

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 240
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation May 2, 2007 with recommendation that House Committee Substitute for Senate Bill No. 240 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1299L.03C

AN ACT

To repeal sections 302.177, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, and 304.230, RSMo, and to enact in lieu thereof twelve new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 302.177, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, and 304.230, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 302.063, 302.177, 302.272, 302.275, 302.305, 302.321, 302.545, 302.700, 302.720, 302.755, 304.032, and 304.230, to read as follows:

- 302.063. 1. In addition to the requirement of section 302.171, the director of revenue shall not accept any application by any applicant for an operator's license or a temporary permit issued under section 302.130 who is fifteen to eighteen years of age and whose name has been submitted to the department of revenue by a public school in accordance with subsection 2 of this section.**
- 2. Each public school district shall provide to the department of revenue, at least one time for each semester of the school year, a list of the names of all students who are not in compliance with the standards for eligibility developed under the provisions of this section.**
- 3. The department of elementary and secondary education shall develop a plan that includes, but is not limited to, elements that demonstrate effort on the student's part, such**

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.

12 as attendance, and maintaining grades and achieving assessment scores consistent with
13 their skills and abilities. The public school district shall ensure that students are aware of
14 the district's standards and provide multiple opportunities in the fifth grade year and
15 subsequent years for students to receive information and participate in academic
16 counseling in anticipation of meeting such standards. The department's standards shall
17 ensure that the student continues to make educational progress. The student shall be
18 required to meet the standards in the academic year preceding such student's application
19 for an operator's license or temporary permit. A student enrolled in public school who
20 withdraws from public school and was not in compliance with the school district's
21 standards for eligibility for an operator's license or temporary permit at the time of such
22 withdrawal shall remain subject to the requirements of this section until such student
23 demonstrates department's standards have been achieved.

24 4. If an applicant does not achieve the department's standards, the applicant's
25 driver's license test shall be postponed until the applicant demonstrates the department's
26 standards have been achieved. The department's plan shall create methods for
27 demonstrating, no less frequently than once a semester, that standards have been met. The
28 department's standards shall also include a method for evaluating students who transfer
29 into the school district after the age of fourteen who may not initially meet the
30 department's standards to prevent undue delay for that student to qualify.

31 5. Any person who is an emancipated minor, as defined in section 302.171, who
32 does not meet the qualifications prescribed in this section may request the school board of
33 the school district in which such person resides to grant a waiver from the requirements
34 of this section and such waiver shall be granted if the school board determines that having
35 a license to operate a motor vehicle is in the best interests of that person. In addition, any
36 person who withdraws from school and earns a GED shall be granted, upon request, a
37 waiver from the requirements of this section.

38 6. The department of elementary and secondary education, in cooperation with the
39 department of revenue, shall promulgate a model or models for school district standards.

40 7. Any person who knowingly submits false information to the department under
41 the provisions of this section is guilty of a class C misdemeanor.

42 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
43 that is created under the authority delegated in this section shall become effective only if
44 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
45 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
46 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
47 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

48 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after August 28, 2007, shall be invalid and void.**

302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty-one years of age and under the age of
3 seventy, and who submit a satisfactory application and meet the requirements of sections
4 302.010 to 302.605, the director shall issue or renew such license; except that no license shall
5 be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or
6 deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year
7 of issuance, unless the license must be issued for a shorter period due to other requirements of
8 law or for transition or staggering of work as determined by the director. The license must be
9 renewed on or before the date of expiration, which date shall be shown on the license.

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in
15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under
19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

21 3. To all other applicants for a license or renewal of a license who are at least twenty-one
22 years of age and under the age of seventy, and who submit a satisfactory application and meet
23 the requirements of sections 302.010 to 302.605, the director shall issue or renew such license;
24 except that no license shall be issued if an applicant's license is currently suspended, canceled,
25 revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's
26 birthday in the sixth year of issuance, unless the license must be issued for a shorter period due
27 to other requirements of law or for transition or staggering of work as determined by the director.
28 The license must be renewed on or before the date of expiration, which date shall be shown on
29 the license.

30 4. To all other applicants for a license or renewal of a license who are less than
31 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
32 application and meet the requirements of sections 302.010 to 302.605, the director shall issue
33 or renew such license; except that no license shall be issued if an applicant's license is currently
34 suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire

35 on the applicant's birthday in the third year of issuance, unless the license must be issued for a
36 shorter period due to other requirements of law or for transition or staggering of work as
37 determined by the director. The license must be renewed on or before the date of expiration,
38 which date shall be shown on the license.

39 5. The fee for a license issued for a period which exceeds three years under subsection
40 1 of this section shall be thirty dollars.

