it [shall] **may** be surrendered at the time the request for a hearing is made.

2. At the time the request for a hearing is made, if it appears from the record that the person is the holder of a valid driver's license issued by this state, and that the driver's license has been surrendered [as required], the department shall issue a temporary permit which shall be valid until the scheduled date for the hearing. The department may later issue an additional temporary permit or permits in order to stay the effective date of the suspension or revocation until the final order is issued following the hearing, as required by section 302.520.



13           3. The hearing may be held by telephone, or if requested by the person, such  
14 person's attorney or representative, in the county where the arrest was made. The  
15 hearing shall be conducted by examiners who are licensed to practice law in the state of  
16 Missouri and who are employed by the department on a part-time or full-time basis as  
17 the department may determine.

18           4. The sole issue at the hearing shall be whether by a preponderance of the  
19 evidence the person was driving a vehicle pursuant to the circumstances set out in  
20 section 302.505. The burden of proof shall be on the state to adduce such evidence. If  
21 the department finds the affirmative of this issue, the suspension or revocation order  
22 shall be sustained. If the department finds the negative of the issue, the suspension or  
23 revocation order shall be rescinded.

24           5. The procedure at such hearing shall be conducted in accordance with chapter  
25 536, RSMo, [not otherwise in conflict] with sections 302.500 to 302.540. **A report**  
26 **certified under subsection 2 of section 302.510 shall be admissible in a like**  
27 **manner as a verified report as evidence of the facts stated therein and any**  
28 **provision of chapter 536, RSMo, to the contrary shall not apply.**

29           6. The department shall promptly notify[, by certified letter,] the person of its  
30 decision including the reasons for that decision. Such notification shall include a notice  
31 advising the person that the department's decision shall be final within fifteen days from  
32 the date [of certification of the letter] **such notice was mailed** unless the person  
33 challenges the department's decision within that time period by filing an appeal in the  
34 circuit court in the county where the arrest occurred.

35           7. Unless the person, within fifteen days after being notified [by certified letter]  
36 of the department's decision, files an appeal for judicial review pursuant to section  
37 302.535, the decision of the department shall be final.

38           8. The director may adopt any rules and regulations necessary to carry out the  
39 provisions of this section.

304.015. 1. All vehicles not in motion shall be placed with their right side as  
2 near the right-hand side of the highway as practicable, except on streets of  
3 municipalities where vehicles are obliged to move in one direction only or parking of  
4 motor vehicles is regulated by ordinance.

5           2. Upon all public roads or highways of sufficient width a vehicle shall be driven  
6 upon the right half of the roadway, except as follows:

7           (1) When overtaking and passing another vehicle proceeding in the same  
8 direction pursuant to the rules governing such movement;

9           (2) When placing a vehicle in position for and when such vehicle is lawfully

10 making a left turn in compliance with the provisions of sections 304.014 to 304.026 or  
11 traffic regulations thereunder or of municipalities;

12 (3) When the right half of a roadway is closed to traffic while under construction  
13 or repair;

14 (4) Upon a roadway designated by local ordinance as a one-way street and  
15 marked or signed for one-way traffic.

16 3. It is unlawful to drive any vehicle upon any highway or road which has been  
17 divided into two or more roadways by means of a physical barrier or by means of a  
18 dividing section or delineated by curbs, lines or other markings on the roadway, except  
19 to the right of such barrier or dividing section, or to make any left turn or semicircular  
20 or U-turn on any such divided highway, except at an intersection or interchange or at  
21 any signed location designated by the state highways and transportation commission or  
22 the department of transportation. The provisions of this subsection shall not apply to  
23 emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or  
24 the department.

25 4. The authorities in charge of any highway or the state highway patrol may  
26 erect signs temporarily designating lanes to be used by traffic moving in a particular  
27 direction, regardless of the center line of the highway, and all members of the Missouri  
28 highway patrol and other peace officers may direct traffic in conformance with such  
29 signs. When authorized signs have been erected designating off-center traffic lanes, no  
30 person shall disobey the instructions given by such signs.

31 5. Whenever any roadway has been divided into three or more clearly marked  
32 lanes for traffic, the following rules in addition to all others consistent herewith shall  
33 apply:

34 (1) A vehicle shall be driven as nearly as practicable entirely within a single lane  
35 and shall not be moved from such lane until the driver has first ascertained that such  
36 movement can be made with safety;

37 (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven  
38 in the center lane, except when overtaking and passing another vehicle where the  
39 roadway ahead is clearly visible and such center lane is clear of traffic within a safe  
40 distance, or in preparation for a left turn or where such center lane is at the time  
41 allocated exclusively to traffic moving in the direction the vehicle is proceeding and is  
42 sign-posted to give notice of such allocation;

43 (3) Upon all highways any vehicle proceeding at less than the normal speed of  
44 traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable  
45 to the right-hand edge or curb, except as otherwise provided in sections 304.014 to

46 304.026;

47 (4) Official signs may be erected by the highways and transportation commission  
48 or the highway patrol may place temporary signs directing slow-moving traffic to use a  
49 designated lane or allocating specified lanes to traffic moving in the same direction and  
50 drivers of vehicles shall obey the directions of every such sign;

51 (5) Drivers of vehicles proceeding in opposite directions shall pass each other to  
52 the right, and except when a roadway has been divided into traffic lanes, each driver  
53 shall give to the other at least one-half of the main traveled portion of the roadway  
54 whenever possible.

55 6. All vehicles in motion upon a highway having two or more lanes of traffic  
56 proceeding in the same direction shall be driven in the right-hand lane except when  
57 overtaking and passing another vehicle or when preparing to make a proper left turn or  
58 when otherwise directed by traffic markings, signs or signals.

59 **7. All trucks registered for a gross weight of more than forty-eight**  
60 **thousand pounds, shall not be driven in the far left-hand lane upon all**  
61 **interstate highways, freeways, or expressways within the urbanized areas of**  
62 **this state having three or more lanes of traffic proceeding in the same**  
63 **direction. This restriction shall not apply when:**

64 (1) **It is reasonably necessary for the operator of the truck to respond**  
65 **to emergency conditions;**

66 (2) **It is necessary for the operator of the truck to avoid actual or**  
67 **potential traffic moving onto the right lane from an acceleration or merging**  
68 **lane;**

69 (3) **It is necessary for the operator of the truck to follow traffic control**  
70 **devices that direct use of a lane other than the right lane; or**

71 (4) **The right half of a roadway is closed to traffic while under**  
72 **construction or repair.**

73 8. Violation of this section shall be deemed an infraction unless such violation  
74 causes an immediate threat of an accident, in which case such violation shall be deemed  
75 a class C misdemeanor, or unless an accident results from such violation, in which case  
76 such violation shall be deemed a class A misdemeanor.

77 9. As used in subsection 7 of this section, the word "truck" means any vehicle,  
78 machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn  
79 by mechanical power and designed for or used in the transportation of property upon the  
80 highways. The term "truck" also includes a commercial motor vehicle as defined in  
81 section 301.010, RSMo.

304.016. 1. The following rules shall govern the overtaking and passing of  
2 vehicles proceeding in the same direction, subject to the limitations and exceptions  
3 hereinafter stated:

4 (1) The driver of a vehicle overtaking another vehicle proceeding in the same  
5 direction shall pass to the left thereof at a safe distance and shall not again drive to the  
6 right side of the roadway until safely clear of the overtaken vehicle; and

7 (2) Except when overtaking and passing on the right is permitted, the driver of  
8 an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and  
9 shall not increase the speed of such driver's vehicle until completely passed by the  
10 overtaking vehicle.

