

## SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 744

## AN ACT

To repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.130, 301.131, 301.140, 301.142, 301.144, 301.150, 301.170, 301.177, 301.200, 301.218, 301.221, 301.225, 301.229, 301.280, 301.301, 301.310, 301.420, 301.440, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred twenty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.130, 301.131, 301.140, 301.142, 301.144, 301.150, 301.170, 301.177, 301.200, 301.218, 301.221, 301.225, 301.229, 301.280, 301.301, 301.310, 301.420, 301.440, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, are repealed and one hundred twenty-three new sections enacted in

lieu thereof, to be known as sections 43.010, 43.030, 43.050,  
43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 43.546,  
43.547, 226.527, 226.530, 226.580, 227.103, 227.107, 227.115,  
227.295, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230,  
238.275, 301.007, 301.010, 301.029, 301.030, 301.037, 301.130,  
301.131, 301.140, 301.142, 301.144, 301.150, 301.190, 301.200,  
301.218, 301.221, 301.225, 301.229, 301.280, 301.301, 301.310,  
301.420, 301.440, 301.444, 301.550, 301.560, 301.566, 301.567,  
301.570, 301.640, 301.716, 301.2998, 302.010, 302.272, 302.275,  
302.305, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775,  
303.415, 304.015, 304.022, 304.032, 304.070, 304.170, 304.180,  
304.230, 304.232, 304.281, 306.015, 306.016, 306.535, 307.010,  
307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172,  
307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390,  
307.400, 311.326, 379.130, 385.400, 385.403, 385.406, 385.409,  
385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430,  
385.433, 385.436, 387.075, 390.030, 390.021, 390.136, 390.372,  
407.815, 488.006, 537.055, 556.021, 577.029, 577.039, and 1, to  
read as follows:

43.010. As used in this chapter, the following terms shall  
have the meanings indicated:

(1) ["Commission", the Missouri state highways and  
transportation commission;

(2) "Members of the patrol", the superintendent, lieutenant  
colonel, majors, captains, director of radio, lieutenants,  
sergeants, corporals, and patrolmen of the Missouri state highway  
patrol;

[(3)] (2) "MULES", Missouri uniform law enforcement

1 system, a statewide-computerized communications system provided  
2 by the patrol designed to provide services, information, and  
3 capabilities to the law enforcement and criminal justice  
4 community in the state of Missouri;

5 [(4)] (3) "Patrol", the Missouri state highway patrol;

6 [(5)] (4) "Peace officers", sheriffs, police officers and  
7 other peace officers of this state;

8 [(6)] (5) "Radio personnel", those employees of the patrol  
9 engaged in the construction, operation, and maintenance of the  
10 patrol radio system.

11 43.030. 1. The superintendent of the Missouri state  
12 highway patrol shall be appointed from the uniformed member of  
13 the patrol by the governor by and with the advice and consent of  
14 the senate. The superintendent shall hold office at the pleasure  
15 of the governor. The superintendent shall be a citizen of the  
16 United States and a resident taxpaying citizen of this state for  
17 a period of three years previous to being appointed as  
18 superintendent and shall be at least thirty years of age. The  
19 superintendent shall maintain an office [and reside] in Jefferson  
20 City.

21 2. The superintendent of the Missouri state highway patrol  
22 shall:

23 (1) Have command of the patrol and perform all duties  
24 imposed on the superintendent and exercise all of the powers and  
25 authority conferred upon the superintendent by the provisions of  
26 this chapter and the requirements of chapter 650, RSMo;

27 (2) Within available appropriations, establish an equitable  
28 pay plan for the members of the highway patrol and radio

1 personnel taking into consideration ranks and length of service.

2 43.050. 1. The superintendent may appoint not more than  
3 twenty-five captains and one director of radio, each of whom  
4 shall have the same qualifications as the superintendent, nor  
5 more than sixty lieutenants, and such additional force of  
6 sergeants, corporals and patrolmen, so that the total number of  
7 members of the patrol shall not exceed nine hundred sixty-five  
8 officers and patrolmen and such numbers of radio personnel as the  
9 superintendent deems necessary.

10 2. In case of a national emergency the superintendent may  
11 name additional patrolmen and radio personnel in a number  
12 sufficient to replace, temporarily, patrolmen and radio personnel  
13 called into military services.

14 3. The superintendent may enter into an agreement with the  
15 Missouri gaming commission to enforce any law, regulation, and  
16 conduct background investigations authorized under the laws of  
17 this state, and enforce the regulations of licensed gaming  
18 activities governed by chapter 313, RSMo. A notice of either  
19 party to terminate or modify the provisions of such agreement  
20 shall be in writing and executed no less than one year from the  
21 effective date of the termination or modification, unless  
22 mutually agreed upon by the superintendent and the Missouri  
23 gaming commission. Members of the patrol hired in conjunction  
24 with any agreement with the Missouri gaming commission shall not  
25 be subject to the personnel cap referenced in subsection 1 of  
26 this section. If such agreement is subsequently terminated or  
27 modified to reduce the number of personnel used in such  
28 agreement, those members affected by such termination or

1 modification shall not be subject to the personnel cap referenced  
2 in subsection 1 of this section for a period of ~~[three]~~ five  
3 years.

4 4. ~~[Members]~~ Member positions of the patrol ~~[hired]~~  
5 originally acquired in conjunction with the community-oriented  
6 policing services federal grant or members assigned to fulfill  
7 the duties established in sections 43.350 to 43.380 shall not be  
8 subject to the personnel cap referenced in subsection 1 of this  
9 section.

10 5. Applicants shall not be discriminated against because of  
11 race, creed, color, national origin or sex.

12 43.090. ~~[The board of public buildings shall provide~~  
13 ~~suitable offices for general headquarters at Jefferson City,~~  
14 ~~Missouri, which shall at all times be open and in charge of the~~  
15 ~~superintendent, or some member of the patrol designated by him.]~~  
16 The superintendent~~[],~~ with the consent and approval of the  
17 commission,~~]~~ shall employ such clerical force, radio operators,  
18 and other subordinates, and shall provide such office equipment,  
19 stationery, postage supplies, ~~[telegraph]~~ communication and  
20 telephone facilities as he or she shall deem necessary for  
21 general headquarters at Jefferson City, Missouri, and shall also  
22 provide offices, equipment, stationery, postage, clerical force,  
23 communication, telephone, and other subordinates for the  
24 headquarters of each ~~[district]~~ troop or division of the patrol.  
25 The state highway patrol ~~[radio network]~~ communications division  
26 shall be under the control of and at the service of the  
27 superintendent for such regular and emergency ~~[bulletins]~~  
28 communications, and service as the superintendent may require

1 [from time to time].

2 43.110. The necessary expenses of the members of the patrol  
3 in the performance of their duties shall be paid by the state  
4 when such members are away from their places of residence or from  
5 the [district] troop or division to which they are assigned,  
6 subject to the approval of the [commission] superintendent. No  
7 fee shall be allowed to any person or officer for the arrest and  
8 transportation of persons arrested and transported by members of  
9 the patrol, and no witness fees shall be granted or allowed  
10 members of the patrol in criminal cases. Witness fees for  
11 members of the patrol in civil cases, and for testifying in  
12 federal court, shall be the same as provided by law, and shall be  
13 claimed and collected by members of the patrol, and promptly  
14 transmitted to the [division of collection in the department of  
15 revenue] fund from which the salary and expenses of the member or  
16 employee is paid.

17 43.120. 1. The superintendent shall prescribe rules for  
18 instruction and discipline and make all administrative rules and  
19 regulations and fix the hours of duty for the members of the  
20 patrol. The superintendent shall divide the state into  
21 [districts] troops and assign members of the patrol to such  
22 [districts] troops in the manner as deemed proper to carry out  
23 the purposes of this chapter. The superintendent may call  
24 members of the patrol from one [district] troop to another.

25 2. The superintendent shall appoint the lieutenant colonel  
26 and five majors from within the membership. Such individuals  
27 shall serve at the superintendent's pleasure and shall return to  
28 their previously held rank after being relieved of their position

1 duties by the present or incoming superintendent. The  
2 superintendent shall classify and rank through promotions the  
3 majors, the director of radio, captains, lieutenants, sergeants,  
4 corporals, patrolmen, and radio personnel from the next lower  
5 grade after not less than one year of service satisfactorily  
6 performed therein.