41 6. The fee for a license issued for a period of three years or less under subsection 2 of
42 this section shall be fifteen dollars, except that the fee for a license issued for one year or less
43 which contains a school bus endorsement shall be five dollars.

44 7. The fee for a license issued for a period which exceeds three years under subsection
45 3 of this section shall be fifteen dollars.

46 8. The fee for a license issued for a period of three years or less under subsection 4 of
47 this section shall be seven dollars and fifty cents, **except renewal fees shall be waived for**
48 **applicants seventy years of age or older.**

49 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that
50 exceeds an applicant's lawful presence in the United States. The director may establish
51 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
52 license issued under this section.

53 10. The director of revenue may adopt any rules and regulations necessary to carry out
54 the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority
55 of this section shall become effective unless it has been promulgated pursuant to the provisions
56 of chapter 536, RSMo.

302.272. 1. No person shall operate any school bus owned by or under contract with a
2 public school or the state board of education unless such driver has qualified for a school bus
3 endorsement under this section and complied with the pertinent rules and regulations of the
4 department of revenue and any final rule issued by the secretary of the United States Department
5 of Transportation or has a valid school bus endorsement on a valid commercial driver's license
6 issued by another state. A school bus endorsement shall be issued to any applicant who meets
7 the following qualifications:

8 (1) The applicant has a valid state license issued under this chapter;

9 (2) The applicant is at least twenty-one years of age; and

10 (3) The applicant has successfully passed an examination for the operation of a school
11 bus as prescribed by the director of revenue. The examination shall include any examinations
12 prescribed by the secretary of the United States Department of Transportation, and a driving test
13 in the type of vehicle to be operated. The test shall be completed in the appropriate class of
14 vehicle to be driven. For purposes of this section classes of school buses shall comply with the

15 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who
16 are at least seventy years of age, such examination shall be completed annually.

17 2. The director of revenue, to the best of the director's knowledge, shall not issue or
18 renew a school bus endorsement to any applicant whose driving record shows that such
19 applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or
20 whose driving record shows a history of moving vehicle violations.

21 3. **The director of revenue shall not issue or renew a school bus endorsement to any**
22 **applicant whose driving record shows that the applicant has been convicted of an**
23 **intoxication-related traffic offense, as that term is defined in section 577.023, RSMo, while**
24 **operating a school bus. A person found guilty or pleading guilty to an intoxication-related**
25 **traffic offense while operating a school bus shall have his or her school bus endorsement**
26 **permanently denied by the court, beginning on the date of the court's order.**

27 4. The director may adopt any rules and regulations necessary to carry out the provisions
28 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
29 that is created under the authority delegated in this section shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
31 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
32 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
33 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
34 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall
35 be invalid and void.

36 [4.] 5. Notwithstanding the requirements of this section, an applicant who resides in
37 another state and possesses a valid driver's license from his or her state of residence with a valid
38 school bus endorsement for the type of vehicle being operated shall not be required to obtain a
39 Missouri driver's license with a school bus endorsement.

302.275. 1. Any employer of a person licensed pursuant to section 302.272 to operate
2 a school bus, as that term is defined in section 301.010, RSMo, shall notify the director of the
3 department of revenue within ten days of discovering that the person has failed to pass any drug,
4 alcohol or chemical test administered pursuant to the requirements of any federal or state law,
5 rule or regulation regarding the operation of a school bus. The notification shall consist of the
6 person's name and any other relevant information required by the director. The director shall
7 determine the manner in which the notification is made. Any employer, or any officer of an
8 employer, who knowingly fails to comply with the notification requirement of this section or
9 who knowingly provides a false notification shall be guilty of an infraction.

10 2. **Whenever a citation for an intoxicated-related traffic offense, as defined by**
11 **section 577.023, RSMo, is issued to any person licensed under section 302.272 to operate**

12 a school bus, the person shall notify the superintendent of the school district or employing
13 contractor for which he or she operates a school bus of the citation. Notice of such citation
14 shall be given prior to the person resuming operation of a school bus. Failure to notify the
15 school district or the employing contractor of the citation shall constitute a valid reason to
16 discharge such person from the school district's or employing contractor's employ.