11 2. The driver of a motor vehicle may overtake and pass to the right of another  
12 vehicle only under the following conditions:

13 (1) When the vehicle overtaken is making or about to make a left turn;

14 (2) Upon a city street with unobstructed pavement of sufficient width for two or  
15 more lines of vehicles in each direction;

16 (3) Upon a one-way street;

17 (4) Upon any highway outside of a city with unobstructed pavement of sufficient  
18 width and clearly marked for four or more lines of traffic. The driver of a motor vehicle  
19 may overtake and pass another vehicle upon the right only under the foregoing  
20 conditions when such movement may be made in safety. In no event shall such  
21 movement be made by driving off the paved or main traveled portion of the  
22 roadway. The provisions of this subsection shall not relieve the driver of a slow-moving  
23 vehicle from the duty to drive as closely as practicable to the right-hand edge of the  
24 roadway.

25 3. Except when a roadway has been divided into three traffic lanes, no vehicle  
26 shall be driven to the left side of the center line of a highway or public road in  
27 overtaking and passing another vehicle proceeding in the same direction unless such left  
28 side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to  
29 permit such overtaking and passing to be completely made without interfering with the  
30 safe operation of any vehicle approaching from the opposite direction or any vehicle  
31 overtaken.

32 4. No vehicle shall at any time be driven to the left side of the roadway under the  
33 following conditions:

34 (1) When approaching the crest of a grade or upon a curve of the highway where  
35 the driver's view is obstructed within such distance as to create a hazard in the event  
36 another vehicle might approach from the opposite direction;

37           (2) When the view is obstructed upon approaching within one hundred feet of any  
38 bridge, viaduct, tunnel or when approaching within one hundred feet of or at any  
39 intersection or railroad grade crossing;

40           **(3) When the roadway is clearly marked with a solid yellow center**  
41 **stripe indicating a no passing zone or an unsafe location to overtake or drive**  
42 **to the left side of the roadway, except that the provisions of this subdivision**  
43 **shall not apply when:**

44           **(a) Executing a lawful turn; or**

45           **(b) Avoiding debris in the roadway, so long as such action does not**  
46 **create a hazard.**

47           5. Violation of this section shall be deemed a class C misdemeanor.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an  
2 officer of a government agency where that agency's real property is concerned, may  
3 authorize a towing company to remove to a place of safety:

4           (1) Any abandoned property on the right-of-way of:

5           (a) Any interstate highway or freeway in an urbanized area, left unattended for  
6 ten hours, or [after four hours] **immediately** if a law enforcement officer determines  
7 that the abandoned property is a serious hazard to other motorists, provided that  
8 commercial motor vehicles not hauling materials designated as hazardous under 49  
9 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the  
10 owner or owner's representative has had a reasonable opportunity to contact a towing  
11 company of choice;

12           (b) Any interstate highway or freeway outside of an urbanized area, left  
13 unattended for forty-eight hours, or after four hours if a law enforcement officer  
14 determines that the abandoned property is a serious hazard to other motorists, provided  
15 that commercial motor vehicles not hauling materials designated as hazardous under 49  
16 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the  
17 owner or owner's representative has had a reasonable opportunity to contact a towing  
18 company of choice;

19           (c) Any state highway other than an interstate highway or freeway in an  
20 urbanized area, left unattended for more than ten hours; or

21           (d) Any state highway other than an interstate highway or freeway outside of an  
22 urbanized area, left unattended for more than forty-eight hours; provided that  
23 commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C.  
24 5103(a) may only be removed under this subdivision to a place of safety until the owner  
25 or owner's representative has had a reasonable opportunity to contact a towing company

26 of choice;

27 (2) Any unattended abandoned property illegally left standing upon any highway  
28 or bridge if the abandoned property is left in a position or under such circumstances as  
29 to obstruct the normal movement of traffic where there is no reasonable indication that  
30 the person in control of the property is arranging for its immediate control or removal;

31 (3) Any abandoned property which has been abandoned under section 577.080,  
32 RSMo;

33 (4) Any abandoned property which has been reported as stolen or taken without  
34 consent of the owner;

35 (5) Any abandoned property for which the person operating such property is  
36 arrested for an alleged offense for which the officer is required to take the person into  
37 custody and where such person is unable to arrange for the property's timely removal;

38 (6) Any abandoned property which due to any other state law or local ordinance  
39 is subject to towing because of the owner's outstanding traffic or parking violations;

40 (7) Any abandoned property left unattended in violation of a state law or local  
41 ordinance where signs have been posted giving notice of the law or where the violation  
42 causes a safety hazard; or

43 (8) Any abandoned property illegally left standing on the waters of this state as  
44 defined in section 306.010, RSMo, where the abandoned property is obstructing the  
45 normal movement of traffic, or where the abandoned property has been unattended for  
46 more than ten hours or is floating loose on the water.

47 2. The state transportation department may immediately remove any abandoned,  
48 unattended, wrecked, burned or partially dismantled property, spilled cargo or other  
49 personal property from the roadway of any state highway if the abandoned property,  
50 cargo or personal property is creating a traffic hazard because of its position in relation  
51 to the state highway. In the event the property creating a traffic hazard is a commercial  
52 motor vehicle, as defined in section 302.700, RSMo, the department's authority under  
53 this subsection shall be limited to authorizing a towing company to remove the  
54 commercial motor vehicle to a place of safety, except that the owner of the commercial  
55 motor vehicle or the owner's designated representative shall have a reasonable  
56 opportunity to contact a towing company of choice. The provisions of this subsection  
57 shall not apply to vehicles transporting any material which has been designated as  
58 hazardous under Section 5103(a) of Title 49, U.S.C.

59 3. Any law enforcement agency authorizing a tow pursuant to this section in  
60 which the abandoned property is moved from the immediate vicinity shall complete a  
61 crime inquiry and inspection report. Any state or federal government agency other than

62 a law enforcement agency authorizing a tow pursuant to this section in which the  
63 abandoned property is moved away from the immediate vicinity in which it was  
64 abandoned shall report the towing to the state highway patrol or water patrol within two  
65 hours of the tow along with a crime inquiry and inspection report as required in this  
66 section. Any local government agency, other than a law enforcement agency, authorizing  
67 a tow pursuant to this section where property is towed away from the immediate vicinity  
68 shall report the tow to the local law enforcement agency within two hours along with a  
69 crime inquiry and inspection report.

70 4. Neither the law enforcement officer, government agency official nor anyone  
71 having custody of abandoned property under his direction shall be liable for any damage  
72 to such abandoned property occasioned by a removal authorized by this section or by  
73 ordinance of a county or municipality licensing and regulating the sale of abandoned  
74 property by the municipality, other than damages occasioned by negligence or by willful  
75 or wanton acts or omissions.

76 5. The owner of abandoned property removed as provided in this section or in  
77 section 304.157 shall be responsible for payment of all reasonable charges for towing and  
78 storage of such abandoned property as provided in section 304.158.

