

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 1340, 1549,
1918 & 1998**
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation April 18, 2006 with recommendation that House Committee Substitute for House Bill Nos. 1340, 1549, 1918 & 1998 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3732L.06C

AN ACT

To repeal sections 226.527, 226.530, 226.580, 228.110, 301.010, 302.171, 302.178, and 304.013, RSMo, and to enact in lieu thereof ten new sections relating to transportation, with penalty provisions.

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

Section A. Sections 226.527, 226.530, 226.580, 228.110, 301.010, 302.171, 302.178, 2 and 304.013, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as 3 sections 226.009, 226.527, 226.530, 226.580, 228.110, 301.010, 302.171, 302.178, 304.013, and 4 304.182, to read as follows:

226.009. 1. Whenever the federal motor carrier safety administration, the United
2 States Department of Transportation, or the state highways and transportation commission
3 issues an out-of-service order against a motor carrier, as those terms are defined in Title
4 49, Section 390.5, Code of Federal Regulations, as those regulations have been and
5 periodically may be amended, the commission may immediately, without hearing, order
6 the suspension, revocation, cancellation, confiscation, or any of these, of every license,
7 registration, certificate, permit, and other credential issued to the motor carrier by the
8 commission's authority under section 226.008, and every motor vehicle license plate issued
9 under any provision of chapter 301, RSMo, which authorizes the operation of motor

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 vehicles in intrastate or interstate commerce by that motor carrier. This section is
11 applicable to out-of-service orders placing a motor carrier's entire operation out of service,
12 but does not apply to any out-of-service order placing an individual driver or individual
13 vehicle out of service.

14 (1) The commission shall immediately serve notice of its order upon the affected
15 motor carrier, and upon the director of revenue, in the manner authorized by section
16 622.410, RSMo, or any other manner authorized by law for the service of notice of the
17 commission's orders. The notice or order shall state a specific effective date for the
18 commission's action or, in the commission's discretion, that its action shall become effective
19 immediately upon the service of the notice or order upon the motor carrier. The order
20 shall remain in force until otherwise ordered by the commission, or by a court having
21 proper jurisdiction.

22 (2) Whenever an order of the commission issued under this subsection is in force,
23 a motor carrier who is prohibited by the order from operating commercial motor vehicles
24 shall not operate any commercial motor vehicles and shall not allow any employee, agent,
25 lessor, or other person acting under the motor carrier's authority or control to operate any
26 commercial motor vehicles in intrastate or interstate commerce within this state. Upon
27 receiving notice of the commission's order, the motor carrier shall immediately surrender
28 all license plates, motor carrier licenses, registrations, permits, and other credentials, as
29 directed by the commission's order. While the out-of-service order is in force, the
30 commission may dismiss or deny every application for the issuance of any of these
31 credentials to that motor carrier.

32 (3) After the commission has issued an order under this subsection, the out-of-
33 service motor carrier shall not be eligible to apply for the issuance or reinstatement of, and
34 the commission shall not issue or reinstate, any license plate, motor carrier license,
35 registration, permit, certificate, or other credential described in the commission's order,
36 until the out-of-service order and any commission orders issued under this subsection have
37 been rescinded by the agency that issued these orders, or the orders have been set aside by
38 a court having proper jurisdiction.

39 2. In any commission or court proceeding relating to this section, a copy of any
40 federal or state order described in subsection 1 of this section shall be admissible and shall
41 constitute prima facie evidence that the motor carrier violated Title 49, of the Code of
42 Federal Regulations, or that the motor carrier's operation of commercial motor vehicles
43 poses an imminent hazard to safety, or both, as stated in that order.