302.305. 1. The director of the department of revenue shall issue a registration
2 plate impoundment order to any person whose driver's license has been suspended,
3 revoked, or disqualified for a period of sixty days or greater. The registration plate
4 impoundment order shall require the impoundment of the registration plates of all motor
5 vehicles owned by, registered, or leased in the name of the person whose driver's license
6 has been suspended, revoked, or disqualified, including motor vehicles registered solely or
7 jointly in the name of such individual. The registration plate impoundment order shall
8 notify the person that he or she has seven days to surrender all registration plates listed in
9 the registration impoundment order. Within seven days of receipt of the registration plate
10 impoundment order, the person shall surrender his or her current license plates for any
11 motor vehicle registered solely or jointly in the name of such person to the director of the
12 department of revenue for destruction. If the person fails to return all license plates to the
13 director within seven days of receipt of the registration plate impoundment order, the
14 director shall direct the Missouri state highway patrol or any peace or police officer to
15 secure the possession of such license plates. The person shall be issued a set of restricted
16 license plates that are different in color from regular plates which shall be displayed on the
17 motor vehicle or motor vehicles registered solely or jointly in the person's name for the
18 period of the suspension, revocation, denial, or disqualification. The applicant shall pay
19 replacement plate fees as provided in section 301.300, RSMo, for the restricted license
20 plates in addition to any other registration fees that may apply. After reinstatement,
21 standard plates shall be obtained under the requirements and fees established in chapter
22 301, RSMo.

23 2. Until the driver's license of the motor vehicle owner is reinstated, any new license
24 plate issued to the motor vehicle owner shall conform to the provisions of this section.

25 3. Law enforcement officers shall have probable cause to stop any vehicle
26 displaying restricted license plates issued under the provisions of this section to determine
27 whether the driver of such vehicle has a valid driver's license or a limited driving privilege
28 as described in section 302.309.

29 4. A registered owner of a motor vehicle who has been issued restricted license
30 plates under the provisions of this section may not sell the motor vehicle during the period
31 the motor vehicle is required to display such plates unless the registered owner applies to

32 the department of revenue for permission to transfer title to the motor vehicle. If the
33 director of the department of revenue is satisfied that the proposed sale is in good faith and
34 for a valid consideration, and that the sale or transfer is not for the purpose of
35 circumventing the provisions of this section, the director may certify its consent to the
36 owner of the motor vehicle. Any vehicle acquired by the applicant during the period of
37 restriction shall display the restricted license plates.

38 **5. If, during the time the restricted license plates are required to be displayed under**
39 **this section, the title to a motor vehicle is transferred by a foreclosure, a sale upon**
40 **execution, or other similar legal action, the department shall enter notice of the transfer**
41 **of the motor vehicle's title in the motor vehicle system and the restricted license plates shall**
42 **be returned to the department of revenue for destruction.**

43 **6. No person operating a motor vehicle displaying restricted license plates as**
44 **described in this section shall knowingly replace, disguise, or obscure the color of such**
45 **plates.**

46 **7. Nothing contained in this section shall alter or be construed to alter the**
47 **obligations of a person with respect to the taxation of motor vehicles or the time within**
48 **which a person must pay personal property taxes upon a motor vehicle.**

49 **8. The director of the department of revenue is authorized to promulgate rules and**
50 **regulations to implement the provisions of this section. Any rule or portion of a rule, as**
51 **that term is defined in section 536.010, RSMo, that is created under the authority delegated**
52 **in this section shall become effective only if it complies with and is subject to all of the**
53 **provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section**
54 **and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**
55 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**
56 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
57 **rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be**
58 **invalid and void.**

59 **9. The provisions of this section shall become effective January 1, 2008.**

302.321. 1. A person commits the crime of driving while revoked if such person
2 operates a motor vehicle on a highway when such person's license or driving privilege has been
3 canceled, suspended, or revoked under the laws of this state or any other state and acts with
4 criminal negligence with respect to knowledge of the fact that such person's driving privilege has
5 been canceled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a class A misdemeanor.
7 **If the person convicted of driving while revoked was operating a school bus at the time of**
8 **the offense, the person shall be fined not less than one thousand dollars if the offense is**

9 **otherwise a class A misdemeanor.** Any person with no prior alcohol-related enforcement
10 contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while
11 revoked or a county or municipal ordinance of driving while suspended or revoked where the
12 defendant was represented by or waived the right to an attorney in writing, and where the prior
13 three driving-while-revoked offenses occurred within ten years of the date of occurrence of the
14 present offense; and any person with a prior alcohol-related enforcement contact as defined in
15 section 302.525, convicted a third or subsequent time of driving while revoked or a county or
16 municipal ordinance of driving while suspended or revoked where the defendant was represented
17 by or waived the right to an attorney in writing, and where the prior two driving-while-revoked
18 offenses occurred within ten years of the date of occurrence of the present offense and where the
19 person received and served a sentence of ten days or more on such previous offenses is guilty of
20 a class D felony. No court shall suspend the imposition of sentence as to such a person nor
21 sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be
22 eligible for parole or probation until such person has served a minimum of forty-eight
23 consecutive hours of imprisonment, unless as a condition of such parole or probation, such
24 person performs at least ten days involving at least forty hours of community service under the
25 supervision of the court in those jurisdictions which have a recognized program for community
26 service. Driving while revoked is a class D felony on the second or subsequent conviction
27 pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