79 6. Upon the towing of any abandoned property pursuant to this section or under  
80 authority of a law enforcement officer or local government agency pursuant to section  
81 304.157, the law enforcement agency that authorized such towing or was properly  
82 notified by another government agency of such towing shall promptly make an inquiry  
83 with the national crime information center and any statewide Missouri law enforcement  
84 computer system to determine if the abandoned property has been reported as stolen and  
85 shall enter the information pertaining to the towed property into the statewide law  
86 enforcement computer system. If the abandoned property is not claimed within ten  
87 working days of the towing, the tower who has online access to the department of  
88 revenue's records shall make an inquiry to determine the abandoned property owner and  
89 lienholder, if any, of record. In the event that the records of the department of revenue  
90 fail to disclose the name of the owner or any lienholder of record, the tower shall comply  
91 with the requirements of subsection 3 of section 304.156. If the tower does not have  
92 online access, the law enforcement agency shall submit a crime inquiry and inspection  
93 report to the director of revenue. A towing company that does not have online access to  
94 the department's records and that is in possession of abandoned property after ten  
95 working days shall report such fact to the law enforcement agency with which the crime  
96 inquiry and inspection report was filed. The crime inquiry and inspection report shall  
97 be designed by the director of revenue and shall include the following:

- 98           (1) The year, model, make and property identification number of the property and  
99   the owner and any lienholders, if known;
- 100          (2) A description of any damage to the property noted by the officer authorizing  
101   the tow;
- 102          (3) The license plate or registration number and the state of issuance, if  
103   available;
- 104          (4) The storage location of the towed property;
- 105          (5) The name, telephone number and address of the towing company;
- 106          (6) The date, place and reason for the towing of the abandoned property;
- 107          (7) The date of the inquiry of the national crime information center, any  
108   statewide Missouri law enforcement computer system and any other similar system  
109   which has titling and registration information to determine if the abandoned property  
110   had been stolen. This information shall be entered only by the law enforcement agency  
111   making the inquiry;
- 112          (8) The signature and printed name of the officer authorizing the tow; and
- 113          (9) The name of the towing company, the signature and printed name of the  
114   towing operator, and an indicator disclosing whether the tower has online access to the  
115   department's records;
- 116          (10) Any additional information the director of revenue deems appropriate.
- 117          7. One copy of the crime inquiry and inspection report shall remain with the  
118   agency which authorized the tow. One copy shall be provided to and retained by the  
119   storage facility and one copy shall be retained by the towing facility in an accessible  
120   format in the business records for a period of three years from the date of the tow or  
121   removal.
- 122          8. The owner of such abandoned property, or the holder of a valid security  
123   interest of record, may reclaim it from the towing company upon proof of ownership or  
124   valid security interest of record and payment of all reasonable charges for the towing and  
125   storage of the abandoned property.
- 126          9. Any person who removes abandoned property at the direction of a law  
127   enforcement officer or an officer of a government agency where that agency's real  
128   property is concerned as provided in this section shall have a lien for all reasonable  
129   charges for the towing and storage of the abandoned property until possession of the  
130   abandoned property is voluntarily relinquished to the owner of the abandoned property  
131   or to the holder of a valid security interest of record. Any personal property within the  
132   abandoned property need not be released to the owner thereof until the reasonable or  
133   agreed charges for such recovery, transportation or safekeeping have been paid or



134 satisfactory arrangements for payment have been made, except that any medication  
135 prescribed by a physician shall be released to the owner thereof upon request. The  
136 company holding or storing the abandoned property shall either release the personal  
137 property to the owner of the abandoned property or allow the owner to inspect the  
138 property and provide an itemized receipt for the contents. The company holding or  
139 storing the property shall be strictly liable for the condition and safe return of the  
140 personal property. Such lien shall be enforced in the manner provided under section  
141 304.156.

142       10. Towing companies shall keep a record for three years on any abandoned  
143 property towed and not reclaimed by the owner of the abandoned property. Such record  
144 shall contain information regarding the authorization to tow, copies of all correspondence  
145 with the department of revenue concerning the abandoned property, including copies of  
146 any online records of the towing company accessed and information concerning the final  
147 disposition of the possession of the abandoned property.

148       11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle,  
149 outboard motor or vessel without the knowledge or cooperation of the owner, then the  
150 reposessor shall notify the local law enforcement agency where the repossession  
151 occurred within two hours of the repossession and shall further provide the local law  
152 enforcement agency with any additional information the agency deems appropriate. The  
153 local law enforcement agency shall make an inquiry with the national crime information  
154 center and the Missouri statewide law enforcement computer system and shall enter the  
155 repossessed vehicle into the statewide law enforcement computer system.

156       12. Notwithstanding the provisions of section 301.227, RSMo, any towing  
157 company who has complied with the notification provisions in section 304.156, including  
158 notice that any property remaining unredeemed after thirty days may be sold as scrap  
159 property may then dispose of such property as provided in this subsection. Such sale  
160 shall only occur if at least thirty days has passed since the date of such notification, the  
161 abandoned property remains unredeemed with no satisfactory arrangements made with  
162 the towing company for continued storage, and the owner or holder of a security  
163 agreement has not requested a hearing as provided in section 304.156. The towing  
164 company may dispose of such abandoned property by selling the property on a bill of sale  
165 as prescribed by the director of revenue to a scrap metal operator or licensed salvage  
166 dealer for destruction purposes only. The towing company shall forward a copy of the  
167 bill of sale provided by the scrap metal operator or licensed salvage dealer to the director  
168 of revenue within two weeks of the date of such sale. The towing company shall keep  
169 a record of each such vehicle sold for destruction for three years that shall be available

170 for inspection by law enforcement and authorized department of revenue officials. The  
171 record shall contain the year, make, identification number of the property, date of sale,  
172 and name of the purchasing scrap metal operator or licensed salvage dealer and copies  
173 of all notifications issued by the towing company as required in this chapter. Scrap  
174 metal operators or licensed salvage dealers shall keep a record of the purchase of such  
175 property as provided in section 301.227, RSMo. Scrap metal operators and licensed  
176 salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo, on  
177 vehicles purchased on a bill of sale pursuant to this section.

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting  
2 different colored lights, or colored lighted arrows, successively one at a time or in  
3 combination, only the colors green, red and yellow shall be used, except for special  
4 pedestrian signals carrying a word legend, and said lights shall indicate and apply to  
5 drivers of vehicles and pedestrians as follows:

6 (1) Green indication

7 (a) Vehicular traffic facing a circular green signal may proceed straight through  
8 or turn right or left unless a sign at such place prohibits either such turn. But vehicular  
9 traffic, including vehicles turning right or left, shall yield the right-of-way to other  
10 vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at  
11 the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination  
13 with another indication, may cautiously enter the intersection only to make the  
14 movement indicated by such arrow, or such other movement as is permitted by other  
15 indications shown at the same time. Such vehicular traffic shall yield the right-of-way  
16 to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using  
17 the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided in  
19 section 304.291, pedestrians facing any green signal, except when the sole green signal  
20 is a turn arrow, may proceed across the roadway within any marked or unmarked  
21 crosswalk.

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the  
24 related green movement is being terminated or that a red indication will be exhibited  
25 immediately thereafter when vehicular traffic shall not enter the intersection;

26 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a  
27 pedestrian control signal as provided in section 304.291, are thereby advised that there  
28 is insufficient time to cross the roadway before a red indication is shown and no

29 pedestrian shall then start to cross the roadway.

30 (3) Steady red indication

31 (a) Vehicular traffic facing a steady red signal alone shall stop before entering  
32 the crosswalk on the near side of the intersection at a clearly marked stop line but, if  
33 none, then before entering the intersection and shall remain standing until an indication  
34 to proceed is shown except as provided in paragraph (b);

35 (b) The driver of a vehicle which is stopped as close as practicable at the entrance  
36 to the crosswalk on the near side of the intersection or, if none, then at the entrance to  
37 the intersection in obedience to a red signal, may cautiously enter the intersection to  
38 make a right turn but shall yield the right-of-way to pedestrians and other traffic  
39 proceeding as directed by the signal at the intersection, except that the state highways  
40 and transportation commission with reference to an intersection involving a state  
41 highway, and local authorities with reference to an intersection involving other highways  
42 under their jurisdiction, may prohibit any such right turn against a red signal at any  
43 intersection where safety conditions so require, said prohibition shall be effective when  
44 a sign is erected at such intersection giving notice thereof;

45 (c) Unless otherwise directed by a pedestrian control signal as provided in section  
46 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

47 (4) In the event an official traffic control signal is erected and maintained at a  
48 place other than an intersection, the provision of this section shall be applicable except  
49 as to those provisions which by their nature can have no application. Any stop required  
50 shall be made at a sign or marking on the pavement indicating where the stop shall be  
51 made, but in the absence of any such sign or marking the stop shall be made at the  
52 signal.