44 3. Any person who is aggrieved by an order of the highways and transportation
45 commission issued under this section, or by any out-of-service order issued by commission

46 enforcement personnel under section 390.201, RSMo, or subsection 3 of section 307.400,
47 RSMo, may apply to the circuit court for a hearing and review of that order. Venue of
48 such judicial review shall lie within the county of the first classification with more than
49 seventy-one thousand three hundred but fewer than seventy-one thousand four hundred
50 inhabitants or in the county where the out-of-service order was issued to the motor carrier.
51 The right to a hearing and judicial review of the commission's order under this section
52 shall be waived, unless an aggrieved person files a petition for review with the clerk of the
53 circuit court in the proper venue, not later than thirty days following the issuance of the
54 order to be reviewed. Except as otherwise provided in this section, sections 622.430 to
55 622.450, RSMo, shall govern the judicial review of orders issued by the commission or its
56 personnel as described in this section. In addition to any other interested parties, the
57 commission shall have the right to appear in all hearing and review proceedings under this
58 section and may, in its discretion, defend any order or notice issued and any action taken
59 by any public agency or officer acting in good faith under the provisions of this section.
60 This section shall not be construed as conferring any jurisdiction to review, amend, vacate
61 or set aside any orders issued by a federal agency or federal officer.

62 4. Notwithstanding any provision of law, the highways and transportation
63 commission may receive and disclose any data, information, or evidence relating to any
64 out-of-service motor carrier as provided in this section. Except as otherwise provided in
65 this section, this data may include, but is not limited to, the identity and location of any
66 persons known or reasonably believed to have leased motor vehicles with or without driver
67 to the out-of-service carrier, any persons known or reasonably believed to be operating
68 commercial motor vehicles under the authority or control of the out-of-service motor
69 carrier, and any motor vehicles owned, operated by, or leased to the out-of-service motor
70 carrier or those persons, including the vehicle identification numbers. The commission,
71 in its discretion, may disclose this data to the following entities, which are hereby
72 authorized to receive such data from and to disclose such data to the commission:

73 (1) The federal motor carrier safety administration, and other relevant officials of
74 the United States Department of Transportation;

75 (2) The department of revenue;

76 (3) The Missouri state highway patrol, and any other peace officers authorized to
77 exercise police powers within the state;

78 (4) Similarly authorized law enforcement agencies of any other state, of the United
79 States government, or of any foreign government having legal authority to promote or
80 enforce motor carrier safety;

81 (5) Any liability insurer or surety that provides, or has an interest in providing,
82 automobile liability insurance coverage for the out-of-service motor carrier, or for any
83 person who leases, or proposes to lease, motor vehicles to be operated by or under the
84 authority or control of the out-of-service motor carrier; and

85 (6) Attorneys representing a person identified in this subsection; except that the
86 commission may disclose to such attorneys only data relating to their client, their client's
87 employer or employee, or their client's lessor or lessee with reference to a motor vehicle.

88 5. Upon receiving notice of any order issued by the highways and transportation
89 commission under subsection 1 of this section, together with any additional information
90 reasonably required by the director of revenue, the director of revenue may immediately,
91 without hearing, update the director's records to reflect the suspension, revocation, or
92 cancellation of all motor vehicle license plates, registrations, and other credentials issued
93 to the out-of-service motor carrier by the director of revenue, or by the department of
94 revenue. The director of revenue shall immediately notify the motor carrier, and the
95 commission, of all actions taken under the commission's order. The motor carrier shall
96 have the right to seek judicial review of the commission's order, including the suspension,
97 revocation, or cancellation of motor vehicle license plates and registrations under the
98 commission's order, as provided in subsection 3 of this section. The motor carrier shall not
99 be entitled to any separate appeal or review of the director of revenue's notice of
100 suspension, revocation, or cancellation of motor vehicle licenses or registrations or any
101 other actions taken by the director of revenue under the commission's order.

102 6. The commission may authorize any of its personnel to enforce any provision of
103 this section, or any out-of-service orders described in this section, in the same manner
104 provided by law for other orders of the commission authorized under section 226.008. The
105 Missouri state highway patrol and other peace officers within this state may enforce the
106 requirements of this section and of any orders issued under this section. If so authorized
107 by the commission's order under this section, in addition to any other remedies provided
108 by law, personnel of the state department of transportation and the state highway patrol
109 may confiscate any license plates, motor carrier licenses, registrations, certificates, permits,
110 and other credentials issued to the motor carrier by the commission, the director of
111 revenue, the department of revenue, or all of these.