302.545. 1. Any person who is less than twenty-one years of age and whose driving
2 privilege has been suspended or revoked, for a first determination under sections 302.500 to
3 302.540, that such person was driving with two-hundredths of one percent of blood alcohol
4 content, shall have all official records and all recordations maintained by the department of
5 revenue of such suspension or revocation expunged two years after the date of such suspension
6 or revocation, or when such person attains the age of twenty-one, whichever date first occurs.
7 Such expungement shall be performed by the department of revenue without need of a court
8 order. No records shall be expunged **until three years after the date of suspension or**
9 **revocation, if the person was holding a commercial driver's license at the time of the**
10 **offense, or** if the person was found guilty or pled guilty to operating a commercial motor vehicle,
11 as defined in section 302.700, with a blood alcohol content of at least four-hundredths of one
12 percent.

13 2. The provisions of this section shall not apply to any person whose license is suspended
14 or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is
15 convicted of any alcohol-related driving offense before the age of twenty-one including, but not
16 limited to:

17 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

- 18 (2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo.
302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".
- 3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:
- 4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;
- 6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;
- 9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;
- 11 (4) "Commercial driver's license", a license issued by this state to an individual which
12 authorizes the individual to operate a commercial motor vehicle;
- 13 (5) "Commercial driver's license information system", the information system established
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)
15 to serve as a clearinghouse for locating information related to the licensing and identification of
16 commercial motor vehicle drivers;
- 17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
18 passengers or property:
- 19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
21 one pounds or more;
- 22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
23 pounds or such lesser rating as determined by federal regulation;
- 24 (c) If the vehicle is designed to transport sixteen or more passengers, including the
25 driver; or
- 26 (d) If the vehicle is transporting hazardous materials and is required to be placarded
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);
- 28 (7) "Controlled substance", any substance so classified under Section 102(6) of the
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
30 I through V of 21 CFR part 1308, as they may be revised from time to time;
- 31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo
32 contendere, or a determination that a person has violated or failed to comply with the law in a
33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine

35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty
36 is rebated, suspended or prorated, **including an offense for failure to appear or pay;**

37 (9) "Director", the director of revenue or his authorized representative;

38 (10) "Disqualification", any of the following three actions:

39 (a) The suspension, revocation, or cancellation of a commercial driver's license;

40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor
42 vehicle traffic control or violations committed through the operation of motor vehicles, other
43 than parking, vehicle weight, or vehicle defect violations;

44 (c) A determination by the Federal Motor Carrier Safety Administration that a person
45 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

47 (12) "Driver", any person who drives, operates, or is in physical control of a motor
48 vehicle, or who is required to hold a commercial driver's license;

49 (13) "Driving under the influence of alcohol", the commission of any one or more of the
50 following acts:

51 (a) Driving a commercial motor vehicle with the alcohol concentration of four
52 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
53 concentration as may be later determined by the secretary by regulation;

54 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
55 of any federal or state law, or in violation of a county or municipal ordinance;

56 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol
57 content in violation of any federal or state law, or in violation of a county or municipal
58 ordinance;

59 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
60 302.750, any federal or state law, or a county or municipal ordinance; or

61 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
62 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
63 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
64 of age or older shall have been committed by the person with an alcohol concentration of at least
65 eight-hundredths of one percent or more, or in the case of an individual who is less than
66 twenty-one years of age, shall have been committed by the person with an alcohol concentration
67 of at least two-hundredths of one percent or more, and if committed in a commercial motor
68 vehicle, a concentration of four-hundredths of one percent or more;

69 (14) "Driving under the influence of a controlled substance", the commission of any one
70 or more of the following acts in a commercial or noncommercial motor vehicle:

71 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
72 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
73 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
74 may be revised from time to time;

75 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition
76 in violation of any federal or state law or in violation of a county or municipal ordinance; or

77 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
78 302.750, any federal or state law, or a county or municipal ordinance;

79 (15) "Employer", any person, including the United States, a state, or a political
80 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
81 operate such a vehicle;

82 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
83 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
84 or a combination of these, within one hundred fifty miles of the farm, other than one which
85 requires placarding for hazardous materials as defined in this section, or used in the operation
86 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial
87 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
88 one pounds when transporting fertilizers as defined in subdivision (21) of this subsection;

89 (17) "Fatality", the death of a person as a result of a motor vehicle accident;

90 (18) "Felony", any offense under state or federal law that is punishable by death or
91 imprisonment for a term exceeding one year;

92 (19) "Gross combination weight rating" or "GCWR", the value specified by the
93 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
94 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
95 power unit and the total weight of the towed unit and any load thereon;