53 2. Notwithstanding the provisions of section 304.361, violation of this section is  
54 a class C misdemeanor.

55 **3. A person operating a motorcycle who violates this section or section**  
56 **304.301 by entering or crossing an intersection controlled by a traffic-control**  
57 **signal against a red light shall have an affirmative defense to that charge if**  
58 **the person establishes all of the following conditions:**

59 (1) The motorcycle has been brought to a complete stop;

60 (2) The traffic-control signal continues to show a red light for an  
61 unreasonable time;

62 (3) The traffic-control is apparently malfunctioning or, if programmed  
63 or engineered to change to a green light only after detecting the approach of  
64 a motor vehicle, the signal has apparently failed to detect the arrival of the

65 **motorcycle; and**

66 **(4) No motor vehicle or person is approaching on the street or highway**  
 67 **to be crossed or entered or is so far away from the intersection that it does**  
 68 **not constitute an immediate hazard.**

69 **The affirmative defense in this subsection applies only to a violation for**  
 70 **entering or crossing an intersection controlled by a traffic-control signal**  
 71 **against a red light and does not provide a defense to any other civil or**  
 72 **criminal action.**

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

4 2. When two vehicles enter an intersection from different highways at  
 5 approximately the same time, the driver of the vehicle on the left shall yield the  
 6 right-of-way to the driver of the vehicle on the right. This subsection shall not apply to  
 7 vehicles approaching each other from opposite directions when the driver of one of such  
 8 vehicles is attempting to or is making a left turn.

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

12 4. **(1)** The state highways and transportation commission with reference to state  
 13 highways and local authorities with reference to other highways under their jurisdiction  
 14 may designate through highways and erect stop signs or yield signs at specified  
 15 entrances thereto, or may designate any intersection as a stop intersection or as a yield  
 16 intersection and erect stop signs or yield signs at one or more entrances to such  
 17 intersection.

18 **[(1)] (2)** Preferential right-of-way at an intersection may be indicated by stop  
 19 signs or yield signs as authorized in this section:

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

29           (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign  
30 slow down to a speed reasonable to the existing conditions and, if required for safety to  
31 stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the  
32 intersecting roadway where the driver has a view of approaching traffic on the  
33 intersecting roadway. After slowing or stopping the driver shall yield the right-of-way  
34 to any vehicle in the intersection or approaching on another highway so closely as to  
35 constitute an immediate hazard during the time such traffic is moving across or within  
36 the intersection.

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

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

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

49           8. Notwithstanding the provisions of section 304.361, violation of this section  
50 shall be deemed a class C misdemeanor **unless such violation causes serious**  
51 **physical injury, in which case such violation shall be deemed a class B**  
52 **misdemeanor as provided for in subsection 10 of this section, or unless such**  
53 **violation causes death in which case such violation shall be deemed a class**  
54 **A misdemeanor as provided for in subsection 11 of this section.**

55           9. Any person who pleads guilty to or is found guilty of violating the  
56 provisions of this section in which the offender is found to have caused  
57 physical injury to a person or persons shall be assessed a fine of no less than  
58 two hundred dollars.

59           10. Any person who pleads guilty to or is found guilty of violating the  
60 provisions of this section in which the offender is found to have caused  
61 serious physical injury to a person or persons shall be guilty of a class B  
62 misdemeanor and shall be assessed a fine of no less than five hundred dollars.

63           11. Notwithstanding the provisions of subsection 8 of this section, any  
64 person who pleads guilty to or is found guilty of violating the provisions of

65 this section in which the offender is found to have caused a fatality shall be  
66 guilty of a class A misdemeanor and shall be assessed a fine of no less than  
67 one thousand dollars.

68 12. As used in subsections 9 and 10 of this section, the terms "physical  
69 injury" and "serious physical injury" shall have the meanings ascribed to them  
70 in section 556.061, RSMo.

304.580. [1.] As used in [this section] sections 304.582, and 304.585, the term  
2 "construction zone" or "work zone" means any area upon or around any highway as  
3 defined in section 302.010, RSMo, which is visibly marked by the department of  
4 transportation or a contractor **or subcontractor** performing work for the department  
5 of transportation as an area where construction, maintenance, **incident removal** or  
6 other work is temporarily occurring. The term "work zone" or "construction zone" also  
7 includes the lanes of highway leading up to the area upon which an activity described  
8 in this subsection is being performed, beginning at the point where appropriate signs  
9 [directing motor vehicles to merge from one lane into another lane] **or traffic control**  
10 **devices** are posted **or placed**. **The terms "worker" or "highway worker" as used**  
11 **in sections 304.582 and 304.585 shall mean any person that is working in a**  
12 **"construction zone" or "work zone", or any employee of the department of**  
13 **transportation that is performing duties pursuant to the department's**  
14 **motorist assist program on a state highway or the right-of-way of a state**  
15 **highway.**

16 [2. Upon a conviction or a plea of guilty by any person for a moving violation as  
17 defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the  
18 court shall assess a fine of thirty-five dollars in addition to any other fine authorized to  
19 be imposed by law, if the offense occurred within a construction zone or a work zone.

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

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

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

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

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

**304.582. 1. Upon the first conviction or plea of guilty by any person for  
2 a moving violation as defined in section 302.010, RSMo, or any offense listed  
3 in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in  
4 addition to any other fine authorized to be imposed by law, if the offense  
5 occurred within a construction zone or a work zone. A second or subsequent  
6 violation of this subsection shall result in the court assessing a fine of  
7 seventy-five dollars in addition to any other fine authorized to be imposed by  
8 law.**

**9           2. Upon the first conviction or plea of guilty by any person for a  
10 speeding violation pursuant to either section 304.009 or 304.010, or a passing  
11 violation pursuant to subsection 4 of this section, the court shall assess a fine**

12 of two hundred fifty dollars in addition to any other fine authorized by law  
13 if the offense occurred within a construction zone or a work zone and at the  
14 time the speeding or passing violation occurred there was any highway  
15 worker in such zone. A second or subsequent violation of this subsection  
16 shall result in the court assessing a fine of three hundred dollars in addition  
17 to any other fine authorized by law. However, no person assessed an  
18 additional fine pursuant to this subsection shall also be assessed an  
19 additional fine pursuant to subsection 1 of this section, and no person shall  
20 be assessed an additional fine pursuant to this subsection if no signs have  
21 been posted pursuant to subsection 3 of this section.

22 3. The penalty authorized by subsection 2 of this section shall only be  
23 assessed by the court if the department of transportation or contractor or  
24 subcontractor performing work for the department of transportation has  
25 erected signs upon or around a construction or work zone which are clearly  
26 visible from the highway and which state substantially the following message:  
27 "Warning: minimum \$250 fine for speeding or passing in this work zone when  
28 workers present".

29 4. The driver of a motor vehicle may not overtake or pass another  
30 motor vehicle within a work zone or construction zone as provided in this  
31 subsection. Violation of this subsection is a class C misdemeanor.

