

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 744

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time February 5, 2007 and copies ordered printed.

Read 2nd time February 6, 2007 and referred to the Committee on Transportation February 22, 2007.

Reported from the Committee February 28, 2007 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 15, 2007 with recommendation that the bill Do Pass.

Taken up for Perfection April 4, 2007. Bill ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

1322L.02P

AN ACT

To repeal sections 226.530, 226.580, 302.545, 302.700, 302.755, 302.775, 311.326, 390.071, 390.136, and 622.095, RSMo, and to enact in lieu thereof nine 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A. Sections 226.530, 226.580, 302.545, 302.700, 302.755, 302.775, 311.326, 2 390.071, 390.136, and 622.095, RSMo, are repealed and nine new sections enacted in lieu 3 thereof, to be known as sections 226.530, 226.580, 302.545, 302.700, 302.755, 302.775, 4 311.326, 390.021, and 390.136, to read as follows:

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 highway, 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 under any of the following** 7 **conditions, and no compensation shall be paid:**

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.

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 a 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 also 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 shall be paid under section 226.570.**

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

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

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

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

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

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

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

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

16 **[or]**

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

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

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

26 3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 to 7
27 of this section, the state highways and transportation commission shall give notice either by
28 certified mail or by personal service to the owner or occupant of the land on which advertising
29 believed to be unlawful is located and the owner of the outdoor advertising structure. Such
30 notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action
31 which is required to correct the unlawfulness and shall advise that a failure to take the remedial
32 action within sixty days will result in the sign being removed. Within sixty days after receipt of
33 the notice as to him, the owner of the land or of the structure may remove the sign or may take
34 the remedial action specified or may file an action for administrative review pursuant to the
35 provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and
36 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] **state highways and transportation commission**
82 shall reimburse to the lawful owners of any said nonconforming signs that are now in existence
83 as defined in sections 226.540, 226.550, 226.580 and 226.585, said compensation calculated
84 and/or based on a fair market value and not mere replacement cost.

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.

302.755. 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.**

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.**

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

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

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

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

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

57 15. Any person disqualified from operating a commercial motor vehicle pursuant to
58 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
59 upon conclusion of the period of disqualification shall take the written and driving tests and meet
60 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
61 shall not be withdrawn by the director until such person reapplies for a commercial driver's
62 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

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

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

 302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and national guard on
4 active duty, including personnel on full-time national guard duty, personnel on part-time training
5 and national guard military technicians, while driving [military] vehicles for military purposes;
- 6 (3) Any person who drives emergency or fire equipment necessary to the preservation
7 of life or property or the execution of emergency governmental functions under emergency
8 conditions;
- 9 (4) Any person qualified to operate the equipment under subdivision (3) of this section
10 when operating such equipment in other functions such as parades, special events, repair, service
11 or other authorized movements;
- 12 (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010
13 and 700.010, RSMo, for personal use; and

14 (6) Any other class of persons exempted by rule or regulation of the director, which rule
15 or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any
16 amendments or regulations drafted to that act.

311.326. After a period of not less than one year, or upon reaching the age of twenty-one,
2 whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating
3 section 311.325 for the first time, and who since such conviction has not been convicted of any
4 other alcohol-related offense, may apply to the court in which he or she was sentenced for an
5 order to expunge all official records of his or her arrest, plea, trial and conviction. **No records
6 shall be expunged if the person who has pled guilty to or has been found guilty of violating
7 section 311.325 is licensed as a commercial motor vehicle driver or was operating a
8 commercial motor vehicle as defined in section 302.700, RSMo, at the time of the violation.**
9 If the court determines, upon review, that such person has not been convicted of any other
10 alcohol-related offense at the time of the application for expungement, and the person has had
11 no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the court
12 shall enter an order of expungement. The effect of such an order shall be to restore such person
13 to the status he or she occupied prior to such arrest, plea or conviction, as if such event had never
14 happened. No person as to whom such order has been entered shall be held thereafter under any
15 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his
16 or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in
17 response to any inquiry made of him or her for any purpose whatsoever. A person shall be
18 entitled to only one expungement pursuant to this section. Nothing contained in this section shall
19 prevent courts or other state officials from maintaining such records as are necessary to ensure
20 that an individual receives only one expungement pursuant to this section.