96 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer
97 as the loaded weight of a single vehicle;

98 (21) "Hazardous materials", hazardous materials as specified in Section 103 of the
99 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not
100 limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel
101 or special fuel, shall not be considered hazardous materials when transported by a farm vehicle
102 provided all other provisions of this definition are followed;

103 (22) "Imminent hazard", the existence of a condition that presents a substantial
104 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
105 health, property, or the environment may occur before the reasonably foreseeable completion

106 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
107 endangerment;

108 (23) "Issuance", the initial licensure, license transfers, license renewals, and license
109 upgrades;

110 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

111 (25) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles
112 not defined by the term "commercial motor vehicle" in this section;

113 (26) "Out of service", a temporary prohibition against the operation of a commercial
114 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,
115 or the operation of a particular motor carrier;

116 (27) "Out-of-service order", a declaration by the Federal Highway Administration, or any
117 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,
118 Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier
119 operation, is out of service;

120 (28) "School bus", a commercial motor vehicle used to transport preprimary, primary,
121 or secondary school students from home to school, from school to home, or to and from
122 school-sponsored events. School bus does not include a bus used as a common carrier as defined
123 by the Secretary;

124 (29) "Secretary", the Secretary of Transportation of the United States;

125 (30) "Serious traffic violation", driving a commercial motor vehicle in such a manner
126 that the driver receives a conviction for the following offenses or driving a noncommercial motor
127 vehicle when the driver receives a conviction for the following offenses and the conviction
128 results in the suspension or revocation of the driver's license or noncommercial motor vehicle
129 driving privilege:

130 (a) Excessive speeding, as defined by the Secretary by regulation;

131 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
132 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other
133 violation of federal or state law, or any county or municipal ordinance while driving a
134 commercial motor vehicle in a willful or wanton disregard for the safety of persons or property,
135 or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall
136 not include careless and imprudent driving by excessive speed;

137 (c) A violation of any federal or state law or county or municipal ordinance regulating
138 the operation of motor vehicles arising out of an accident or collision which resulted in death to
139 any person, other than a parking violation;

140 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license
141 in violation of any federal or state or county or municipal ordinance;

142 (e) Driving a commercial motor vehicle without a commercial driver's license in the
143 driver's possession in violation of any federal or state or county or municipal ordinance. Any
144 individual who provides proof to the court which has jurisdiction over the issued citation that the
145 individual held a valid commercial driver's license on the date that the citation was issued shall
146 not be guilty of this offense;

147 (f) Driving a commercial motor vehicle without the proper commercial driver's license
148 class or endorsement for the specific vehicle group being operated or for the passengers or type
149 of cargo being transported in violation of any federal or state law or county or municipal
150 ordinance; or

151 (g) Any other violation of a federal or state law or county or municipal ordinance
152 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
153 secretary by regulation;

154 (31) "State", a state, territory or possession of the United States, the District of
155 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

156 (32) "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as described in this
2 section, no person may drive a commercial motor vehicle unless the person has been issued a
3 commercial driver's license with applicable endorsements valid for the type of vehicle being
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit
5 shall allow the holder of a valid license to operate a commercial motor vehicle when
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. A
9 commercial driver's instruction permit shall be valid for the vehicle being operated for a period
10 of not more than six months, and shall not be issued until the permit holder has met all other
11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's
14 instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's
15 license to operate a commercial motor vehicle if the applicant has completed all other
16 requirements except the driving test. The permit may be renewed for one additional thirty-day
17 period and the fee for the permit and for renewal shall be five dollars.

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any

22 other requirements imposed by state law. Applicants for a hazardous materials endorsement
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
31 applicant upon completion of any written or driving test, **except such fee shall be waived for**
32 **applicants seventy years of age or older.** The director shall delegate the power to conduct the
33 examinations required under sections 302.700 to 302.780 to any member of the highway patrol
34 or any person employed by the highway patrol qualified to give driving examinations. **The**
35 **written test shall only be administered in the English language and applicants must be able**
36 **to read and speak the English language sufficiently to understand highway traffic signs**
37 **and signals in the English language, respond to official inquiries, and make entries on**
38 **reports and records. Applicants shall be prohibited from using an interpreter or translator**
39 **while testing.**

40 (2) The director shall adopt and promulgate rules and regulations governing the
41 certification of third-party testers by the department of revenue. Such rules and regulations shall
42 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
43 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
44 of one hundred dollars to issue or renew the certification of any third-party tester.