32 (1) This subdivision applies to a construction zone or work zone  
33 located upon a highway divided into two or more marked lanes for traffic  
34 moving in the same direction and for which motor vehicles are instructed to  
35 merge from one lane into another lane and not pass by appropriate signs or  
36 traffic control devices erected by the department of transportation or a  
37 contractor or subcontractor performing work for the department of  
38 transportation.

39 (2) This subdivision also prohibits the operator of a motor vehicle from  
40 passing or attempting to pass another motor vehicle in a work zone or  
41 construction zone located upon a two-lane highway when highway workers  
42 or equipment are working and when appropriate signs or traffic control  
43 devices have been erected by the department of transportation or a  
44 contractor or subcontractor performing work for the department of  
45 transportation.

46 5. The additional fines imposed by subsection 4 of this section shall not  
47 be construed to enhance the assessment of court costs or the assessment of  
48 points pursuant to section 302.302, RSMo.



304.585. 1. A person shall be deemed to commit the offense of  
"endangerment of a highway worker" upon conviction for any of the following  
when the offense occurs within a "construction zone" or "work zone", as  
defined in section 304.580:

(1) Exceeding the posted speed limit by twenty-five miles per hour or  
more;

(2) Passing in violation of subsection 4 of section 304.582, resulting in  
injury or death to a highway worker;

(3) Failure to stop for a work zone flagman or failure to obey traffic  
control devices erected in the construction zone or work zone for purposes  
of controlling the flow of motor vehicles through the zone;

(4) Driving through or around a work zone by any lane not clearly  
designated to motorists for the flow of traffic through the work zone;

(5) Physically assaulting, or attempting to assault, or threatening to  
assault a highway worker in a construction zone or work zone, with a motor  
vehicle or other instrument;

(6) Intentionally striking, moving, or altering barrels, barriers, signs,  
or other devices erected to control the flow of traffic to protect workers and  
motorists in the work zone for a reason other than avoidance of an obstacle,  
an emergency, or to protect the health and safety of an occupant of the motor  
vehicle or of another person; or

(7) Committing any of the following offenses for which points may be  
assessed under section 302.302, RSMo:

(a) Leaving the scene of an accident in violation of section 577.060,  
RSMo;

(b) Careless and imprudent driving in violation of subsection 4 of  
section 304.016;

(c) Operating without a valid license in violation of subdivision (1) or  
(2) of subsection 1 of section 302.020, RSMo;

(d) Operating with a suspended or revoked license;

(e) Obtaining a license by misrepresentation;

(f) Driving while in an intoxicated condition or under the influence of  
controlled substances or drugs or driving with an excessive blood alcohol  
content;

(g) Any felony involving the use of a motor vehicle; or

(h) Knowingly permitting an unlicensed operator to operate a motor  
vehicle.

38           2. Upon conviction or a plea of guilty for committing the offense of  
39 "endangerment of a highway worker" pursuant to subsection 1 of this section  
40 if no injury or death to a highway worker resulted from the offense, in  
41 addition to any other penalty authorized by law, the person shall, upon  
42 conviction or plea of guilty, be guilty of a class A misdemeanor and shall have  
43 their driver's license suspended under section 302.304, RSMo.

44           3. A person shall be deemed to commit the offense of "aggravated  
45 endangerment of a highway worker" upon conviction or a plea of guilty for  
46 any offense pursuant to subsection 1 of this section which results in the  
47 injury or death of a highway worker. Any person who is convicted of the  
48 offense of aggravated endangerment of a highway worker in which a highway  
49 worker is injured shall, upon conviction or plea of guilty, shall be guilty of a  
50 class D felony, and shall have his or her driver's license revoked under  
51 section 302.304, RSMo. Any person who is convicted of the offense of  
52 aggravated endangerment of a highway worker in which the death of a  
53 highway worker occurs shall, upon conviction or plea of guilty, be guilty of  
54 a class C felony and have his or her driver's license revoked under section  
55 302.304.

56           4. Except for the offense established under subdivision (6) of subsection  
57 1 of this section, no person shall be deemed to commit the offense of  
58 endangerment of a highway worker except when the act or omission  
59 constituting the offense occurred when one or more highway workers were  
60 in the construction zone or work zone.

61           5. No person shall be cited or convicted for endangerment of a highway  
62 worker or aggravated endangerment of a highway worker, for any act or  
63 omission otherwise constituting an offense under subsection 1 of this section,  
64 if such act or omission resulted in whole or in part from mechanical failure  
65 of the person's vehicle or from the negligence of another person or a highway  
66 worker.

          307.156. Any person, firm, or corporation that owns or operates a  
2 business engaged in whole or in part in servicing motor vehicles and installs  
3 or purports to install an airbag in a motor vehicle and either:

4           (1) Installs an airbag that does not meet all applicable federal safety  
5 regulations for an airbag installed in a vehicle of that make, model, and year;  
6 or

7           (2) Installs an airbag that previously has been installed in another  
8 motor vehicle without disclosing in writing to the owner or lessee of the

9 vehicle receiving such airbag installation that a used airbag has been  
10 installed in it, shall be guilty of a class D felony.

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

6 2. Each driver, except persons employed by the United States Postal Service  
7 while performing duties for that federal agency which require the operator to service  
8 postal boxes from their vehicles, or which require frequent entry into and exit from their  
9 vehicles, and front seat passenger of a passenger car manufactured after January 1,  
10 1968, operated on a street or highway in this state, and persons less than eighteen years  
11 of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or  
12 highway of this state shall wear a properly adjusted and fastened safety belt that meets  
13 federal National Highway, Transportation and Safety Act requirements; except that, a  
14 child less than [four] **sixteen** years of age shall be protected as required in section  
15 [210.104, RSMo] **307.179**. No person shall be stopped, inspected, or detained solely to  
16 determine compliance with this subsection; **however, nothing shall prohibit a law**  
17 **enforcement officer from enforcing the provisions of this section if the**  
18 **violation is clearly visible to the officer without stopping the vehicle.** The  
19 provisions of this section shall not be applicable to persons who have a medical reason  
20 for failing to have a seat belt fastened about their body, nor shall the provisions of this  
21 section be applicable to persons while operating or riding a motor vehicle being used in  
22 agricultural work-related activities. Noncompliance with this subsection shall not  
23 constitute probable cause for violation of any other provision of law **or for a search of**  
24 **the driver, passenger, or vehicle.**

25 3. Each driver of a motor vehicle transporting a child [four years of age or more,  
26 but] less than sixteen years of age, shall secure the child in a properly adjusted and  
27 fastened [safety belt] **restraint under section 307.179**.

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

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

35 wear a safety belt contributed to the injuries claimed by plaintiff;

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

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

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

53 7. If there are more persons than there are seat belts in the enclosed area of a  
54 motor vehicle, then the [driver and] passengers [are not in violation of this section] **who**  
55 **are unable to wear seat belts, shall sit in the area behind the front seat of the**  
56 **motor vehicle unless the motor vehicle is designed only for a front-seated**  
57 **area. This subsection shall not apply to passengers who are accompanying a**  
58 **driver of a motor vehicle who is licensed pursuant to section 302.178, RSMo.**

2 307.179. 1. As used in this section, the following terms shall mean:

3 (1) "Child booster seat", a seating system which meets the Federal  
4 Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended,  
5 that is designed to elevate a child to properly sit in a federally approved  
6 safety belt system;

7 (2) "Child passenger restraint system", a seating system which meets  
8 the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as  
9 amended, and which is either permanently affixed to a motor vehicle or is  
10 affixed to such vehicle by a safety belt or a universal attachment system.