7 3. In case of the absence of the superintendent, or at the  
8 time the superintendent designates, the lieutenant colonel shall  
9 assume the duties of the superintendent. In the absence of both  
10 the superintendent and the lieutenant colonel, a major shall be  
11 designated by the superintendent or by the lieutenant colonel.  
12 In case of the disability of the superintendent and the  
13 lieutenant colonel, the governor may designate a major as acting  
14 superintendent and when so designated, the acting superintendent  
15 shall have all the powers and duties of the superintendent.

16 4. The superintendent shall collect, compile and keep  
17 available for the use of peace officers of the state the  
18 information as is deemed necessary for the detection of crime and  
19 identification of criminals. The superintendent shall have the  
20 authority to direct members and other employees of the patrol to  
21 carry out any public safety duty or service authorized or  
22 appropriated by the general assembly.

23 5. The superintendent is responsible for establishing  
24 policy, procedures, and regulations in cooperation with the law  
25 enforcement and criminal justice community in protecting the  
26 integrity of the MULES system. The superintendent shall be  
27 responsible for the administration and enforcement of all MULES  
28 policies and regulations consistent with state and federal rules,



1 policy, and law by which the MULES system operates.

2 [6. Within ninety days after the close of each fiscal year,  
3 the superintendent shall make to the governor and the commission  
4 a report of the activities of the patrol and the cost thereof for  
5 the fiscal period.]

6 43.140. [1.] The members of the patrol, before entering  
7 upon the discharge of their duties, shall each take and subscribe  
8 an oath to support the constitution and laws of the United States  
9 and the state of Missouri and to faithfully demean themselves in  
10 office in the form prescribed by section 11, article VII, of the  
11 constitution of this state and they shall each faithfully perform  
12 the duties of their respective offices and safely keep and  
13 account for all moneys and property received by them.

14 [2. The superintendent, major, director of radio, each  
15 member assigned to duty in the department of finance and  
16 statistics and each member assigned to duty in the department of  
17 supplies and equipment shall give bond to be approved by the  
18 commission. The bond of the superintendent shall be twenty  
19 thousand dollars, and for each other member required to be  
20 bonded, ten thousand dollars. The cost of furnishing all such  
21 bonds shall be paid by the state.]

22 43.210. Any person arrested by a member of the patrol shall  
23 forthwith be taken by such member before the court or associate  
24 circuit judge, or such court's or judge's designee, having  
25 jurisdiction of the crime whereof such person so arrested is  
26 charged there to be dealt with according to law.

27 43.220. Neither the governor[, the commission,] nor the  
28 superintendent shall have any power, right or authority to

1 command, order or direct any member of the patrol to perform any  
2 duty or service not authorized [by this chapter] under state  
3 statute.

4 43.530. 1. For each request requiring the payment of a fee  
5 received by the central repository, the requesting entity shall  
6 pay a fee of not more than [five] nine dollars per request for  
7 criminal history record information not based on a fingerprint  
8 search [when the requesting entity is required to obtain such  
9 information by any provision of state or federal law and pay a  
10 fee of not more than fourteen dollars per request for criminal  
11 history record information based on a fingerprint search when the  
12 requesting entity is required to obtain such information by any  
13 provision of state or federal law; provided that, when the  
14 requesting entity is not required to obtain such information by  
15 law, the requesting entity shall pay a fee of not more than ten  
16 dollars per request for criminal history record information not  
17 based on a fingerprint search and]. In each year beginning on or  
18 after January 1, 2010, the superintendent may increase the fee  
19 paid by requesting entities by an amount not to exceed one dollar  
20 per year, however, under no circumstance shall the fee paid by  
21 requesting entities exceed fifteen dollars per request.

22 2. For each request requiring payment of a fee received by  
23 the central repository, the requesting entity shall pay a fee of  
24 not more than twenty dollars per request for criminal history  
25 record information based on a fingerprint search[. Each such],  
26 unless the request is required under the provisions of  
27 subdivision (6) of section 210.481, RSMo, section 210.487, RSMo,  
28 or section 571.101, RSMo, in which case, the fee shall be

1 fourteen dollars.

2 3. A request made under subsections 1 and 2 of this section  
3 shall be limited to check and search on one individual. Each  
4 request shall be accompanied by a check, warrant, voucher, money  
5 order, or electronic payment payable to the state of  
6 Missouri-criminal record system or payment shall be made in a  
7 manner approved by the highway patrol. The highway patrol may  
8 establish procedures for receiving requests for criminal history  
9 record information for classification and search for  
10 fingerprints, from courts and other entities, and for the payment  
11 of such requests. There is hereby established by the treasurer  
12 of the state of Missouri a fund to be entitled as the "Criminal  
13 Record System Fund". Notwithstanding the provisions of section  
14 33.080, RSMo, to the contrary, if the moneys collected and  
15 deposited into this fund are not totally expended annually for  
16 the purposes set forth in sections 43.500 to 43.543, the  
17 unexpended moneys in such fund shall remain in the fund and the  
18 balance shall be kept in the fund to accumulate from year to  
19 year.

20 43.546. 1. Any state agency, board, commission may require  
21 the fingerprinting of applicants in specified occupations or  
22 appointments within the state agency, board, or commission for  
23 the purpose of positive identification and receiving criminal  
24 history record information when determining an applicant's  
25 ability or fitness to serve in such occupation or appointment.

26 2. In order to facilitate the criminal background check  
27 under subsection 1 of this section on any person employed or  
28 appointed by a state agency, board, or commission, and in

1 accordance with section 43.523, the applicant or employee shall  
2 submit a set of fingerprints collected under the standards  
3 determined by the Missouri highway patrol. The fingerprints and  
4 accompanying fees, unless otherwise arranged, shall be forwarded  
5 to the highway patrol to be used to search the state criminal  
6 history repository and the fingerprints shall be forwarded to the  
7 Federal Bureau of Investigation for a national criminal  
8 background check. Notwithstanding the provisions of section  
9 310.120, RSMo, all records related to any criminal history  
10 information discovered shall be accessible and available to the  
11 state agency making the request.

12 43.547. 1. The Missouri state highway patrol, at the  
13 direction of the governor, shall conduct, name, or fingerprint  
14 background investigations of gubernatorial appointees. The  
15 governor's directive shall state whether the background  
16 investigation shall be a name background investigation or a  
17 fingerprint background investigation. In addition, the patrol  
18 may, at the governor's direction, conduct other appropriate  
19 investigations to determine if an applicant or appointee is in  
20 compliance with section 105.262, RSMo, and other necessary  
21 inquiries to determine the person's suitability for positions of  
22 public trust.

23 2. In order to facilitate the fingerprint background  
24 investigation under subsection 1 of this section, and in  
25 accordance with the provisions of section 43.543, the appointee  
26 shall submit a set of fingerprints collected under the standards  
27 determined by the Missouri highway patrol. The fingerprints and  
28 accompanying fees, unless otherwise arranged, shall be forwarded

1 to the highway patrol to be used to search the state criminal  
2 history repository and the fingerprints shall be forwarded to the  
3 Federal Bureau of Investigation for a national criminal  
4 background check. Any background investigation conducted at the  
5 direction of the governor under subsection 1 of this section may  
6 include criminal history record information and other source  
7 information obtained by the highway patrol.

8       226.527. 1. On and after August 13, 1976, no outdoor  
9 advertising shall be erected or maintained beyond six hundred and  
10 sixty feet of the right-of-way, located outside of urban areas,  
11 visible from the main traveled way of the interstate or primary  
12 system and erected with the purpose of its message being read  
13 from such traveled way, except such outdoor advertising as is  
14 defined in subdivisions (1) and (2) of section 226.520.

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

27       3. In the event any portion of this chapter is found in  
28 noncompliance with Title 23, United States Code, section 131, by

1 the Secretary of Transportation or his representative, and any  
2 portion of federal-aid highway funds or funds authorized for  
3 removal of outdoor advertising are withheld, or declared  
4 forfeited by the Secretary of Transportation or his  
5 representative, all removal of outdoor advertising by the  
6 Missouri state highways and transportation commission pursuant to  
7 this chapter shall cease, and shall not be resumed until such  
8 funds are restored in full. Such cessation of removal shall not  
9 be construed to affect compensation for outdoor advertising  
10 removed or in the process of removal pursuant to this chapter.

11 4. In addition to any applicable regulations set forth in  
12 sections 226.500 through 226.600, signs within an area subject to  
13 control by a local zoning authority and wherever located within  
14 such area shall be subject to reasonable regulations of that  
15 local zoning authority relative to size, lighting, spacing, and  
16 location; provided, however, that no local zoning authority shall  
17 have authority to require any sign within its jurisdiction which  
18 was lawfully erected and which is maintained in good repair to be  
19 removed without the payment of just compensation.