45 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
46 certification to junior colleges or community colleges established under chapter 178, RSMo, or
47 to private companies who own, lease, or maintain their own fleet and administer in-house testing
48 to their employees, or to school districts and their agents that administer in-house testing to the
49 school district's or agent's employees. Any third-party tester who violates any of the rules and
50 regulations adopted and promulgated pursuant to this section shall be subject to having his
51 certification revoked by the department. The department shall provide written notice and an
52 opportunity for the third-party tester to be heard in substantially the same manner as provided
53 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
54 test administered by a third-party tester, the actual driving test for a commercial driver's license
55 may then be waived.

56 (4) Every applicant for renewal of a commercial driver's license shall provide such
57 certifications and information as required by the secretary and if such person transports a

58 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of
59 Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such
60 person shall be required to take the written test for such endorsement. A twenty-five dollar
61 examination fee shall be paid upon completion of such tests;

62 **(5) The director shall have the authority to waive the driving skills test for any**
63 **qualified military applicant for a commercial driver's license who is currently licensed at**
64 **the time of application for a commercial driver's license. The director shall impose**
65 **conditions and limitations to restrict the applicants from whom the department may accept**
66 **alternative requirements for the skills test described in 49 CFR Part 383, Section 383.77.**
67 **An applicant must certify that, during the two-year period immediately preceding**
68 **application for a commercial driver's license, all of the following apply:**

69 **(a) The applicant has not had more than one license;**

70 **(b) The applicant has not had any license suspended, revoked, or canceled;**

71 **(c) The applicant has not had any convictions for any type of motor vehicle for the**
72 **disqualifying offenses contained in this chapter or 49 CFR Part 383, Section 383.51(b);**

73 **(d) The applicant has not had more than one conviction for any type of motor**
74 **vehicle for serious traffic violations;**

75 **(e) The applicant has not had any conviction for a violation of state or local law**
76 **relating to motor vehicle traffic control, other than a parking violation, arising in**
77 **connection with any traffic accident, and has no record of an accident in which he or she**
78 **was at fault;**

79 **(f) The applicant is regularly employed in a job requiring operation of a**
80 **commercial motor vehicle, and has at least operated the vehicle for sixty days during the**
81 **two years immediately preceding application for a commercial driver's license. The vehicle**
82 **must be representative of the commercial motor vehicle the driver applicant operates or**
83 **expects to operate;**

84 **(g) The applicant, if on active duty, must provide a notarized affidavit signed by**
85 **a commanding officer as proof of driving experience as indicated in paragraph (f) of this**
86 **subsection;**

87 **(h) The applicant, if honorably discharged from military service, must provide a**
88 **Form-DD214 or other proof of military occupational specialty;**

89 **(i) The applicant must meet all federal and state qualifications to operate a**
90 **commercial vehicle; and**

91 **(j) The applicant will be required to complete all applicable knowledge tests.**

92 3. A commercial driver's license may not be issued to a person while the person is
93 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any

94 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
95 may a commercial driver's license be issued unless the person first surrenders in a manner
96 prescribed by the director any commercial driver's license issued by another state, which license
97 shall be returned to the issuing state for cancellation.

98 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
99 section unless the director verifies that the applicant is lawfully present in the United States
100 before accepting the application. The director may, by rule or regulation, establish procedures
101 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
102 promulgated pursuant to the authority of this section shall become effective unless it has been
103 promulgated pursuant to chapter 536, RSMo.

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

4 (2) Driving a commercial motor vehicle which causes a fatality through the negligent
5 operation of the commercial motor vehicle, including but not limited to the crimes of vehicular
6 manslaughter, homicide by motor vehicle, and negligent homicide;

7 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

8 (4) Leaving the scene of an accident involving a commercial or noncommercial motor
9 vehicle operated by the person;

10 (5) Using a commercial or noncommercial motor vehicle in the commission of any
11 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

12 2. If any of the violations described in subsection 1 of this section occur while
13 transporting a hazardous material the person is disqualified for a period of not less than three
14 years.

15 3. Any person is disqualified from operating a commercial motor vehicle for life if
16 convicted of two or more violations of any of the offenses specified in subsection 1 of this
17 section, or any combination of those offenses, arising from two or more separate incidents. The
18 director may issue rules and regulations, in accordance with guidelines established by the
19 secretary, under which a disqualification for life under this section may be reduced to a period
20 of not less than ten years.

21 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
22 a commercial or noncommercial motor vehicle in the commission of any felony involving the
23 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
24 manufacture, distribute, or dispense a controlled substance.

25 5. Any person is disqualified from operating a commercial motor vehicle for a period
26 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty

27 days if convicted of three serious traffic violations, arising from separate incidents occurring
28 within a three-year period.

29 6. Any person found to be operating a commercial motor vehicle while having any
30 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
31 out-of-service order by a law enforcement officer in this state.