11 2. Every person transporting a child under the age of sixteen years  
12 shall be responsible, when transporting such child in a motor vehicle  
13 operated by that person on the streets or highways of this state, for providing

14 for the protection of such child as follows:

15 (1) Children less than four years of age shall be properly secured in a  
16 child passenger restraint system appropriate for that child, according to the  
17 child passenger restraint system and the vehicle manufacturer's instructions;

18 (2) Children four through five years of age shall be properly secured  
19 in a child passenger restraint system or a child booster seat appropriate for  
20 that child, according to the child passenger restraint system and the vehicle  
21 manufacturer's instructions;

22 (3) Children six years of age or older shall be secured by a vehicle  
23 safety belt, child passenger restraint system, or booster seat appropriate for  
24 that child, according to the child passenger restraint system and the vehicle  
25 manufacturer's instructions;

26 (4) A child, who would otherwise be required to be secured in a booster  
27 seat, may be transported in the back seat of a motor vehicle while wearing  
28 only a lap belt if the back seat of the motor vehicle is not equipped with a  
29 combination lap and shoulder belt for booster seat installation.

30 3. Any person who violates this section is guilty of an infraction and,  
31 upon conviction, may be punished by a fine of not more than twenty-five  
32 dollars. No court costs shall be charged for a violation of this section. In no  
33 case shall points be assessed against any person, pursuant to section 302.302,  
34 RSMo, for violation of this section. If a person receives a citation for  
35 violating this section, the charges shall be dismissed or withdrawn if the  
36 person prior to or at his or her hearing provides evidence of acquisition of  
37 a child passenger restraint system or child booster seat which is satisfactory  
38 to the court or the party responsible for prosecuting the person's citation.

39 4. The provisions of this section shall not apply to any public carrier  
40 for hire. The provisions of this section shall not apply to students four years  
41 of age or older who are passengers on a school bus as defined in section  
42 301.010, RSMo.

43 5. In no event shall failure to employ a child passenger restraint system  
44 required by this section provide the basis for a claim of civil liability or  
45 negligence or contributory negligence of any person in any action for  
46 damages by reason of injury sustained by a child. Nor shall such failure to  
47 employ such child passenger restraint system be admissible as evidence in the  
48 trial of any civil action.

49 6. Every car rental agency doing business in Missouri shall inform its  
50 customers of the requirements of this section and shall provide for the rental

51 of an appropriate child passenger restraint system.

52 7. The state highways and transportation commission shall initiate and  
 53 develop a program of public information to develop understanding of, and  
 54 ensure compliance with the provisions of this section. The commission may  
 55 promulgate rules and regulations for the enforcement of this section. Any  
 56 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
 57 is created under the authority delegated in this section shall become effective  
 58 only if it complies with and is subject to all of the provisions of chapter 536,  
 59 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,  
 60 RSMo, are nonseverable and if any of the powers vested with the general  
 61 assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
 62 date, or to disapprove and annul a rule are subsequently held  
 63 unconstitutional, then the grant of rulemaking authority and any rule  
 64 proposed or adopted after August 28, 2005, shall be invalid and void.

476.385. 1. The judges of the supreme court may appoint a committee consisting  
 2 of at least seven associate circuit judges, who shall meet en banc and establish and  
 3 maintain a schedule of fines to be paid for violations of sections [210.104,] 577.070[,] and  
 4 577.073, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such  
 5 fines increasing in proportion to the severity of the violation. The associate circuit  
 6 judges of each county may meet en banc and adopt the schedule of fines and  
 7 participation in the centralized bureau pursuant to this section. Notice of such adoption  
 8 and participation shall be given in the manner provided by supreme court rule. Upon  
 9 order of the supreme court, the associate circuit judges of each county may meet en banc  
 10 and establish and maintain a schedule of fines to be paid for violations of municipal  
 11 ordinances for cities, towns and villages electing to have violations of its municipal  
 12 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for  
 13 traffic court divisions established pursuant to section 479.500, RSMo. The schedule of  
 14 fines adopted for violations of municipal ordinances may be modified from time to time  
 15 as the associate circuit judges of each county en banc deem advisable. No fine  
 16 established pursuant to this subsection may exceed the maximum amount specified by  
 17 statute or ordinance for such violation.

18 2. In no event shall any schedule of fines adopted pursuant to this section include  
 19 offenses involving the following:

20 (1) Any violation resulting in personal injury or property damage to another  
 21 person;

22 (2) Operating a motor vehicle while intoxicated or under the influence of

23   intoxicants or drugs;

24           (3) Operating a vehicle with a counterfeited, altered, suspended or revoked  
25   license;

26           (4) Fleeing or attempting to elude an officer.

27           3. There shall be a centralized bureau to be established by supreme court rule  
28   in order to accept pleas of not guilty or guilty and payments of fines and court costs for  
29   violations of the laws and ordinances described in subsection 1 of this section, made  
30   pursuant to a schedule of fines established pursuant to this section. The centralized  
31   bureau shall collect, with any plea of guilty and payment of a fine, all court costs which  
32   would have been collected by the court of the jurisdiction from which the violation  
33   originated.

34           4. If a person elects not to contest the alleged violation, the person shall send  
35   payment in the amount of the fine and any court costs established for the violation to the  
36   centralized bureau. Such payment shall be payable to the "central violations bureau",  
37   shall be made by mail or in any other manner established by the centralized bureau, and  
38   shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section  
39   302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal  
40   conviction provided by law. Notwithstanding any provision of law to the contrary, the  
41   prosecutor shall not be required to sign any information, ticket or indictment if  
42   disposition is made pursuant to this subsection. In the event that any payment is made  
43   pursuant to this section by credit card or similar method, the centralized bureau may  
44   charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed  
45   on the recipient of the credit card payment by the credit card company.

46           5. If a person elects to plead not guilty, such person shall send the plea of not  
47   guilty to the centralized bureau. The bureau shall send such plea and request for trial  
48   to the prosecutor having original jurisdiction over the offense. Any trial shall be  
49   conducted at the location designated by the court. The clerk of the court in which the  
50   case is to be heard shall notify in writing such person of the date certain for the  
51   disposition of such charges. The prosecutor shall not be required to sign any  
52   information, ticket or indictment until the commencement of any proceeding by the  
53   prosecutor with respect to the notice of violation.

54           6. In courts adopting a schedule of fines pursuant to this section, any person  
55   receiving a notice of violation pursuant to this section shall also receive written  
56   notification of the following:

57           (1) The fine and court costs established pursuant to this section for the violation  
58   or information regarding how the person may obtain the amount of the fine and court

59 costs for the violation;

60 (2) That the person must respond to the notice of violation by paying the  
61 prescribed fine and court costs, or pleading not guilty and appearing at trial, and that  
62 other legal penalties prescribed by law may attach for failure to appear and dispose of  
63 the violation. The supreme court may modify the suggested forms for uniform complaint  
64 and summons for use in courts adopting the procedures provided by this section, in order  
65 to accommodate such required written notifications.

66 7. Any moneys received in payment of fines and court costs pursuant to this  
67 section shall not be considered to be state funds, but shall be held in trust by the  
68 centralized bureau for benefit of those persons or entities entitled to receive such funds  
69 pursuant to this subsection. All amounts paid to the centralized bureau shall be  
70 maintained by the centralized bureau, invested in the manner required of the state  
71 treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and  
72 disbursed as provided by the constitution and laws of this state. Any interest earned on  
73 such fund shall be payable to the director of the department of revenue for deposit into  
74 a revolving fund to be established pursuant to this subsection. The state treasurer shall  
75 be the custodian of the revolving fund, and shall make disbursements, as allowed by  
76 lawful appropriations, only to the judicial branch of state government for goods and  
77 services related to the administration of the judicial system.