**390.021. 1. The provisions of this section shall supercede any provisions of section
2 390.030 to the contrary.**

3 **2. As used in this section and as used in chapter 622, RSMo, the following words
4 and phrases mean:**

5 **(1) "UCR implementing regulations" includes the regulations issued by the United
6 States secretary of transportation under 49 U.S.C.A., section 13908; the rules and
7 regulations issued by the board of directors of the Unified Carrier Registration (UCR) plan
8 under 49 U.S.C.A., section 14504a; and the administrative rules adopted by the state
9 highways and transportation commission under this section;**

10 **(2) "Unified Carrier Registration Act", or "UCR Act", means sections 4301 to 4308
11 of the Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe,
12 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" or
13 "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as those sections have been and
14 periodically may be amended.**

15 3. Except when the context clearly requires otherwise, the definitions of terms in
16 49 U.S.C., sections 13102, 13908, and 14504a shall apply to and determine the meaning of
17 those terms as used in this section.

18 4. Notwithstanding any other provision of law, in carrying out and being subject
19 to the provisions of the UCR act, the Unified Carrier Registration (UCR) agreement, the
20 UCR implementing regulations, and this section, the state highways and transportation
21 commission may:

22 (1) Submit to the proper federal authorities, amend and carry out a state plan to
23 qualify as a base-state and to participate in the UCR plan and administer the UCR
24 agreement, and take other necessary actions as the designated representative of the state
25 of Missouri so that:

26 (a) Missouri domiciled entities who must register and pay UCR registration fees are
27 not required to register and pay those fees in a base-state other than the state of Missouri;

28 (b) The state of Missouri does not forfeit UCR registration fee revenues; and

29 (c) The state of Missouri may maintain its eligibility to receive the maximum
30 allowable allocations of revenues derived under the UCR agreement;

31 (2) Administer the UCR registration of Missouri-domiciled motor carriers, motor
32 private carriers, brokers, freight forwarders, and leasing companies, and such persons
33 domiciled in nonparticipating states who have designated this state as their base-state
34 under the UCR act;

35 (3) Receive, collect, process, deposit, transfer, distribute, and refund UCR
36 registration fees relating to any of the persons and activities described in this section.
37 Notwithstanding any law, these UCR registration fees collected by the commission are
38 hereby designated as nonstate funds within the meaning of article IV, section 15 of the
39 Missouri Constitution, and the commission shall transmit these funds to the state
40 department of revenue for deposit to the credit of the state highways and transportation
41 department fund. The commission shall, from time to time, direct the payment of, and the
42 director of revenue shall pay, the fees so deposited, in accordance with the provisions of the
43 UCR act, the UCR agreement, and the UCR implementing regulations. The director of
44 revenue shall credit all income derived from the investment of these funds to the state
45 highways and transportation department fund;

46 (4) Exercise all other powers, duties, and functions the UCR act requires of or
47 allows a participating state or base-state;

48 (5) Promulgate administrative rules, and issue specific orders, relating to any of the
49 persons and activities described in this section. Any rule or portion of a rule, as that term
50 is defined in section 536.010, RSMo, that is created under the authority delegated in this
51 section shall become effective only if it complies with and is subject to all of the provisions

52 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
53 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
54 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
55 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
56 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and
57 void;

58 (6) Enter into agreements with any agencies or officers of the United States, or of
59 any state that participates or intends to enter into the UCR agreement; and

60 (7) Delegate any or all of the powers, duties, and functions of the commission under
61 this section to any agent or contractor.

62 5. After the commission has entered into the UCR plan on behalf of this state, the
63 requirements in the UCR agreement shall take precedence over any conflicting
64 requirements under chapter 622, RSMo, or this chapter.

65 6. Notwithstanding any other provision of law, every motor carrier, motor private
66 carrier, broker, freight forwarder, and leasing company that has its principal place of
67 business within this state, and every such person who has designated this state as the
68 person's base-state under the provisions of the UCR act, shall timely complete and file with
69 the state highways and transportation commission all the forms required by the UCR
70 agreement and the UCR implementing regulations, and shall pay the required UCR
71 registration fees to the commission.