112 7. Notwithstanding any provision of law, the state of Missouri, the highways and
113 transportation commission, the department of revenue, the state highway patrol, and any
114 peace officers or other public officers acting in good faith under the authority of this
115 section, shall not be held liable or required to pay any refund of any fees, taxes,
116 assessments, penalties, fines, forfeitures, or other payments that may be charged to,

received, or collected from the out-of-service motor carrier, or from persons whose motor vehicles are leased to or operated under the control of that motor carrier, in relation to any license plate, motor carrier license, registration, permit, certificate or other credential that is suspended, revoked, cancelled, or confiscated under any provisions of this section.

8. Any act or omission by a state agency that this section authorizes or requires with reference to an out-of-service motor carrier, or with reference to motor vehicles operated by an out-of-service motor carrier, is likewise authorized or required with reference to:

(1) Any person who operates motor vehicles under the actual control of that motor carrier, and any person who operates motor vehicles that are leased to that motor carrier, with or without driver; and

(2) Any motor vehicles operated under the actual control of that motor carrier and any motor vehicles that are leased to that motor carrier, with or without driver.

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from such traveled way, except such outdoor advertising as is defined in subdivisions (1) and (2) of section 226.520.

2. No compensation shall be paid for the removal of any sign erected in violation of subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section if it were erected or maintained after August 13, 1976, shall be removed unless such removal is required by the Secretary of Transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal have been appropriated and allocated and are immediately available to this state, and in such event, such sign shall be removed pursuant to section 226.570.

3. In the event any portion of this chapter is found in noncompliance with Title 23, United States Code, section 131, by the Secretary of Transportation or his representative, and any portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are withheld, or declared forfeited by the Secretary of Transportation or his representative, all removal of outdoor advertising by the Missouri state highways and transportation commission pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full. Such cessation of removal shall not be construed to affect compensation for outdoor advertising removed or in the process of removal pursuant to this chapter.

4. In addition to any applicable regulations set forth in sections 226.500 through 226.600, signs within an area subject to control by a local zoning authority and wherever located within

24 such area shall be subject to reasonable regulations of that local zoning authority relative to size,
25 lighting, spacing, and location; provided, however, that no local zoning authority shall have
26 authority to require any sign within its jurisdiction which was lawfully erected and which is
27 maintained in good repair to be removed without the payment of just compensation. **The**
28 **requirement by a local zoning authority that a legally erected outdoor advertising structure**
29 **be removed or altered as a condition or prerequisite for the issuance or continued**
30 **effectiveness of a permit, license, or other approval for any use, structure, development,**
31 **or activity other than outdoor advertising, including a request for rezoning, constitutes a**
32 **compelled removal or alteration, which is prohibited without the payment of just**
33 **compensation as required by this subsection.**

226.530. 1. The state highways and transportation commission [is required to] **shall**
2 issue one-time permanent permits as provided in section 226.550 for the erection and
3 maintenance of outdoor advertising along [the interstate and primary highway systems and] **any**
4 **interstate highways, the federal-aid primary system as it existed on June 1, 1991, or the**
5 **national highway system.**

6 2. The commission is authorized to void any permit and no compensation shall be
7 **paid under any of the following conditions:**

8 (1) When there has been any misrepresentation of a material fact by the applicant
9 on a permit application and the sign is removed under section 226.580;

10 (2) When the commission determines that a change has been made to a conforming
11 sign by the sign owner and the sign has been removed under section 226.580; or

12 (3) When the commission determines that a substantial change has been made to
13 a nonconforming sign by the sign owner such that the sign's nonconforming status was
14 terminated and the sign was removed under the commission's administrative rules for
15 maintenance of nonconforming signs.

16 3. The commission is authorized to void any permit when the commission
17 determines that such permit has been erroneously issued by department of transportation
18 staff in violation of any state law or administrative rule and the outdoor advertising shall
19 be subject to removal and compensation and shall be paid under section 226.570.

20 4. Subject to section 226.540, **the commission is authorized** to promulgate only those
21 rules and regulations of minimal necessity and consistent with customary use to secure to this
22 state any federal aid contingent upon compliance with federal laws, rules and regulations relating
23 to outdoor advertising. No rule or portion of a rule promulgated under the authority of this
24 section shall become effective unless it has been promulgated pursuant to the provisions of
25 section 536.024, RSMo.