32 7. Any person who is convicted of operating a commercial motor vehicle beginning at
33 the time of issuance of the out-of-service order until its expiration is guilty of a class A
34 misdemeanor.

35 8. Any person convicted for the first time of driving while out of service shall be
36 disqualified from driving a commercial motor vehicle [for a period of ninety days] **in the**
37 **manner prescribed in 49 CFR Part 383, or as amended by the Secretary of Transportation.**

38 9. Any person convicted of driving while out of service on a second occasion during any
39 ten-year period, involving separate incidents, shall be disqualified [for a period of one year] **in**
40 **the manner prescribed in 49 CFR Part 383, or as amended by the Secretary of**
41 **Transportation.**

42 10. Any person convicted of driving while out of service on a third or subsequent
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
44 period of three years.

45 11. Any person convicted of a first violation of an out-of-service order while transporting
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48 12. Any person convicted of any subsequent violation of an out-of-service order in a
49 separate incident within ten years after a previous violation, while transporting hazardous
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including
51 the driver, is disqualified for a period of three years.

52 13. Any person convicted of any other offense as specified by regulations promulgated
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
55 update records to reflect such action and notify a nonresident's licensing authority and the
56 commercial driver's license information system within ten days in the manner prescribed in 49
57 CFR Part 384, or as amended by the Secretary.

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation

62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 16. The director shall disqualify a driver upon receipt of notification that the Secretary
65 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process
66 of a disqualification determined by the Secretary pursuant to this section shall be held in
67 accordance with regulations promulgated by the Secretary. The period of disqualification
68 determined by the Secretary pursuant to this section shall be served concurrently to any other
69 period of disqualification which may be imposed by the director pursuant to this section. Both
70 disqualifications shall appear on the driving record of the driver.

71 **17. The director shall disqualify a commercial license holder or operator of a**
72 **commercial vehicle from operation of any commercial motor vehicle upon receipt of a**
73 **conviction for an offense of failure to appear or pay, and such disqualification shall remain**
74 **in effect until the director receives notice that the person has complied with the**
75 **requirement to appear or pay.**

304.032. 1. For purposes of this section, "utility vehicle" means any motorized
2 **vehicle manufactured and used exclusively for off-highway use which is sixty-three inches**
3 **or less in width, with an unladen dry weight of one thousand nine hundred pounds or less,**
4 **traveling on four or six wheels, excluding all-terrain vehicles, to be used primarily for**
5 **agricultural, landscaping, lawn care, or maintenance purposes.**

6 **2. No person shall operate a utility vehicle, as defined in this section upon the**
7 **highways of this state, except as follows:**

8 **(1) Utility vehicles owned and operated by a governmental entity for official use;**

9 **(2) Utility vehicles operated for agricultural purposes or industrial on-premises**
10 **purposes between the official sunrise and sunset on the day of operation;**

11 **(3) Utility vehicles operated by handicapped persons for short distances**
12 **occasionally only on the state's secondary roads when operated between the hours of**
13 **sunrise and sunset;**

14 **(4) Governing bodies of cities may issue special permits for utility vehicles to be**
15 **used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be**
16 **collected and retained by cities for such permits;**

17 **(5) Governing bodies of counties may issue special permits for utility vehicles to be**
18 **used on county roads within the county by licensed drivers. Fees of fifteen dollars may be**
19 **collected and retained by the counties for such permits.**

20 **3. No person shall operate a utility vehicle within any stream or river in this state,**
21 **except that utility vehicles may be operated within waterways which flow within the**
22 **boundaries of land which a utility vehicle operator owns, or for agricultural purposes**

23 within the boundaries of land which a utility vehicle operator owns or has permission to
24 be upon, or for the purpose of fording such stream or river of this state at such road
25 crossings as are customary or part of the highway system. All law enforcement officials
26 or peace officers of this state and its political subdivisions or department of conservation
27 agents or department of natural resources park rangers shall enforce the provisions of this
28 subsection within the geographic area of their jurisdiction.

29 **4. A person operating a utility vehicle on a highway pursuant to an exception**
30 **covered in this section shall have a valid operator's or chauffeur's license, except that a**
31 **handicapped person operating such vehicle pursuant to subdivision (3) of subsection 2 of**
32 **this section, but shall not be required to have passed an examination for the operation of**
33 **a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour.**

34 **5. No persons shall operate a utility vehicle:**

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

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

37 **(3) Without a securely fastened safety helmet on the head of an individual who**
38 **operates a utility vehicle or who is being towed or otherwise propelled by a utility vehicle,**
39 **unless the individual is at least eighteen years of age.**

40 **6. No operator of a utility vehicle shall carry a passenger, except for agricultural**
41 **purposes. The provisions of this subsection shall not apply to any utility vehicle in which**
42 **the seat of such vehicle is designed to carry more than one person.**

43 **7. Utility vehicles shall be exempt from the titling and registration provisions of**
44 **chapter 301, RSMo.**

45 **8. A violation of this section shall be a class C misdemeanor.**

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the
2 provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer
3 of any county or city or any highway patrol officer shall have the power to arrest on sight or upon
4 a warrant any person found violating or having violated the provisions of such sections.