78 8. Any person who receives a notice of violation subject to this section who fails  
79 to dispose of such violation as provided by this section shall be guilty of failure to appear  
80 provided by section 544.665, RSMo; and may be subject to suspension of driving  
81 privileges in the manner provided by section 302.341, RSMo. The centralized bureau  
82 shall notify the appropriate prosecutor of any person who fails to either pay the  
83 prescribed fine and court costs, or plead not guilty and request a trial within the time  
84 allotted by this section, for purposes of application of section 544.665, RSMo. The  
85 centralized bureau shall also notify the department of revenue of any failure to appear  
86 subject to section 302.341, RSMo, and the department shall thereupon suspend the  
87 license of the driver in the manner provided by section 302.341, RSMo, as if notified by  
88 the court.

89 9. In addition to the remedies provided by subsection 8 of this section, the  
90 centralized bureau and the courts may use the remedies provided by sections 488.010 to  
91 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines  
92 and court costs for violations subject to this section.

577.023. 1. For purposes of this section, unless the context clearly indicates  
2 otherwise:



3           (1) An "intoxication-related traffic offense" is driving while intoxicated, driving  
4 with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision  
5 (2) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to  
6 subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement  
7 officer in the second degree pursuant to subdivision (3) of subsection 1 of section 565.082,  
8 RSMo, or driving under the influence of alcohol or drugs in violation of state law or a  
9 county or municipal ordinance, where the judge in such case was an attorney and the  
10 defendant was represented by or waived the right to an attorney in writing;

11           (2) A "persistent offender" is one of the following:

12           (a) A person who has pleaded guilty to or has been found guilty of two or more  
13 intoxication-related traffic offenses, where such two or more offenses occurred within ten  
14 years of the occurrence of the intoxication-related traffic offense for which the person is  
15 charged;

16           (b) A person who has pleaded guilty to or has been found guilty of involuntary  
17 manslaughter pursuant to subsection 1 of section 565.024, RSMo, assault in the second  
18 degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of  
19 a law enforcement officer in the second degree pursuant to subdivision (3) of subsection  
20 1 of section 565.082, RSMo; and

21           (3) A "prior offender" is a person who has pleaded guilty to or has been found  
22 guilty of one intoxication-related traffic offense, where such prior offense occurred within  
23 five years of the occurrence of the intoxication-related traffic offense for which the person  
24 is charged.

25           2. Any person who pleads guilty to or is found guilty of a violation of section  
26 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a  
27 class A misdemeanor.

28           3. Any person who pleads guilty to or is found guilty of a violation of section  
29 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty  
30 of a class D felony.

31           4. No **state, county, or municipal** court shall suspend the imposition of  
32 sentence as to a prior or persistent offender under this section nor sentence such person  
33 to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary  
34 notwithstanding. No prior offender shall be eligible for parole or probation until he has  
35 served a minimum of five days imprisonment, unless as a condition of such parole or  
36 probation such person performs at least thirty days of community service under the  
37 supervision of the court in those jurisdictions which have a recognized program for  
38 community service. No persistent offender shall be eligible for parole or probation until

39 he or she has served a minimum of ten days imprisonment, unless as a condition of such  
40 parole or probation such person performs at least sixty days of community service under  
41 the supervision of the court.

42 5. The **state, county, or municipal** court shall find the defendant to be a prior  
43 offender or persistent offender, if:

44 (1) The indictment or information, original or amended, or the information in lieu  
45 of an indictment pleads all essential facts warranting a finding that the defendant is a  
46 prior offender or persistent offender; and

47 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a  
48 finding beyond a reasonable doubt the defendant is a prior offender or persistent  
49 offender; and

50 (3) The court makes findings of fact that warrant a finding beyond a reasonable  
51 doubt by the court that the defendant is a prior offender or persistent offender.

52 6. In a jury trial, the facts shall be pleaded, established and found prior to  
53 submission to the jury outside of its hearing.

54 7. In a trial without a jury or upon a plea of guilty, the court may defer the proof  
55 in findings of such facts to a later time, but prior to sentencing.

56 8. The defendant shall be accorded full rights of confrontation and  
57 cross-examination, with the opportunity to present evidence, at such hearings.

58 9. The defendant may waive proof of the facts alleged.

59 10. Nothing in this section shall prevent the use of presentence investigations  
60 or commitments.

61 11. At the sentencing hearing both the **state, county, or municipality** and the  
62 defendant shall be permitted to present additional information bearing on the issue of  
63 sentence.

64 12. The pleas or findings of guilty shall be prior to the date of commission of the  
65 present offense.

66 13. The court shall not instruct the jury as to the range of punishment or allow  
67 the jury, upon a finding of guilty, to assess and declare the punishment as part of its  
68 verdict in cases of prior offenders or persistent offenders.

69 14. Evidence of prior convictions shall be heard and determined by the trial court  
70 out of the hearing of the jury prior to the submission of the case to the jury, and shall  
71 include but not be limited to evidence of convictions received by a search of the records  
72 of the Missouri uniform law enforcement system maintained by the Missouri state  
73 highway patrol. After hearing the evidence, the court shall enter its findings thereon. A  
74 conviction of a violation of a municipal or county ordinance in a county or municipal

75 court for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty  
76 followed by a suspended imposition of sentence, suspended execution of sentence,  
77 probation or parole or any combination thereof in a state court shall be treated as a prior  
78 conviction.

577.041. 1. If a person under arrest, or who has been stopped pursuant to  
2 subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the  
3 officer to submit to any test allowed pursuant to section 577.020, then none shall be  
4 given and evidence of the refusal shall be admissible in a proceeding pursuant to section  
5 565.024 or 565.060, RSMo, or section 577.010 or 577.012. The request of the officer shall  
6 include the reasons of the officer for requesting the person to submit to a test and also  
7 shall inform the person that evidence of refusal to take the test may be used against  
8 such person and that the person's license shall be immediately revoked upon refusal to  
9 take the test. If a person when requested to submit to any test allowed pursuant to  
10 section 577.020 requests to speak to an attorney, the person shall be granted twenty  
11 minutes in which to attempt to contact an attorney. If upon the completion of the  
12 twenty-minute period the person continues to refuse to submit to any test, it shall be  
13 deemed a refusal. In this event, the officer shall, on behalf of the director of revenue,  
14 serve the notice of license revocation personally upon the person and shall take  
15 possession of any license to operate a motor vehicle issued by this state which is held by  
16 that person. The officer shall issue a temporary permit, on behalf of the director of  
17 revenue, which is valid for fifteen days and shall also give the person a notice of such  
18 person's right to file a petition for review to contest the license revocation.

19 2. The officer shall make a [sworn] **certified** report [to the director of revenue,  
20 which] **under penalties of perjury for making a false statement to a public**  
21 **official. The report shall be forwarded to the director of revenue and** shall  
22 include the following:

23 (1) That the officer has:

24 (a) Reasonable grounds to believe that the arrested person was driving a motor  
25 vehicle while in an intoxicated or drugged condition; or

26 (b) Reasonable grounds to believe that the person stopped, being under the age  
27 of twenty-one years, was driving a motor vehicle with a blood alcohol content of  
28 two-hundredths of one percent or more by weight; or

29 (c) Reasonable grounds to believe that the person stopped, being under the age  
30 of twenty-one years, was committing a violation of the traffic laws of the state, or  
31 political subdivision of the state, and such officer has reasonable grounds to believe, after  
32 making such stop, that the person had a blood alcohol content of two-hundredths of one

33 percent or greater;

34 (2) That the person refused to submit to a chemical test;

35 (3) Whether the officer secured the license to operate a motor vehicle of the  
36 person;

37 (4) Whether the officer issued a fifteen-day temporary permit;

38 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the  
39 notice of the right to file a petition for review, which notices and permit may be  
40 combined in one document; and

41 (6) Any license to operate a motor vehicle which the officer has taken into  
42 possession.