226.580. 1. The following outdoor advertising within six hundred sixty feet of the right-of-way of interstate or primary highways is deemed unlawful and shall be subject to removal:

(1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they appeared in the revised statutes of Missouri 1969; or

(2) Signs for which a permit is not obtained or a biennial inspection fee is more than twelve months past due; or

(3) Signs which are obsolete. Signs shall not be considered obsolete solely because they temporarily do not carry an advertising message; or

(4) Signs that are not in good repair; or

(5) Signs not securely affixed to a substantial structure; or

(6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device; or

(7) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features; or

(8) Signs for which a permit was obtained based on a misrepresentation of a material fact.

2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of their message being read from such traveled way, except those signs described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be subject to removal.

3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 to [7] 8 of this section, the state highways and transportation commission shall give notice either by certified mail or by personal service to the owner or occupant of the land on which advertising believed to be unlawful is located and the owner of the outdoor advertising structure. Such notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action which is required to correct the unlawfulness and shall advise that a failure to take the remedial action within sixty days will result in the sign being removed. Within sixty days after receipt of the notice as to him, the owner of the land or of the structure may remove the sign or may take the remedial action specified or may file an action for administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and transportation commission, or he may proceed under the provisions of section 536.150, RSMo,

37 as if the act of the highways and transportation commission was one not subject to administrative
38 review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor
39 advertising structure erected prior to August 28, 1992, defined as a "structure lawfully in
40 existence" or "lawfully existing", by subdivision (1), (2) or (3) of subsection 3 of section
41 226.550, shall be removed for failure to have a permit until a notice, as provided in this section,
42 has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as
43 the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of
44 applying for a permit or paying the inspection fee within sixty days will result in the sign being
45 removed. Signs for which biennial inspection fees are delinquent shall not be removed unless
46 the fees are more than twelve months past due and actual notice of the delinquency has been
47 provided to the sign owner. Upon application made within the sixty-day period as provided in
48 this section, and accompanied by the fee prescribed by section 226.550, together with any
49 inspection fees that would have been payable if a permit had been timely issued, the state
50 highways and transportation commission shall issue a one-time permanent permit for such sign.
51 Such signs with respect to which permits are so issued are hereby determined by the state of
52 Missouri to have been lawfully erected within the meaning of "lawfully erected" as that term is
53 used in Title 23, United States Code, Section 131(g), as amended, and shall only be removed
54 upon payment of just compensation, except that the issuance of permits shall not entitle the
55 owners of such signs to compensation for their removal if it is finally determined that such signs
56 are not "lawfully erected" as that term is used in Section 131(g) of Title 23 of the United States
57 Code.

58 4. If actual notice as provided in this section is given and neither the remedial action
59 specified is taken nor an action for review is filed, or if an action for review is filed and is finally
60 adjudicated in favor of the state highways and transportation commission, the state highways and
61 transportation commission shall have authority to immediately remove the unlawful outdoor
62 advertising. The owner of the structure shall be liable for the costs of such removal. The
63 commission shall incur no liability for causing this removal, except for damage caused by
64 negligence of the commission, its agents or employees.

65 5. If notice as provided in this section is given and an action for review is filed under the
66 provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of
67 sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation
68 commission enters its final decision and order to remove the outdoor advertising structure, the
69 advertising message contained on the structure shall be removed or concealed by the owner of
70 the structure, at the owner's expense, until the action for judicial review is finally adjudicated.
71 If the owner of the structure refuses or fails to remove or conceal the advertising message, the
72 commission may remove or conceal the advertising message and the owner of the structure shall

73 be liable for the costs of such removal or concealment. The commission shall incur no liability
74 for causing the removal or concealment of the advertising message while an action for review
75 is pending, except if the owner finally prevails in its action for judicial review, the commission
76 will compensate the owner at the rate the owner is actually receiving income from the advertiser
77 pursuant to written lease from the time the message is removed until the judicial review is final.

78 6. Any signs advertising tourist-oriented type business will be the last to be removed.