20 5. When a legally erected billboard exists on a parcel of  
21 property, a local zoning authority shall not adopt or enforce any  
22 ordinance, order, rule, regulation or practice that eliminates  
23 the ability of a property owner to build or develop property or  
24 erect an on-premise sign solely because a legally erected  
25 billboard exists on the property.

26 226.530. 1. The state highways and transportation  
27 commission **[is required to]** shall issue one-time permanent  
28 permits as provided in section 226.550 for the erection and

1 maintenance of outdoor advertising along [the interstate and  
2 primary highway systems and] any interstate highway, the federal-  
3 aid primary system as it existed on June 1, 1991, or the national  
4 highway system.

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

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

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

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

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

25 4. Subject to the provisions of section 226.540, the  
26 commission is authorized to promulgate only those rules and  
27 regulations of minimal necessity and consistent with customary  
28 use to secure to this state any federal aid contingent upon

1 compliance with federal laws, rules and regulations relating to  
2 outdoor advertising. No rule or portion of a rule promulgated  
3 under the authority of this section shall become effective unless  
4 it has been promulgated pursuant to the provisions of section  
5 536.024, RSMo.

6 226.580. 1. The following outdoor advertising within six  
7 hundred sixty feet of the right-of-way of interstate or primary  
8 highways is deemed unlawful and shall be subject to removal:

9 (1) Signs erected after March 30, 1972, contrary to the  
10 provisions of sections 226.500 to 226.600 and signs erected on or  
11 after January 1, 1968, but before March 30, 1972, contrary to the  
12 sizing, spacing, lighting, or location provisions of sections  
13 226.500 to 226.600 as they appeared in the revised statutes of  
14 Missouri 1969; or

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

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

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

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

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

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



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

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

10          3. If a sign is deemed to be unlawful for any of the  
11       reasons set out in subsections 1 to 7 of this section, the state  
12       highways and transportation commission shall give notice either  
13       by certified mail or by personal service to the owner or occupant  
14       of the land on which advertising believed to be unlawful is  
15       located and the owner of the outdoor advertising structure. Such  
16       notice shall specify the basis for the alleged unlawfulness,  
17       shall specify the remedial action which is required to correct  
18       the unlawfulness and shall advise that a failure to take the  
19       remedial action within sixty days will result in the sign being  
20       removed. Within sixty days after receipt of the notice as to  
21       him, the owner of the land or of the structure may remove the  
22       sign or may take the remedial action specified or may file an  
23       action for administrative review pursuant to the provisions of  
24       sections 536.067 to 536.090, RSMo, to review the action of the  
25       state highways and transportation commission, or he may proceed  
26       under the provisions of section 536.150, RSMo, as if the act of  
27       the highways and transportation commission was one not subject to  
28       administrative review. Notwithstanding any other provisions of

1 sections 226.500 to 226.600, no outdoor advertising structure  
2 erected prior to August 28, 1992, defined as a "structure  
3 lawfully in existence" or "lawfully existing", by subdivision  
4 (1), (2) or (3) of subsection 3 of section 226.550, shall be  
5 removed for failure to have a permit until a notice, as provided  
6 in this section, has been issued which shall specify failure to  
7 obtain a permit or pay a biennial inspection fee as the basis for  
8 alleged unlawfulness, and shall advise that failure to take the  
9 remedial action of applying for a permit or paying the inspection  
10 fee within sixty days will result in the sign being removed.  
11 Signs for which biennial inspection fees are delinquent shall not  
12 be removed unless the fees are more than twelve months past due  
13 and actual notice of the delinquency has been provided to the  
14 sign owner. Upon application made within the sixty-day period as  
15 provided in this section, and accompanied by the fee prescribed  
16 by section 226.550, together with any inspection fees that would  
17 have been payable if a permit had been timely issued, the state  
18 highways and transportation commission shall issue a one-time  
19 permanent permit for such sign. Such signs with respect to which  
20 permits are so issued are hereby determined by the state of  
21 Missouri to have been lawfully erected within the meaning of  
22 "lawfully erected" as that term is used in Title 23, United  
23 States Code, Section 131(g), as amended, and shall only be  
24 removed upon payment of just compensation, except that the  
25 issuance of permits shall not entitle the owners of such signs to  
26 compensation for their removal if it is finally determined that  
27 such signs are not "lawfully erected" as that term is used in  
28 Section 131(g) of Title 23 of the United States Code.

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

11           5. If notice as provided in this section is given and an  
12 action for review is filed under the provisions of section  
13 536.150, RSMo, or if administrative review pursuant to the  
14 provisions of sections 536.067 to 536.090, RSMo, is filed and the  
15 state highways and transportation commission enters its final  
16 decision and order to remove the outdoor advertising structure,  
17 the advertising message contained on the structure shall be  
18 removed or concealed by the owner of the structure, at the  
19 owner's expense, until the action for judicial review is finally  
20 adjudicated. If the owner of the structure refuses or fails to  
21 remove or conceal the advertising message, the commission may  
22 remove or conceal the advertising message and the owner of the  
23 structure shall be liable for the costs of such removal or  
24 concealment. The commission shall incur no liability for causing  
25 the removal or concealment of the advertising message while an  
26 action for review is pending, except if the owner finally  
27 prevails in its action for judicial review, the commission will  
28 compensate the owner at the rate the owner is actually receiving

1 income from the advertiser pursuant to written lease from the  
2 time the message is removed until the judicial review is final.

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

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

8 8. The [transportation department] state highways and  
9 transportation commission shall reimburse to the lawful owners of  
10 any said nonconforming signs that are now in existence as defined  
11 in sections 226.540, 226.550, 226.580 and 226.585, said  
12 compensation calculated and/or based on a fair market value and  
13 not mere replacement cost.

14 227.103. 1. Notwithstanding any other provision of law to  
15 the contrary, the commission is authorized to accept an annual  
16 bid bond for its construction and maintenance projects. The  
17 commission shall prescribe the form and content of an annual bid  
18 bond under the provisions set forth in the Missouri standard  
19 specifications for highway construction, or its successor.

20 2. The commission is authorized to promulgate  
21 administrative rules to administer the provisions of this  
22 section. Any rule or portion of a rule, as that term is defined  
23 in section 536.010, RSMo, that is created under the authority  
24 delegated in this section shall become effective only if it  
25 complies with and is subject to all of the provisions of chapter  
26 536, RSMo, and, if applicable, section 536.028, RSMo. This  
27 section and chapter 536, RSMo, are nonseverable and if any of the  
28 powers vested with the general assembly pursuant to chapter 536,

1 RSMo, to review, to delay the effective date, or to disapprove  
2 and annul a rule are subsequently held unconstitutional, then the  
3 grant of rulemaking authority and any rule proposed or adopted  
4 after August 28, 2007, shall be invalid and void.

5       227.107. 1. Notwithstanding any provision of section  
6 227.100 to the contrary, as an alternative to the requirements  
7 and procedures specified by sections 227.040 to [227.100]  
8 227.105, the state highways and transportation commission is  
9 authorized to enter into highway design-build project contracts.  
10 The authority granted to the state highways and transportation  
11 commission by this section shall be limited to a total of three  
12 design- build project contracts. Two design-build projects  
13 authorized by this section shall be selected by the highways and  
14 transportation commission from 1992 fifteen year plan projects.  
15 Authority to enter into design-build projects granted by this  
16 section shall expire on July 1, 2012, unless extended by statute  
17 or upon completion of three projects, whichever is first.

18       2. For the purpose of this section a "design-builder" is  
19 defined as an individual, corporation, partnership, joint venture  
20 or other entity, including combinations of such entities making a  
21 proposal to perform or performing a design-build highway project  
22 contract.

23       3. For the purpose of this section, "design-build highway  
24 project contract" is defined as the procurement of all materials  
25 and services necessary for the design, construction,  
26 reconstruction or improvement of a state highway project in a  
27 single contract with a design-builder capable of providing the  
28 necessary materials and services.

1           4. For the purpose of this section, "highway project" is  
2 defined as the design, construction, reconstruction or  
3 improvement of highways or bridges under contract with the state  
4 highways and transportation commission, which is funded by state,  
5 federal or local funds or any combination of such funds.

6           5. In using a design-build highway project contract, the  
7 commission shall establish a written procedure by rule for  
8 prequalifying design-builders before such design-builders will  
9 be allowed to make a proposal on the project.