43 3. Upon receipt of the officer's report, the director shall revoke the license of the  
44 person refusing to take the test for a period of one year; or if the person is a nonresident,  
45 such person's operating permit or privilege shall be revoked for one year; or if the person  
46 is a resident without a license or permit to operate a motor vehicle in this state, an order  
47 shall be issued denying the person the issuance of a license or permit for a period of one  
48 year.

49 4. If a person's license has been revoked because of the person's refusal to submit  
50 to a chemical test, such person may petition for a hearing before a circuit or associate  
51 circuit court in the county in which the arrest or stop occurred. The person may request  
52 such court to issue an order staying the revocation until such time as the petition for  
53 review can be heard. If the court, in its discretion, grants such stay, it shall enter the  
54 order upon a form prescribed by the director of revenue and shall send a copy of such  
55 order to the director. Such order shall serve as proof of the privilege to operate a motor  
56 vehicle in this state and the director shall maintain possession of the person's license to  
57 operate a motor vehicle until termination of any revocation pursuant to this  
58 section. Upon the person's request the clerk of the court shall notify the prosecuting  
59 attorney of the county and the prosecutor shall appear at the hearing on behalf of the  
60 director of revenue. At the hearing the court shall determine only:

61 (1) Whether or not the person was arrested or stopped;

62 (2) Whether or not the officer had:

63 (a) Reasonable grounds to believe that the person was driving a motor vehicle  
64 while in an intoxicated or drugged condition; or

65 (b) Reasonable grounds to believe that the person stopped, being under the age  
66 of twenty-one years, was driving a motor vehicle with a blood alcohol content of  
67 two-hundredths of one percent or more by weight; or

68 (c) Reasonable grounds to believe that the person stopped, being under the age

69 of twenty-one years, was committing a violation of the traffic laws of the state, or  
70 political subdivision of the state, and such officer had reasonable grounds to believe,  
71 after making such stop, that the person had a blood alcohol content of two-hundredths  
72 of one percent or greater; and

73 (3) Whether or not the person refused to submit to the test.

74 5. If the court determines any issue not to be in the affirmative, the court shall  
75 order the director to reinstate the license or permit to drive.

76 6. Requests for review as provided in this section shall go to the head of the  
77 docket of the court wherein filed.

78 7. No person who has had a license to operate a motor vehicle suspended or  
79 revoked pursuant to the provisions of this section shall have that license reinstated until  
80 such person has participated in and successfully completed a substance abuse traffic  
81 offender program defined in section 577.001, or a program determined to be comparable  
82 by the department of mental health or the court. Assignment recommendations, based  
83 upon the needs assessment as described in subdivision (22) of section 302.010, RSMo,  
84 shall be delivered in writing to the person with written notice that the person is entitled  
85 to have such assignment recommendations reviewed by the court if the person objects  
86 to the recommendations. The person may file a motion in the associate division of the  
87 circuit court of the county in which such assignment was given, on a printed form  
88 provided by the state courts administrator, to have the court hear and determine such  
89 motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the  
90 person or entity making the needs assessment as the respondent and a copy of the  
91 motion shall be served upon the respondent in any manner allowed by law. Upon  
92 hearing the motion, the court may modify or waive any assignment recommendation that  
93 the court determines to be unwarranted based upon a review of the needs assessment,  
94 the person's driving record, the circumstances surrounding the offense, and the  
95 likelihood of the person committing a like offense in the future, except that the court  
96 may modify but may not waive the assignment to an education or rehabilitation program  
97 of a person determined to be a prior or persistent offender as defined in section 577.023,  
98 or of a person determined to have operated a motor vehicle with fifteen-hundredths of  
99 one percent or more by weight in such person's blood. Compliance with the court  
100 determination of the motion shall satisfy the provisions of this section for the purpose  
101 of reinstating such person's license to operate a motor vehicle. The respondent's  
102 personal appearance at any hearing conducted pursuant to this subsection shall not be  
103 necessary unless directed by the court.

104 8. The fees for the substance abuse traffic offender program, or a portion thereof

105 to be determined by the division of alcohol and drug abuse of the department of mental  
 106 health, shall be paid by the person enrolled in the program. Any person who is enrolled  
 107 in the program shall pay, in addition to any fee charged for the program, a supplemental  
 108 fee to be determined by the department of mental health for the purposes of funding the  
 109 substance abuse traffic offender program defined in section 302.010, RSMo, and section  
 110 577.001. The administrator of the program shall remit to the division of alcohol and  
 111 drug abuse of the department of mental health on or before the fifteenth day of each  
 112 month the supplemental fee for all persons enrolled in the program, less two percent for  
 113 administrative costs. Interest shall be charged on any unpaid balance of the  
 114 supplemental fees due the division of alcohol and drug abuse pursuant to this section  
 115 and shall accrue at a rate not to exceed the annual rates established pursuant to the  
 116 provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees  
 117 and any interest received by the department of mental health pursuant to this section  
 118 shall be deposited in the mental health earnings fund which is created in section  
 119 630.053, RSMo.

120 9. Any administrator who fails to remit to the division of alcohol and drug abuse  
 121 of the department of mental health the supplemental fees and interest for all persons  
 122 enrolled in the program pursuant to this section shall be subject to a penalty equal to  
 123 the amount of interest accrued on the supplemental fees due the division pursuant to  
 124 this section. If the supplemental fees, interest, and penalties are not remitted to the  
 125 division of alcohol and drug abuse of the department of mental health within six months  
 126 of the due date, the attorney general of the state of Missouri shall initiate appropriate  
 127 action of the collection of said fees and interest accrued. The court shall assess attorney  
 128 fees and court costs against any delinquent program.

2 [210.104. 1. Every person transporting a child under the age of  
 3 four years shall be responsible, when transporting such child in a motor  
 4 vehicle operated by that person on the streets or highways of this state,  
 5 for providing for the protection of such child. Such child shall be protected  
 6 by a child passenger restraint system approved by the department of  
 7 public safety.

8 2. Any person who violates this section is guilty of an infraction  
 9 and, upon conviction, may be punished by a fine of not more than  
 10 twenty-five dollars and court costs.

11 3. The provisions of sections 210.104 to 210.107 shall not apply to  
 any public carrier for hire.]

[210.106. In no event shall failure to employ a child passenger

2 restraint system required by section 210.104 provide the basis for a claim  
3 of civil liability or negligence or contributory negligence of any person in  
4 any action for damages by reason of injury sustained by a child; nor shall  
5 such failure to employ such child passenger restraint system be admissible  
6 as evidence in the trial of any civil action.]

[210.107. The department of public safety shall initiate and  
2 develop a program of public information to develop understanding of, and  
3 ensure compliance with the provisions of sections 210.104 to 210.107. The  
4 department of public safety shall, within thirty days of September 28,  
5 1983, promulgate standards for the performance, design, and installation  
6 of passenger restraint systems for children under four years of age in  
7 accordance with federal motor vehicle safety standards and shall approve  
8 those systems which meet such standards. No rule or portion of a rule  
9 promulgated under the authority of sections 210.104 to 210.107 shall  
10 become effective unless it has been promulgated pursuant to the  
11 provisions of section 536.024, RSMo.]

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