79 7. Any signs prohibited by section 226.527 which were lawfully erected prior to August
80 13, 1976, shall be removed pursuant to section 226.570.

81 8. The transportation department shall reimburse to the lawful owners of any said
82 nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580
83 and 226.585, said compensation calculated and/or based on a fair market value and not mere
84 replacement cost.

228.110. 1. **In counties in which township districts exist**, any twelve residents of the
2 township or townships through which a road runs may make application for the vacation of any
3 such road or part of the same as useless, and the repairing of the same an unreasonable burden
4 upon the district or districts. **In the county with a charter form of government and with**
5 **more than two hundred fifty thousand but fewer than three hundred fifty thousand**
6 **inhabitants, any twelve residents of the county through which a road runs who reside on**
7 **any portion of such road, or who reside on another road which intersects such road, may**
8 **make application for vacation of such road or part of the road as no longer serving the**
9 **public health, safety, or welfare.** The petition shall be publicly read on the first day of the term
10 at which it is presented, and the matter continued without further proceedings until the next term.

11 2. Notice of the filing of such petition and of the road sought to be vacated shall be
12 posted up in not less than three public places in such township or townships, at least twenty days
13 before the first day of the next term of the commission, and a copy of the same shall be
14 personally served on all the persons residing in the district whose lands are crossed or touched
15 by the road proposed to be vacated in the same manner as other notices are required to be served
16 by law; and at the next regular term the same shall again be publicly read on the first day thereof.

17 3. If no remonstrance is made thereto in writing, signed by at least twelve residents of
18 the township, the commission may proceed to vacate such road, or any part thereof, at the cost
19 of the petitioners; but if a remonstrance thereto in writing, signed by at least twelve residents of
20 such township or townships, is filed, and the commission after considering the same shall decide
21 that it is just to vacate such road, or any part thereof, against the vacation of which the
22 remonstrance was filed, the costs shall be paid by the parties remonstrating, and the original
23 costs, and damages for opening such vacated road shall be paid by the petitioners to those who

24 paid the same, except that if five years have elapsed since the original opening of the same no
25 such reimbursement shall be made.

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

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

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

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 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 are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;

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

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

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

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

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

28 (11) "Driveaway operation":

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

32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and

34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or

69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation.

74

75 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
76 as a commercial motor vehicle or local commercial motor vehicle;

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

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

98 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
99 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
100 state, used to transport harvested forest products, operated solely at a forested site and in an area
101 extending not more than a [fifty-mile] **one-hundred-mile** radius from such site, operates with
102 a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight
103 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated
104 on the national system of interstate and defense highways described in Title 23, Section 103(e)

105 of the United States Code, such vehicle does not exceed the weight limits contained in section
106 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has
107 more than two axles. Violations of axle weight limitations shall be subject to the load limit
108 penalty as described for in sections 304.180 to 304.220, RSMo;

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

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

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

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

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

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

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

130 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
131 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
132 twelve thousand pounds;

133 (a) Offered for hire or lease; or

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

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

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

140 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
141 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
142 A motortricycle shall not be included in the definition of all-terrain vehicle;
143 (39) "Municipality", any city, town or village, whether incorporated or not;
144 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
145 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
146 compliance with United States emissions or safety standards;
147 (42) "Operator", any person who operates or drives a motor vehicle;
148 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
149 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
150 thereof with the right of purchase upon performance of the conditions stated in the agreement
151 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
152 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
153 or mortgagor shall be deemed the owner for the purpose of this law;
154 (44) "Public garage", a place of business where motor vehicles are housed, stored,
155 repaired, reconstructed or repainted for persons other than the owners or operators of such place
156 of business;
157 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
158 rebuilder, but does not include certificated common or contract carriers of persons or property;
159 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
160 construction by the addition or substitution of two or more new or used major component parts,
161 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
162 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
163 substantially modified so that it may be used and is used for the purposes of temporary housing
164 quarters, including therein sleeping and eating facilities which are either permanently attached
165 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
166 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
167 vehicle if the motor vehicle could otherwise be so registered;
168 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
169 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
170 wrecker or towing service;
171 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
172 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
173 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
174 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
175 wheel kingpin connection. When two vehicles are towed in this manner the combination is

176 called a "double saddlemount combination". When three vehicles are towed in this manner, the
177 combination is called a "triple saddlemount combination";

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

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

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

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

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

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

191 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
192 304.157, RSMo, and designated with the words "salvage/abandoned property".