72 7. All powers of the commission under section 226.008, RSMo, are hereby made
73 applicable to the enforcement of this section with reference to any person subject to any
74 provision of this section. The chief counsel shall not be required to exhaust any
75 administrative remedies before commencing any enforcement actions under this section.
76 The provisions of chapter 622, RSMo, shall apply to and govern the practice and
77 procedures before the courts in those actions.

78 8. Except as required by the UCR act, the UCR agreement, or the UCR
79 implementing regulations, the provisions of this section and the rules adopted by the
80 commission under this section shall not be construed as exempting any motor carrier, or
81 any person controlled by a motor carrier, from any of the requirements of chapter 622,
82 RSMo, or this chapter, relating to the transportation of passengers or property in
83 intrastate commerce.

390.136. 1. No motor carrier, except as provided in section 390.030, shall operate any
2 motor vehicle unless such vehicle shall be accompanied by an annual or seventy-two-hour
3 regulatory license issued by the state highways and transportation commission; provided that
4 when a motor carrier uses a truck-tractor for pulling trailers or semitrailers, such motor carrier
5 may elect to license either the truck-tractor, trailer or semitrailer. The fee for each such

6 regulatory license shall be ten dollars per year and shall be due and payable as provided in this
7 section. Such license shall be issued in such form and shall be used pursuant to such reasonable
8 rules and regulations as may be prescribed by the commission.

9 2. Any regulatory license issued to a motor carrier for use in driveaway operations, as
10 defined in this section, shall be issued to such motor carrier without reference to any particular
11 vehicle and may be used interchangeably by the holder thereof on any motor vehicle or
12 combinations thereof moving in driveaway operations under such carrier's property carrier
13 registration, certificate, or permit.

14 3. In case of emergency, temporary, unusual or a peak demand for transportation,
15 additional vehicles as described in subsection 1 of this section may be operated upon issuance
16 of a seventy-two-hour license for each vehicle so operated. The license fee for each such
17 additional vehicle shall be the sum of five dollars for each seventy-two consecutive hours, or any
18 portion thereof. Such licenses shall be issued, renewed, and staggered in such form and shall be
19 used pursuant to such reasonable rules and regulations as the commission may prescribe. No
20 such additional vehicle which has been licensed pursuant to this subsection shall be operated
21 without being accompanied by such license.

22 4. The commission shall collect the applicable license fee prior to the issuance of such
23 license or licenses provided for in this section, and shall receive the license fee or fees and
24 immediately deposit the same to the credit of the state highways and transportation department
25 fund [except as otherwise provided in section 622.095, RSMo,] or when an agreement has been
26 negotiated with another jurisdiction whereby prepayment is not required. In such cases, [section
27 622.095, RSMo, if applicable, or] the terms of the agreement shall prevail.

28 5. Any person operating as a motor carrier who violates or fails to comply with any of
29 the provisions of this section shall be adjudged guilty of a misdemeanor and, upon conviction
30 thereof, shall be punished by a fine of not more than one hundred dollars.

31 6. The regulatory license fee provided in this section may be paid at any state weigh
32 station.

33 7. The commission shall prescribe, for every regulatory license issued pursuant to this
34 section, an effective date and an expiration date. Notwithstanding any provision of law to the
35 contrary, the commission may stagger the issuance of licenses pursuant to this section to begin
36 at quarterly intervals during any calendar year. Not later than the expiration date of the current
37 license, or as otherwise prescribed, each motor carrier shall pay the regulatory license fee for
38 each vehicle that the carrier will operate during the next yearly period. The commission may
39 issue partial or over one-year licenses during the transition from an annual license, to
40 accommodate motor carriers in adding vehicles to their operations during the year, to coordinate
41 the dates for a single carrier's licensing of multiple licenses, or for such other reasons as
42 approved by the commission.

2 [390.071. 1. No person shall engage in the business of a motor carrier
3 in interstate commerce on any public highway in this state unless there is in force
4 with respect to such carrier a permit issued by the division of motor carrier and
5 railroad safety authorizing such operations.