10          6. In any design-build highway project contract, whether  
11 involving state or federal funds, the commission shall require  
12 that each person submitting a request for qualifications provide  
13 a detailed disadvantaged business enterprise participation plan.  
14 The plan shall provide information describing the experience of  
15 the person in meeting disadvantaged business enterprise  
16 participation goals, how the person will meet the department of  
17 transportation's disadvantaged business enterprise participation  
18 goal and such other qualifications that the commission considers  
19 to be in the best interest of the state.

20          7. The commission is authorized to issue a request for  
21 proposals to a maximum of five design-builders prequalified in  
22 accordance with subsection 5 of this section.

23          8. The commission may require approval of any person  
24 performing subcontract work on the design-build highway project.

25          9. The bid bond and performance bond requirements of  
26 section 227.100 and the payment bond requirements of section  
27 107.170, RSMo, shall apply to the design-build highway project.

28          10. The requirements of subsection 9 of this section may be

modified by the commission for any design-build highway project contract which is designated by the commission as a "design-build-finance-maintain" project, and for which the contract with the design-builder exceeds twenty-five years. For such projects, the commission shall require the design-builder to provide or cause to be provided such bonds in such terms, durations, and amounts as it may determine to be adequate for its protection and provided by a surety or sureties satisfactory to the commission, including but not limited to:

(1) A bid or proposal bond in an amount of not less than five million dollars;

(2) A performance bond or bonds for the construction period specified in the design-build highway project contract in an amount of not less than the maximum cost of construction work performed or caused to be performed by the design-builder in any calendar year of such period; and

(3) A payment bond or bonds that shall be enforceable under section 522.300, RSMo, for the protection of all persons supplying labor and material in carrying out the work provided for in the design-build highway project contract. The amount of the payment bond or bonds shall equal the total amount payable under the terms of the design-build highway project contract unless the commission determines in writing supported by specific findings that a payment bond or bonds in such amount is impractical, in which case the commission shall establish the amount of the payment bond or bonds; except that, the amount of the payment bond or bonds shall not be less than the amount of the performance bond or bonds.

1        11. The commission is authorized to prescribe the form of  
2 the contracts for the work.

3        [11.] 12. The commission is empowered to make all final  
4 decisions concerning the performance of the work under the  
5 design-build highway project contract, including claims for  
6 additional time and compensation.

7        [12.] 13. The provisions of sections 8.285 to 8.291, RSMo,  
8 shall not apply to the procurement of architectural, engineering  
9 or land surveying services for the design-build highway project,  
10 except that any person providing architectural, engineering or  
11 land surveying services for the design- builder on the  
12 design-build highway project must be licensed in Missouri to  
13 provide such services.

14        [13.] 14. The commission shall pay a reasonable stipend to  
15 prequalified responsive design-builders who submit a proposal,  
16 but are not awarded the design-build highway project.

17        [14.] 15. The commission shall comply with the provisions  
18 of any act of congress or any regulations of any federal  
19 administrative agency which provides and authorizes the use of  
20 federal funds for highway projects using the design-build  
21 process.

22        [15.] 16. The commission shall promulgate administrative  
23 rules to implement this section or to secure federal funds. Such  
24 rules shall be published for comment in the Missouri Register and  
25 shall include prequalification criteria, the make-up of the  
26 prequalification review team, specifications for the design  
27 criteria package, the method of advertising, receiving and  
28 evaluating proposals from design-builders, the criteria for



1     awarding the design-build highway project based on the design  
2     criteria package and a separate proposal stating the cost of  
3     construction, and other methods, procedures and criteria  
4     necessary to administer this section.

5           [16.] 17.   The commission shall make a status report to the  
6     members of the general assembly and the governor following the  
7     award of the design-build project, as an individual component of  
8     the annual report submitted by the commission to the joint  
9     transportation oversight committee in accordance with the  
10    provisions of section 21.795, RSMo. The annual report prior to  
11    advertisement of the design-build highway project contracts shall  
12    state the goals of the project in reducing costs and/or the time  
13    of completion for the project in comparison to the  
14    design-bid-build method of construction and objective  
15    measurements to be utilized in determining achievement of such  
16    goals. Subsequent annual reports shall include: the time  
17    estimated for design and construction of different phases or  
18    segments of the project and the actual time required to complete  
19    such work during the period; the amount of each progress payment  
20    to the design-builder during the period and the percentage and a  
21    description of the portion of the project completed regarding  
22    such payment; the number and a description of design change  
23    orders issued during the period and the cost of each such change  
24    order; upon substantial and final completion, the total cost of  
25    the design-build highway project with a breakdown of costs for  
26    design and construction; and such other measurements as specified  
27    by rule. The annual report immediately after final completion of  
28    the project shall state an assessment of the advantages and

1 disadvantages of the design-build method of contracting for  
2 highway and bridge projects in comparison to the design-  
3 bid-build method of contracting and an assessment of whether the  
4 goals of the project in reducing costs and/or the time of  
5 completion of the project were met.

6 [17.] 18. The commission shall give public notice of a  
7 request for qualifications in at least two public newspapers that  
8 are distributed wholly or in part in this state and at least one  
9 construction industry trade publication that is distributed  
10 nationally.

11 [18.] 19. The commission shall publish its cost estimates  
12 of the design-build highway project award and the project  
13 completion date along with its public notice of a request for  
14 qualifications of the design-build project.

15 [19.] 20. If the commission fails to receive statements of  
16 qualifications from at least two design-builders in response to a  
17 request for qualifications under subsection 5 of this section or  
18 to receive at least two responsive submissions from  
19 design-builders considered qualified[, submissions shall not be  
20 opened and it shall] for a design-build highway project contract,  
21 the design-build procurement process shall be suspended and the  
22 commission may readvertise the project.

23 21. (1) In the event the commission issues a request for  
24 qualifications under subsection 5 of this section at least twice  
25 for the same highway project, and it receives a statement of  
26 qualifications from only one design-builder for the design-build  
27 highway project contract, the commission may negotiate in good  
28 faith with the design-builder for such contract based upon the

1 best value to the state.

2 (2) In the event the commission issues a request for  
3 proposals under subsection 7 of this section at least twice for  
4 the same highway project, and it receives only one responsive  
5 submission for the design-build highway project contract, the  
6 commission may negotiate in good faith with the design-builder  
7 for such contract based upon the best value to the state.

8 (3) At any time prior to the execution of a design-build  
9 highway project contract with the design-builder, if the  
10 commission is not satisfied with the results of the negotiation  
11 with the design-builder, it may terminate the negotiations and  
12 reject any and all submissions and proposals by the design-  
13 builder.

14 227.115. With respect to contracts awarded by the  
15 department of transportation or the state highways and  
16 transportation commission under sections 227.100, 227.107, or  
17 238.260, after June 30, 2007, the department or commission shall  
18 be authorized to issue an exemption certificate for the purchase  
19 of tangible personal property and materials as exempt from sales  
20 and use tax as provided for exempt entities in section 144.062,  
21 RSMo. The department or commission and any contractor or  
22 material supplier operating under such exemption certificate  
23 shall comply with section 144.062, RSMo, and any rules  
24 promulgated by the department of revenue with respect to such  
25 sales.

26 227.295. 1. The department of transportation shall  
27 establish and administer a drunk driving victim memorial sign  
28 program. The signs shall be placed upon the state highways in

1 accordance with this section, placement guidelines adopted by the  
2 department, and any applicable federal limitations or conditions  
3 on highway signage, including location and spacing.

4 2. The department shall adopt, by rules and regulations,  
5 program guidelines for the application for and placement of signs  
6 authorized by this section, including, but not limited to, the  
7 sign application and qualification process, the procedure for the  
8 dedication of signs, and procedures for the replacement or  
9 restoration of any signs that are damaged or stolen. The  
10 department shall also establish by rule, application procedures  
11 and methods for proving eligibility for the program.

12 3. Any person may apply to the department of transportation  
13 to sponsor a drunk driving victim memorial sign in memory of an  
14 immediate family member who died as a result of a motor vehicle  
15 accident caused by a person who was shown to have been operating  
16 a motor vehicle in violation of section 577.010 or 577.012, RSMo,  
17 or was committing an intoxication-related traffic offense at the  
18 time of the accident. Upon the request of an immediate family  
19 member of the deceased victim involved in a drunk driving  
20 accident, the department shall place a sign in accordance with  
21 this section. A person who is not a member of the immediate  
22 family may also submit a request to have a sign placed under this  
23 section if that person also submits the written consent of an  
24 immediate family member. The department shall charge the  
25 sponsoring party a fee to cover the department's cost in  
26 designing, constructing, placing, and maintaining that sign, and  
27 the department's costs in administering this section. Signs  
28 erected under this section shall remain in place for a period of

1 ten years. After the expiration of the ten-year period, the  
2 department shall remove the sign unless the sponsoring party  
3 remits to the department of transportation a ten-year renewable  
4 fee to cover maintenance costs associated with the sign.