193

194 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of
195 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales
196 tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition,
197 "fair market value" means the retail value of a motor vehicle as:

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

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

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

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

208 (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
209 corporation as an incidental service to transport patrons or customers of the regular business of
210 such person, firm, or corporation to and from the place of business of the person, firm, or

211 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
212 buses or as commercial motor vehicles;

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

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

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

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

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

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

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

243 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
244 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
245 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second

246 semitrailer and has one less articulation point than the conventional "A dolly" connected
247 truck-tractor semitrailer-trailer combination;

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

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

255 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
256 firm, corporation, association, city, county or state agency, or any member thereof, for the
257 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
258 and from their place of employment; however, a vanpool shall not be included in the definition
259 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
260 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
261 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
262 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
263 monetary profit other than for use in a ride-sharing arrangement;

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

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

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

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every

7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178.

29 2. An applicant for a license may make a donation of one dollar to promote an organ
30 donor program. The director of revenue shall collect the donations and deposit all such
31 donations in the state treasury to the credit of the organ donor program fund established in
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
34 department of revenue shall retain no more than one percent for its administrative costs. The
35 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
36 license at the time of issuance or renewal of the license. The director shall make available an
37 informational booklet or other informational sources on the importance of organ donations to
38 applicants for licensure as designed by the organ donation advisory committee established in
39 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
40 licensee presents the completed application to the director whether the applicant is interested in
41 making the one dollar donation prescribed in this subsection and whether the applicant is
42 interested in inclusion in the organ donor registry and shall also specifically inform the licensee

43 of the ability to consent to organ donation by completing the form on the reverse of the license
44 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
45 RSMo. The director shall notify the department of health and senior services of information
46 obtained from applicants who indicate to the director that they are interested in registry
47 participation, and the department of health and senior services shall enter the complete name,
48 address, date of birth, race, gender and a unique personal identifier in the registry established in
49 subsection 1 of section 194.304, RSMo.

50 3. An applicant for a license may make a donation of one dollar to promote a blindness
51 education, screening and treatment program. The director of revenue shall collect the donations
52 and deposit all such donations in the state treasury to the credit of the blindness education,
53 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
54 blindness education, screening and treatment program fund shall be used solely for the purposes
55 established in section 192.935, RSMo, except that the department of revenue shall retain no more
56 than one percent for its administrative costs. The donation prescribed in this subsection is
57 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
58 of the license. The director shall inquire of each applicant at the time the licensee presents the
59 completed application to the director whether the applicant is interested in making the one dollar
60 donation prescribed in this subsection.

61 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
62 commits fraud or deception during the examination process or who makes application for an
63 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
64 false or fraudulent information or documentation, or who knowingly conceals a material fact or
65 otherwise commits a fraud in any such application. The period of denial shall be one year from
66 the effective date of the denial notice sent by the director. The denial shall become effective ten
67 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
68 person at the last known address shown on the person's driving record. The notice shall be
69 deemed received three days after mailing unless returned by the postal authorities. No such
70 individual shall reapply for a driver's examination, instruction permit, driver's license, or
71 nondriver's license until the period of denial is completed. No individual who is denied the
72 driving privilege under this section shall be eligible for a limited driving privilege issued under
73 section 302.309.

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

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

77 7. The director may promulgate rules and regulations necessary to administer and enforce
78 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
79 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

80 **8. Notwithstanding any other provision of this chapter that requires an applicant**
81 **to provide proof of lawful presence for renewal of a noncommercial driver's license,**
82 **noncommercial instruction permit, or nondriver's license the following persons shall be**
83 **exempt from showing proof of lawful presence:**

84 (a) An applicant who submits a Certificate of Release or Discharge from Active
85 Duty, DD Form 214, noting honorable discharge;

86 (b) An applicant who has previously held for a period of fifteen years or more a
87 noncommercial driver's license, noncommercial instruction permit, or nondriver's license;

88 (c) An applicant who is sixty-five years of age or older and who was previously
89 issued a Missouri noncommercial driver's license, noncommercial instruction permit, or
90 Missouri nondriver's license.