6 2. Upon application to the division in writing, containing such
7 information as the division may by rule require, accompanied by a copy of
8 applicant's certificate of public convenience and necessity or permit issued by the
9 Interstate Commerce Commission, the filing of such liability insurance policy or
10 bond and other formal documents as the division shall by rule require, the
11 division, if it finds applicant qualified, shall, with or without hearing, issue a
permit authorizing the proposed interstate operations.]

2 [622.095. 1. In addition to its other powers, the state highways and
3 transportation commission may negotiate and enter into fair and equitable
4 cooperative agreements or contracts with other states, the District of Columbia,
5 territories and possessions of the United States, foreign countries, and any of their
6 officials, agents or instrumentalities, to promote cooperative action and mutual
7 assistance between the participating jurisdictions with regard to the uniform
8 administration and registration, through a single base jurisdiction for each
9 registrant, of Federal Motor Carrier Safety Administration operating authority
10 and exempt operations by motor vehicles operated in interstate commerce.
11 Notwithstanding any other provision of law to the contrary, and in accordance
12 with the provisions of such agreements or contracts between participating
13 jurisdictions, the commission may:

14 (1) Delegate to other participating jurisdictions the authority and
15 responsibility to collect and pay over statutory registration, administration or
16 license fees; to receive, approve and maintain the required proof of public
17 liability insurance coverage; to receive, process, maintain and transmit
18 registration information and documentation; to issue evidence of proper
19 registration in lieu of certificates, licenses, or permits which the commission may
20 issue motor vehicle licenses or identifiers in lieu of regulatory licenses under
21 section 390.136, RSMo; and to suspend or revoke any credential, approval,
22 registration, certificate, permit, license, or identifier referred to in this section, as
23 agents on behalf of the commission with regard to motor vehicle operations by
24 persons having a base jurisdiction other than this state;

25 (2) Assume the authority and responsibility on behalf of other
26 jurisdictions participating in such agreements or contracts to collect and direct the
27 department of revenue to pay over to the appropriate jurisdictions statutory
28 registration, administration or license fees, and to perform all other activities
29 described in subdivision (1) of this subsection, on its own behalf or as an agent
30 on behalf of other participating jurisdictions, with regard to motor vehicle
31 operations in interstate commerce by persons having this state as their base
32 jurisdiction;

33 (3) Establish or modify dates for the payment of fees and the issuance of
annual motor vehicle licenses or identifiers in conformity with such agreements

or contracts, notwithstanding any provisions of section 390.136, RSMo, to the contrary; and

(4) Modify, cancel or terminate any of the agreements or contracts.

2. Notwithstanding the provisions of section 390.136, RSMo, statutory registration, administration or license fees collected by the commission on behalf of other jurisdictions under such agreements or contracts are hereby designated as "nonstate funds" within the meaning of section 15, article IV, Constitution of Missouri, and shall be immediately transmitted to the department of revenue of the state for deposit to the credit of a special fund which is hereby created and designated as the "Base State Registration Fund". The commission shall direct the payment of, and the director of revenue shall pay, the fees so collected to the appropriate other jurisdictions. All income derived from the investment of the base state registration fund by the director of revenue shall be credited to the state highways and transportation department fund.

3. "Base jurisdiction", as used in this section, means the jurisdiction participating in such agreements or contracts where the registrant has its principal place of business.

4. Every person who has properly registered his or her interstate operating authority or exempt operations with his or her base jurisdiction and maintains such registration in force in accordance with such agreements or contracts is authorized to operate in interstate commerce within this state any motor vehicle which is accompanied by a valid annual license or identifier issued by his base jurisdiction in accordance with such agreements or contracts, notwithstanding any provision of section 390.071, 390.126 or 390.136, RSMo, or rules of the commission to the contrary.

5. Notwithstanding any provision of law to the contrary, the commission may stagger and prorate the payment and collection of license fees pursuant to this section for the purposes of:

(1) Coordinating the issuance of regulatory licenses under this section with the issuance of other motor carrier credentials; and

(2) Complying with any federal law or regulation.]

✓