5 2. The sheriff or any peace officer or any highway patrol officer is hereby given the
6 power to stop any such conveyance or vehicle as above described upon the public highway for
7 the purpose of determining whether such vehicle is loaded in excess of the provisions of sections
8 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions
9 thereof he or she shall have a right at that time and place to cause the excess load to be removed
10 from such vehicle; and provided further, that any regularly employed maintenance man of the
11 department of transportation shall have the right and authority in any part of this state to stop any
12 such conveyance or vehicle upon the public highway for the purpose of determining whether
13 such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or

14 she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right
15 at that time and place to cause the excess load to be removed from such vehicle. When only an
16 axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift
17 the load, if this will not overload some other axle or axles, without being charged with a
18 violation; provided, however, the privilege of shifting the weight without being charged with a
19 violation shall not extend to or include vehicles while traveling on the federal interstate system
20 of highways. When only an axle or tandem axle group of the vehicle traveling on the federal
21 interstate system of highways is overloaded and a court authorized to enforce the provisions of
22 sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the
23 load changing axle weights in transit through no fault of the operator of the vehicle and that the
24 load thereafter had been shifted so that no axle had been overloaded, then the court may find that
25 no violation has been committed. The operator of any vehicle shall be permitted to back up and
26 reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle
27 is weighed and found to be within five percent of any legal limit may request and receive a
28 weight ticket, memorandum or statement showing the weight or weights on each axle or any
29 combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after
30 having been weighed on any state scale and there is no evidence that any cargo or fuel has been
31 added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added
32 if upon reweighing on another state scale the total gross weight exceeds the applicable limits of
33 section 304.180 or 304.190. The highways and transportation commission of this state may
34 deputize and appoint any number of their regularly employed maintenance men to enforce the
35 provisions of such sections, and the maintenance men delegated and appointed in this section
36 shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution
37 by such proper officers.

38 3. The superintendent of the Missouri state highway patrol may assign qualified persons
39 who are not highway patrol officers to supervise or operate permanent or portable weigh stations
40 used in the enforcement of commercial vehicle laws. These persons shall be designated as
41 commercial vehicle inspectors and have limited police powers:

42 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
43 of rules and regulations of the division of motor carrier [and railroad safety of the department of
44 economic development] **services of the highways and transportation commission** and
45 department of public safety, and laws, rules, and regulations pertaining to commercial motor
46 vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver
47 requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and
48 the provisions of sections 303.024 and 303.025, RSMo;

49 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
50 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
51 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when
52 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as
53 defined by Title 49 of the Code of Federal Regulations;

54 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.
55 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in
56 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training
57 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right
58 as peace officers to bear arms.

59 4. The superintendent of the Missouri state highway patrol may appoint qualified
60 persons, who are not members of the highway patrol, designated as commercial vehicle
61 enforcement officers, with the powers:

62 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining
63 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the
64 provisions of sections 303.024 and 303.025, RSMo;

65 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
66 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
67 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a
68 cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting
69 hazardous materials as defined by Title 49 of the Code of Federal Regulations;

70 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
71 subsection. **Commercial vehicle officers selected and designated as peace officers by the**
72 **superintendent of the Missouri state highway patrol are hereby declared to be peace**
73 **officers of the state of Missouri, with full power and authority to make arrests solely for**
74 **violations under the powers granted in subdivisions (1) to (3) of this subsection.**
75 Commercial vehicle enforcement officers shall not have the authority to exercise the powers
76 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed
77 training approved by the superintendent of the Missouri state highway patrol **and have**
78 **completed the mandatory standards for the basic training and licensure of peace officers**
79 **established by the peace officers standards and training commission under subsection 1 of**
80 **section 590.030, RSMo. Commercial vehicle officers who are employed and performing**
81 **their duties on August 28, 2007, shall have until July 1, 2015, to comply with the mandatory**
82 **standards regarding police officer basic training and licensure.** Commercial vehicle
83 enforcement officers shall have the right as peace officers to bear arms.

84 5. Any additional employees needed for the implementation of this section shall be hired
85 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

86 6. Any part of this section which shall be construed to be in conflict with the axle or
87 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of
88 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

 Section B. The repeal and reenactment of sections 302.272, 302.275, and 302.321 of
2 section A of this act shall become effective January 1, 2008.

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