91
92 **If any federal law or regulation prohibits or restricts such an exemption or would result**
93 **in the loss of federal funding for this state, the director of revenue shall apply for any**
94 **federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge**
95 **from Active duty in lieu of the requirements for submission of a birth certificate.**

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

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 3 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section
11 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least twenty
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
17 twenty-one years of age who supervised such driving. For purposes of this section, the term

18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen
19 years of age, who:

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

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the armed forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;

25 or

26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

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

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

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

49 5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,
50 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
51 convictions for which points are assessed, upon reaching the age of eighteen years **or within the**
52 **thirty days immediately preceding their eighteenth birthday** may apply for and receive
53 without further examination, other than a vision test as prescribed by section 302.173, a license

54 issued pursuant to this chapter granting full driving privileges. Such person shall pay the
55 required fee for such license as prescribed in section 302.177.

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

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

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

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

77 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
78 is created under the authority delegated in this section shall become effective only if it complies
79 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
80 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
81 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
82 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
83 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
84 invalid and void.

304.013. 1. No person shall operate an all-terrain vehicle, as defined in **subsection 7 of**
2 **this section and** section 301.010, RSMo, upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits.

14 2. No person shall operate an off-road vehicle within any stream or river in this state,
15 except that off-road vehicles may be operated within waterways which flow within the
16 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
17 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
18 or for the purpose of fording such stream or river of this state at such road crossings as are
19 customary or part of the highway system. All law enforcement officials or peace officers of this
20 state and its political subdivisions or department of conservation agents or department of natural
21 resources park rangers shall enforce the provisions of this subsection within the geographic area
22 of their jurisdiction.

23 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
24 covered in this section shall have a valid operator's or chauffeur's license, except that a
25 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
26 section, [but] shall not be required to have passed an examination for the operation of a
27 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
28 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
29 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
30 shall be triangular in shape with an area of not less than thirty square inches and shall be
31 day-glow in color.

32 4. No persons shall operate an all-terrain vehicle:

33 (1) In any careless way so as to endanger the person or property of another;

34 (2) While under the influence of alcohol or any controlled substance;

35 (3) Without a securely fastened safety helmet on the head of an individual who operates
36 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
37 unless the individual is at least eighteen years of age.

38 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
39 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
40 the seat of such vehicle is designed to carry more than one person.

41 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
42 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
43 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
44 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.

45 **7. As used in subsection 1 of this section, "all-terrain vehicle" shall include any**
46 **motorized vehicle manufactured and used exclusively for off-highway use which is**
47 **sixty-three inches or less in width, with an unladen dry weight of one thousand eight**
48 **hundred fifty pounds or less, traveling on four or six wheels, commonly referred to as a**
49 **utility vehicle, and to be used primarily for agricultural, landscaping, lawn care, or**
50 **maintenance purposes.**

304.182. 1. In order to promote reduction of fuel use and emissions because of
2 **engine idling, the maximum gross vehicle weight limit and the axle weight limit prescribed**
3 **under section 304.180 for any heavy-duty vehicle equipped with an idle reduction**
4 **technology shall be increased by a quantity necessary to compensate for the additional**
5 **weight of the idle reduction system.**

6 **2. The weight increase under subsection 1 of this section shall not exceed four**
7 **hundred pounds.**

8 **3. On request by the department of transportation or law enforcement agency, the**
9 **vehicle operator shall provide proof through demonstration or certification that the idle**
10 **reduction technology is fully functional at all times and the four hundred-pound gross**
11 **weight increase is not used for any purpose other than for use of idle reduction technology**
12 **described in subsection 1 of this section.**

13 **4. In implementing and enforcing the provisions of this section the department of**
14 **transportation shall adhere with federal guidelines established under Section 127(a) of**
15 **Title 23 of the United States Code, as amended.**

✓