5 4. The signs shall feature the words "Drunk Driving  
6 Victim!", the initials of the victim, and the month and year in  
7 which the victim of the drunk driving accident was killed. The  
8 overall design of the sign, including size, color, and lettering,  
9 shall conform to the guidelines and regulations established by  
10 the department. The signs shall be placed near the scene of the  
11 accident.

12 5. All roadside memorials or markers commemorating the  
13 death of a drunk driving victim not meeting the provisions of  
14 this section are prohibited. No person, other than a department  
15 of transportation employee or the department's designee, may  
16 erect a drunk driving victim memorial sign.

17 6. As used in this section, the term "immediate family  
18 member" shall mean spouse, child, stepchild, brother,  
19 stepbrother, sister, stepsister, mother, stepmother, father, or  
20 stepfather.

21 7. The department shall adopt rules and regulations to  
22 implement and administer the provisions of this section. Any  
23 rule or portion of a rule, as that term is defined in section  
24 536.010, RSMo, that is created under the authority delegated in  
25 this section shall become effective only if it complies with and  
26 is subject to all of the provisions of chapter 536, RSMo, and, if  
27 applicable, section 536.028, RSMo. This section and chapter 536,  
28 RSMo, are nonseverable and if any of the powers vested with the

1 general assembly pursuant to chapter 536, RSMo, to review, to  
2 delay the effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2007,  
5 shall be invalid and void.

6       238.202. 1. As used in sections 238.200 to 238.275, the  
7 following terms mean:

8       (1) "Board", the board of directors of a district;

9       (2) "Commission", the Missouri highways and transportation  
10 commission;

11       (3) "District", a transportation development district  
12 organized under sections 238.200 to 238.275;

13       (4) "Local transportation authority", a county, city, town,  
14 village, county highway commission, special road district,  
15 interstate compact agency, or any local public authority or  
16 political subdivision having jurisdiction over any bridge,  
17 street, highway, dock, wharf, ferry, lake or river port, airport,  
18 railroad, light rail or other transit improvement or service;

19       (5) "Project" includes any bridge, street, road, highway,  
20 access road, interchange, intersection, signing, signalization,  
21 parking lot, bus stop, station, garage, terminal, hangar,  
22 shelter, rest area, dock, wharf, lake or river port, airport,  
23 railroad, light rail, or other mass transit and any similar or  
24 related improvement or infrastructure.

25       2. For the purposes of sections 11(c), 16 and 22 of article  
26 X of the Constitution of Missouri, section 137.073, RSMo, and as  
27 used in sections 238.200 to 238.275, the following terms shall  
28 have the meanings given:

1           (1) "Approval of the required majority" or "direct voter  
2 approval", a simple majority;

3           (2) "Qualified electors", "qualified voters" or "voters",  
4 [if] within the proposed or established district, any persons  
5 [eligible to be registered voters reside within the proposed  
6 district, such persons] residing therein who have registered to  
7 vote pursuant to chapter 115, RSMo, [or if no persons eligible to  
8 be registered voters reside within the proposed district,] and  
9 the owners of real property [located within the proposed  
10 district], who shall receive one vote per acre, provided that any  
11 registered voter who also owns property must elect whether to  
12 vote as an owner or a registered voter;

13           (3) "Registered voters", persons qualified and registered  
14 to vote pursuant to chapter 115, RSMo.

15           238.207. 1. Whenever the creation of a district is  
16 desired, not less than fifty registered voters from each county  
17 partially or totally within the proposed district may file a  
18 petition requesting the creation of a district. However, if no  
19 persons eligible to be registered voters reside within the  
20 district, the owners of record of all of the real property,  
21 except public streets, located within the proposed district may  
22 file a petition requesting the creation of a district. The  
23 petition shall be filed in the circuit court of any county  
24 partially or totally within the proposed district.

25           2. Alternatively, the governing body of any local  
26 transportation authority within any county in which a proposed  
27 project may be located may file a petition in the circuit court  
28 of that county, requesting the creation of a district.

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

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

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

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

12          (b) The court finds that all of the real property located  
13 within the proposed district will benefit by the projects to be  
14 undertaken by the district; and

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

17          (3) In the case of a district created pursuant to  
18 subsection 5 of this section, property separated only by public  
19 streets, easements, or rights-of-way or connected by a single  
20 public street, easement, or right-of-way shall be considered  
21 contiguous.

22          4. The petition shall set forth:

23          (1) The name, voting residence and county of residence of  
24 each individual petitioner, or, if no persons eligible to be  
25 registered voters reside within the proposed district, the name  
26 and address of each owner of record of real property located  
27 within the proposed district, or shall recite that the petitioner  
28 is the governing body of a local transportation authority acting



1 in its official capacity;

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

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

8 (4) A general description of each project proposed to be  
9 undertaken by that district, including a description of the  
10 approximate location of each project;

11 (5) The estimated project costs and the anticipated  
12 revenues to be collected from the project;

13 (6) The name of the proposed district;

14 [(6)] (7) The number of members of the board of directors  
15 of the proposed district, which shall be not less than five or  
16 more than fifteen;

17 [(7)] (8) A statement that the terms of office of initial  
18 board members shall be staggered in approximately equal numbers  
19 to expire in one, two or three years;

20 [(8)] (9) If the petition was filed by registered voters or  
21 by a governing body, a request that the question be submitted to  
22 the qualified voters within the limits of the proposed district  
23 whether they will establish a transportation development district  
24 to develop a specified project or projects;

25 [(9)] (10) A proposal for funding the district initially,  
26 pursuant to the authority granted in sections 238.200 to 238.275,  
27 together with a request that the funding proposal be submitted to  
28 the qualified voters [residing] within the limits of the proposed

1 district; provided, however, the funding method of special  
2 assessments may also be approved as provided in subsection 1 of  
3 section 238.230; and

4 ~~[(10)]~~ (11) A statement that the proposed district shall  
5 not be an undue burden on any owner of property within the  
6 district and is not unjust or unreasonable.

7 5. (1) As an alternative to the methods described in  
8 subsections 1 and 2 of this section, if two or more local  
9 transportation authorities have adopted resolutions calling for  
10 the joint establishment of a district, the governing body of any  
11 one such local transportation authority may file a petition in  
12 the circuit court of any county in which the proposed project is  
13 located requesting the creation of a district; or, if not less  
14 than fifty registered voters from each of two or more counties  
15 sign a petition calling for the joint establishment of a district  
16 for the purpose of developing a project that lies in whole or in  
17 part within those same counties, the petition may be filed in the  
18 circuit court of any of those counties in which not less than  
19 fifty registered voters have signed the petition.

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

25 (3) The petition shall set forth:

26 (a) That the petitioner is the governing body of a local  
27 transportation authority acting in its official capacity; or, if  
28 the petition was filed by obtaining the signatures of not less

1 than fifty registered voters in each of two or more counties, it  
2 shall set forth the name, voting residence, and county of  
3 residence of each individual petitioner;

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

8 (c) The name and address of each respondent. Respondents  
9 must include the commission and each affected local  
10 transportation authority within the proposed district, except a  
11 petitioning local transportation authority;

12 (d) A specific description of the proposed district  
13 boundaries including a map illustrating such boundaries;

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

17 (f) The name of the proposed district;

18 (g) The number of members of the board of directors of the  
19 proposed district;

20 (h) A request that the question be submitted to the  
21 qualified voters within the limits of the proposed district  
22 whether they will establish a transportation development district  
23 to develop the projects described in the petition;

24 (i) A proposal for funding the district initially, pursuant  
25 to the authority granted in sections 238.200 to 238.275, together  
26 with a request that the imposition of the funding proposal be  
27 submitted to the qualified voters residing within the limits of  
28 the proposed district; provided, however, the funding method of

1 special assessments may also be approved as provided in  
2 subsection 1 of section 238.230; and

3 (j) A statement that the proposed district shall not be an  
4 undue burden on any owner of property within the district and is  
5 not unjust or unreasonable.

6 238.208. 1. The owners of property adjacent to a  
7 transportation district formed under the Missouri transportation  
8 development district act may petition the court by unanimous  
9 petition to add their property to the district. If the property  
10 owners within the transportation development district unanimously  
11 approve of the addition of property, the adjacent properties in  
12 the petition shall be added to the district. Any property added  
13 under this section shall be subject to all projects, taxes, and  
14 special assessments in effect as of the date of the court order  
15 adding the property to the district. The owners of the added  
16 property shall be allowed to vote at the next election scheduled  
17 for the district to fill vacancies on the board and on any other  
18 question submitted to them by the board under this chapter. The  
19 owners of property added under this section shall have one vote  
20 per acre in the same manner as provided in subdivision (2) of  
21 subsection 2 of section 238.220.

22 2. The owners of all of the property located in a  
23 transportation development district formed under this chapter  
24 may, by unanimous petition filed with the board of directors of  
25 the district, remove any property from the district, so long as  
26 such removal will not materially affect any obligations of the  
27 district.

28 238.210. 1. Within thirty days after the petition is

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

18 2. The court shall hear the case without a jury. If the  
19 court shall thereafter determine the petition is defective or the  
20 proposed district is illegal or unconstitutional, or shall be an  
21 undue burden on any owner of property within the district or is  
22 unjust and unreasonable, it shall enter its declaratory judgment  
23 to that effect and shall refuse to make the certifications  
24 requested in the pleadings. If the court determines that any  
25 proposed funding method is illegal or unconstitutional, it shall  
26 enter its judgment striking that funding method in whole or part.  
27 If the court determines the petition is not legally defective and  
28 the proposed district and method of funding are neither illegal

1 nor unconstitutional, the court shall enter its judgment to that  
2 effect. If the petition was filed by registered voters or by a  
3 governing body, the court shall then certify the questions  
4 regarding district creation, project development, and proposed  
5 funding for voter approval. If the petition was filed by a  
6 governing body, or by no less than fifty registered voters of two  
7 or more counties, pursuant to subsection 5 of section 238.207,  
8 the court shall then certify the single question regarding  
9 district creation, project development, and proposed funding for  
10 voter approval. If the petition was filed by the owners of  
11 record of all of the real property located within the proposed  
12 district, the court shall declare the district organized and  
13 certify the funding methods stated in the petition for qualified  
14 voter approval; provided, however, the funding method of special  
15 assessments may also be approved as provided in subsection 1 of  
16 section 238.230. In either case, if no objections to the  
17 petition are timely filed, the court may make such certifications  
18 based upon the pleadings before it without any hearing.

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

22 238.225. 1. Before construction or funding of any project,  
23 the district shall submit the proposed project, [together with  
24 the proposed plans and specifications,] to the commission for its  
25 prior approval [of the project]. If the commission by minute  
26 finds that the project will improve or is a necessary or  
27 desirable extension of the state highways and transportation  
28 system, the commission may preliminarily approve the project

1 subject to the district providing plans and specifications for  
2 the proposed project and making any revisions in the plans and  
3 specifications required by the commission and the district and  
4 commission entering into a mutually satisfactory agreement  
5 regarding development and future maintenance of the project.  
6 After such preliminary approval, the district may impose and  
7 collect such taxes and assessments as may be included in the  
8 commission's preliminary approval. After the commission approves  
9 the final construction plans and specifications, the district  
10 shall obtain prior commission approval of any modification of  
11 such plans or specifications.

12 2. If the proposed project is not intended to be merged  
13 into the state highways and transportation system under the  
14 commission's jurisdiction, the district shall also submit the  
15 proposed project and proposed plans and specifications to the  
16 local transportation authority that will become the owner of the  
17 project for its prior approval.

18 3. In those instances where a local transportation  
19 authority is required to approve a project and the commission  
20 determines that it has no direct interest in that project, the  
21 commission may decline to consider the project. Approval of the  
22 project shall then vest exclusively with the local transportation  
23 authority subject to the district making any revisions in the  
24 plans and specifications required by the local transportation  
25 authority and the district and the local transportation authority  
26 entering into a mutually satisfactory agreement regarding  
27 development and future maintenance of the project. After the  
28 local transportation authority approves the final construction

1 plans and specifications, the district shall obtain prior  
2 approval of the local transportation authority before modifying  
3 such plans or specifications.

4 238.230. 1. If approved by:

5 (1) A majority of the qualified voters voting on the  
6 question in the district; or

7 (2) The owners of record of all of the real property  
8 located within the district who shall indicate their approval by  
9 signing a special assessment petition;

10 the district may make one or more special assessments for those  
11 project improvements which specially benefit the properties  
12 within the district. Improvements which may confer special  
13 benefits within a district include but are not limited to  
14 improvements which are intended primarily to serve traffic  
15 originating or ending within the district, to reduce local  
16 traffic congestion or circuitry of travel, or to improve the  
17 safety of motorists or pedestrians within the district.

18 2. The ballot question shall be substantially in the  
19 following form:

20 Shall the ..... Transportation Development  
21 District be authorized to levy special assessments against  
22 property benefited within the district for the purpose of  
23 providing revenue for the development of a project (or projects)  
24 in the district (insert general description of the project or  
25 projects, if necessary), said special assessments to be levied  
26 ratably against each tract, lot or parcel of property within the  
27 district which is benefited by such project in proportion to the  
28 (insert method of allocating special assessments), in an amount



1 not to exceed \$ ..... per annum per (insert unit of  
2 measurement)?

3 3. The special assessment petition shall be substantially  
4 in the following form:

5 The ..... Transportation  
6 Development District shall be authorized to levy special  
7 assessments against property benefited within the district for  
8 the purpose of providing revenue for the development of a project  
9 (or projects) in the district (insert general description of the  
10 project or projects, if necessary), said special assessments to  
11 be levied pro rata against each tract, lot or parcel or property  
12 within the district which is benefited by such project in  
13 proportion to the (insert method of allocating special  
14 assessments), in an amount not to exceed \$..... per annum per  
15 (insert unit of measurement).

16 4. If a proposal for making a special assessment fails, the  
17 district board of directors may, with the prior approval of the  
18 commission or the local transportation authority which will  
19 assume ownership of the completed project, delete from the  
20 project any portion which was to be funded by special assessment  
21 and which is not otherwise required for project integrity.

22 5. A district may establish different classes of real  
23 property within the district for purposes of levying differing  
24 rates of special assessments. The levy rate for special  
25 assessments may vary for each class or subclass based on the  
26 level of benefit derived by each class or subclass of real  
27 property from projects funded by the district.

28 238.275. 1. Within six months after development and

1 initial maintenance costs of its completed project have been  
2 paid, the district shall pursuant to contract transfer ownership  
3 and control of the project to the commission or a local  
4 transportation authority which shall be responsible for all  
5 future maintenance costs pursuant to contract. Such transfer may  
6 be made sooner with the consent of the recipient.

7 2. At such time as a district has completed its project and  
8 has transferred ownership of the project to the commission or  
9 other local transportation authority for maintenance, or at such  
10 time as the board determines that it is unable to complete its  
11 project due to lack of funding or for any other reason, the board  
12 shall submit for a vote in an election held throughout the  
13 district the question of whether the district should be  
14 abolished. The question shall be submitted in substantially the  
15 following form:

16 Shall the ..... Transportation Development  
17 District be abolished?

18 3. The district board shall not propose the question to  
19 abolish the district while there are outstanding claims or causes  
20 of action pending against the district, while the district  
21 liabilities exceed its assets, or while the district is  
22 insolvent, in receivership or under the jurisdiction of the  
23 bankruptcy court. Prior to submitting the question to abolish  
24 the district to a vote, the state auditor shall audit the  
25 district to determine the financial status of the district, and  
26 whether the district may be abolished pursuant to law.

27 4. While the district still exists, it shall continue to  
28 accrue all revenues to which it is entitled at law.

1           5. Upon receipt of certification by the appropriate  
2 election authorities that the majority of those voting within the  
3 district have voted to abolish the district, and if the state  
4 auditor has determined that the district's financial condition is  
5 such that it may be abolished pursuant to law, then the board  
6 shall:

7           (1) Sell any remaining district real or personal property  
8 it wishes, and then transfer the proceeds and any other real or  
9 personal property owned by the district, including revenues due  
10 and owing the district, to the commission or any appropriate  
11 local transportation authority assuming maintenance and control  
12 of the project, for its further use and disposition;

13           (2) Terminate the employment of any remaining district  
14 employees, and otherwise conclude its affairs;

15           (3) At a public meeting of the district, declare by a  
16 majority vote that the district has been abolished effective that  
17 date; and

18           (4) Cause copies of that resolution under seal to be filed  
19 with the secretary of state, the director of revenue, the  
20 commission, and with each local transportation authority affected  
21 by the district. Upon the completion of the final act specified  
22 in this subsection, the legal existence of the district shall  
23 cease.

24           301.007. 1. Any declaration, statement, or other document  
25 required to be made or filed pursuant to this chapter or chapter  
26 306, RSMo, shall be signed in accordance with regulations or  
27 instructions prescribed by the director of revenue and the  
28 director of revenue shall have the power to administer oaths to

1 individuals filing such declaration, statement, or other  
2 document. The fact that an individual's name is signed to a  
3 declaration, statement, or other document shall be prima facie  
4 evidence that the individuals signed the declaration, statement,  
5 or other document.

6 2. The making or filing of any declaration, statement, or  
7 other document required to be made pursuant to this chapter or  
8 chapter 306, RSMo, shall constitute a certification by the person  
9 making or filing such declaration, statement, or other document,  
10 or copy thereof, that the statements contained therein are true  
11 and that any copy filed is a true copy.

12 301.010. As used in this chapter and sections 304.010 to  
13 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to  
14 307.175, RSMo, the following terms mean:

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

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

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

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

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

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

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

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

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

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

23          (11) "Driveaway operation":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18           (26) "Local log truck", a commercial motor vehicle which is  
19 registered pursuant to this chapter to operate as a motor vehicle  
20 on the public highways of this state, used exclusively in this  
21 state, used to transport harvested forest products, operated  
22 solely at a forested site and in an area extending not more than  
23 a [fifty-mile] one hundred-mile radius from such site, carries a  
24 load with dimensions not in excess of twenty-five cubic yards per  
25 two axles with dual wheels, and when operated on the national  
26 system of interstate and defense highways described in Title 23,  
27 Section 103(e) of the United States Code, such vehicle shall not  
28 exceed the weight limits of section 304.180, RSMo, does not have



1 more than four axles, and does not pull a trailer which has more  
2 than two axles. Harvesting equipment which is used specifically  
3 for cutting, felling, trimming, delimbing, debarking, chipping,  
4 skidding, loading, unloading, and stacking may be transported on  
5 a local log truck. A local log truck may not exceed the limits  
6 required by law, however, if the truck does exceed such limits as  
7 determined by the inspecting officer, then notwithstanding any  
8 other provisions of law to the contrary, such truck shall be  
9 subject to the weight limits required by such sections as  
10 licensed for eighty thousand pounds;

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

28 (28) "Local transit bus", a bus whose operations are

1 confined wholly within a municipal corporation, or wholly within  
2 a municipal corporation and a commercial zone, as defined in  
3 section 390.020, RSMo, adjacent thereto, forming a part of a  
4 public transportation system within such municipal corporation  
5 and such municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

1           (35) "Motor vehicle primarily for business use", any  
2 vehicle other than a recreational motor vehicle, motorcycle,  
3 motortricycle, or any commercial motor vehicle licensed for over  
4 twelve thousand pounds:

5           (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

1           (43) "Owner", any person, firm, corporation or association,  
2 who holds the legal title to a vehicle or in the event a vehicle  
3 is the subject of an agreement for the conditional sale or lease  
4 thereof with the right of purchase upon performance of the  
5 conditions stated in the agreement and with an immediate right of  
6 possession vested in the conditional vendee or lessee, or in the  
7 event a mortgagor of a vehicle is entitled to possession, then  
8 such conditional vendee or lessee or mortgagor shall be deemed  
9 the owner for the purpose of this law;

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

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

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

22          (47) "Recreational motor vehicle", any motor vehicle  
23 designed, constructed or substantially modified so that it may be  
24 used and is used for the purposes of temporary housing quarters,  
25 including therein sleeping and eating facilities which are either  
26 permanently attached to the motor vehicle or attached to a unit  
27 which is securely attached to the motor vehicle. Nothing herein  
28 shall prevent any motor vehicle from being registered as a

1 commercial motor vehicle if the motor vehicle could otherwise be  
2 so registered;

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

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

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

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

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

28 (b) By reason of condition or circumstance, has been

1 declared salvage, either by its owner, or by a person, firm,  
2 corporation, or other legal entity exercising the right of  
3 security interest in it;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 truck-tractor semitrailer-trailer combination;

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

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

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

27 (65) "Vehicle", any mechanical device on wheels, designed  
28 primarily for use, or used, on highways, except motorized

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

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

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

16 301.029. 1. Any self-propelled sprayer, floater, or other  
17 form of implement of husbandry that is used for spraying  
18 chemicals or spreading fertilizer for agricultural purposes may  
19 be moved or operated on the highways of this state without  
20 complying with the provisions of this chapter relating to  
21 titling, registration and the display of license plates.

22 2. The exemption from titling, registration, and the  
23 display of license plates provided for in subsection 1 of this  
24 section shall apply whether the described vehicles are laden or  
25 unladen.

26 3. All other requirements of the law relating to motor  
27 vehicles, unless the context clearly provides otherwise, shall  
28 apply to the vehicles described in subsection one of this section

1 when operated on the highways of this state.

2 4. As used in this section, the term "implements of  
3 husbandry" means all self-propelled machinery manufactured to be  
4 operated at low speeds, specifically designed for, or especially  
5 adapted to be capable of, incidental over-the-road and primary  
6 offroad usage and used exclusively for the application of  
7 commercial plant food materials or agricultural chemicals.

8 301.030. 1. The director shall provide for the retention  
9 of license plates by the owners of motor vehicles, other than  
10 commercial motor vehicles, and shall establish a system of  
11 registration on a monthly series basis to distribute the work of  
12 registering motor vehicles as uniformly as practicable throughout  
13 the twelve months of the calendar year. For the purpose of  
14 assigning license plate numbers, each type of motor vehicle shall  
15 be considered a separate class. Commencing July 1, 1949, motor  
16 vehicles, other than commercial motor vehicles, shall be  
17 registered for a period of twelve consecutive calendar months.  
18 There are established twelve registration periods, each of which  
19 shall start on the first day of each calendar month of the year  
20 and shall end on the last date of the twelfth month from the date  
21 of beginning.

22 2. Motor vehicles, other than commercial motor vehicles,  
23 operated for the first time upon the public highways of this  
24 state, to and including the fifteenth day of any given month,  
25 shall be subject to registration and payment of a fee for the  
26 twelve-month period commencing the first day of the month of such  
27 operation; motor vehicles, other than commercial motor vehicles,  
28 operated for the first time on the public highways of this state

1 after the fifteenth day of any given month shall be subject to  
2 registration and payment of a fee for the twelve-month period  
3 commencing the first day of the next following calendar month.

4 3. All commercial motor vehicles and trailers, except those  
5 licensed under section 301.035 and those operated under  
6 agreements as provided for in sections 301.271 to 301.279, shall  
7 be registered either on a calendar year basis or on a prorated  
8 basis as provided in this section. The fees for commercial motor  
9 vehicles, trailers, semitrailers, and driveaway vehicles, other  
10 than those to be operated under agreements as provided for in  
11 sections 301.271 to 301.279 shall be payable not later than the  
12 last day of February of each year, except when such vehicle is  
13 licensed between April first and July first the fee shall be  
14 three-fourths the annual fee, when licensed between July first  
15 and October first the fee shall be one-half the annual fee and  
16 when licensed on or after October first the fee shall be  
17 one-fourth the annual fee. Such license plates shall be made  
18 with fully reflective material with a common color scheme and  
19 design, shall be clearly visible at night, and shall be  
20 aesthetically attractive, as prescribed by section 301.130.

21 Local commercial motor vehicle license plates ~~shall~~ may also be  
22 so stamped, marked or designed as to indicate they are to be used  
23 only on local commercial motor vehicles and, in addition to such  
24 stamp, mark or design, the letter "F" shall also be displayed on  
25 local commercial motor vehicle license plates issued to motor  
26 vehicles used for farm or farming transportation operations as  
27 defined in section 301.010 in the manner prescribed by the  
28 advisory committee established in section 301.129. In addition,

1 all commercial motor vehicle license plates [shall] may be so  
2 stamped or marked with a letter, figure or other emblem as to  
3 indicate the gross weight for which issued.

4 4. The director shall, upon application, issue registration  
5 and license plates for nine thousand pounds gross weight for  
6 property-carrying commercial motor vehicles referred to herein,  
7 upon payment of the fees prescribed for twelve thousand pounds  
8 gross weight as provided in section 301.057.

9 301.037. In addition to submitting a personal property tax  
10 receipt, proof of financial responsibility, a heavy highway  
11 vehicle use tax receipt, and any other documents or information  
12 which may be required by law, the owner of a commercial motor  
13 vehicle with a licensed gross weight over fifty thousand pounds  
14 shall, prior to obtaining or renewing the plates for such  
15 vehicle, submit proof in a manner satisfactory to the director,  
16 that the vehicle is registered with the motor carrier division of  
17 the department of transportation. An owner may demonstrate proof  
18 of registration by submitting a copy of his or her U.S.  
19 Department of Transportation number or a lease paper showing that  
20 the vehicle is leased by another registered motor carrier. Any  
21 owner of a vehicle described in this section that is not required  
22 by law to be registered with the motor carrier division of the  
23 department of transportation shall attest under penalty of  
24 perjury to such fact on the application.

25 301.130. 1. The director of revenue, upon receipt of a  
26 proper application for registration, required fees and any other  
27 information which may be required by law, shall issue to the  
28 applicant a certificate of registration in such manner and form

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

17 2. The arrangement of letters and numbers of license plates  
18 shall be uniform throughout each classification of registration.  
19 The director may provide for the arrangement of the numbers in  
20 groups or otherwise, and for other distinguishing marks on the  
21 plates.

22 3. All property-carrying commercial motor vehicles to be  
23 registered at a gross weight in excess of twelve thousand pounds,  
24 all passenger-carrying commercial motor vehicles, local transit  
25 buses, school buses, trailers, semitrailers, motorcycles,  
26 motortricycles, motorscooters and driveaway vehicles shall be  
27 registered with the director of revenue as provided for in  
28 subsection 3 of section 301.030, or with the state highways and

1 transportation commission as otherwise provided in this chapter,  
2 but only one license plate shall be issued for each such vehicle  
3 except as provided in this subsection. The applicant for  
4 registration of any property-carrying commercial motor vehicle  
5 may request and be issued two license plates for such vehicle,  
6 and if such plates are issued the director of revenue may assess  
7 and collect an additional charge from the applicant in an amount  
8 not to exceed the fee prescribed for personalized license plates  
9 in subsection 1 of section 301.144.

10 4. The plates issued to manufacturers and dealers shall  
11 bear the [letter "D" preceding the number] letters and numbers as  
12 prescribed by section 301.560, and the director may place upon  
13 the plates other letters or marks to distinguish commercial motor  
14 vehicles and trailers and other types of motor vehicles.

15 5. No motor vehicle or trailer shall be operated on any  
16 highway of this state unless it shall have displayed thereon the  
17 license plate or set of license plates issued by the director of  
18 revenue or the state highways and transportation commission and  
19 authorized by section 301.140. Each such plate shall be securely  
20 fastened to the motor vehicle or trailer in a manner so that all  
21 parts thereof shall be plainly visible and reasonably clean so  
22 that the reflective qualities thereof are not impaired. Each  
23 such plate may be encased in a transparent cover so long as the  
24 plate is plainly visible and its reflective qualities are not  
25 impaired. License plates shall be fastened to all motor vehicles  
26 except trucks, tractors, truck tractors or truck-tractors  
27 licensed in excess of twelve thousand pounds on the front and  
28 rear of such vehicles not less than eight nor more than

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

16         6. (1) The director of revenue shall issue annually or  
17    biennially a tab or set of tabs as provided by law as evidence of  
18    the annual payment of registration fees and the current  
19    registration of a vehicle in lieu of the set of plates.  
20    Beginning January 1, 2010, the director may prescribe any  
21    additional information recorded on the tab or tabs to ensure that  
22    the tab or tabs positively correlate with the license plate or  
23    plates issued by the department of revenue for such vehicle.  
24    Such tabs shall be produced in each license bureau office.

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

28         (3) A tab or set of tabs issued by the director of revenue



1 when attached to a vehicle in the prescribed manner shall be  
2 prima facie evidence that the registration fee for such vehicle  
3 has been paid.

4 (4) Except as otherwise provided in this section, the  
5 director of revenue shall issue plates for a period of at least  
6 six years.

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

27 (6) Upon the sale or disposal of any vehicle permanently  
28 registered under this section, or upon the termination of a lease

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

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

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

27 9. **[Commencing]** No later than January 1, 2009, the director  
28 of revenue shall **[cause to be reissued]** commence the reissuance

1 of new license plates of such design as directed by the director  
2 consistent with the terms, conditions, and provisions of this  
3 section and this chapter. Except as otherwise provided in this  
4 section, in addition to all other fees required by law,  
5 applicants for registration of vehicles with license plates that  
6 expire [between January 1, 2009, and December 31, 2011] during  
7 the period of reissuance, applicants for registration of trailers  
8 or semitrailers with license plates that expire [between January  
9 1, 2009, and December 31, 2011] during the period of reissuance,  
10 and applicants for registration of vehicles that are to be issued  
11 new license plates during the period of reissuance shall pay [an  
12 additional fee, based on the actual cost of the reissuance, to  
13 cover] the cost of [the newly reissued plates] reissuance  
14 required by this subsection. The additional [fee] cost  
15 prescribed in this subsection shall not be charged to persons  
16 receiving special license plates issued under section 301.073 or  
17 301.443. Historic motor vehicle license plates registered  
18 pursuant to section 301.131 and specialized license plates are  
19 exempt from the provisions of this subsection.

20 301.131. 1. Any motor vehicle over twenty-five years old  
21 which is owned solely as a collector's item and which is used and  
22 intended to be used for exhibition and educational purposes shall  
23 be permanently registered upon payment of a registration fee of  
24 twenty-five dollars. Upon the transfer of the title to any such  
25 vehicle the registration shall be canceled and the license plates  
26 issued therefor shall be returned to the director of revenue.

27 2. The owner of any such vehicle shall file an application  
28 in a form prescribed by the director, if such vehicle meets the

1 requirements of this section, and a certificate of registration  
2 shall be issued therefor. Such certificate need not specify the  
3 horsepower of the motor vehicle.

4 3. The director shall issue to the owner of any motor  
5 vehicle registered pursuant to this section the same number of  
6 license plates which would be issued with a regular annual  
7 registration, containing the number assigned to the registration  
8 certificate issued by the director of revenue. Such license  
9 plates shall be made with fully reflective material with a common  
10 color scheme and design, shall be clearly visible at night, and  
11 shall be aesthetically attractive, as prescribed by section  
12 301.130.

13 4. Historic vehicles may be driven to and from repair  
14 facilities one hundred miles from the vehicle's location, and in  
15 addition may be driven up to one thousand miles per year for  
16 personal use. The owner of the historic vehicle shall be  
17 responsible for keeping a log of the miles driven for personal  
18 use each calendar year. Such log must be kept in the historic  
19 vehicle when the vehicle is driven on any state road. The  
20 historic vehicle's mileage driven in an antique auto tour or  
21 event and mileage driven to and from such a tour or event shall  
22 not be considered mileage driven for the purpose of the mileage  
23 limitations in this section. Violation of this section [is a  
24 class C misdemeanor] shall be punishable under section 301.440  
25 and in addition to any other penalties prescribed by law, upon  
26 [conviction] plea or finding of guilt thereof, the director of  
27 revenue shall revoke the historic motor vehicle license plates of  
28 such violator which were issued pursuant to this section.

1           5. Notwithstanding any provisions of this section to the  
2 contrary, any person possessing a license plate issued by the  
3 state of Missouri that is over twenty-five years old, in which  
4 the year of the issuance of such plate is consistent with the  
5 year of the manufacture of the vehicle, the owner of the vehicle  
6 may register such plate as an historic vehicle plate as set forth  
7 in subsections 1 and 2 of this section, provided that the  
8 configuration of letters, numbers or combination of letters and  
9 numbers of such plate are not identical to the configuration of  
10 letters, numbers or combination of letters and numbers of any  
11 plates already issued to an owner by the director. Such license  
12 plate shall not be required to possess the characteristic  
13 features of reflective material and common color scheme and  
14 design as prescribed in section 301.130. The owner of the  
15 historic vehicle registered pursuant to this subsection shall  
16 keep the certificate of registration in the vehicle at all times.  
17 The certificate of registration shall be prima facie evidence  
18 that the vehicle has been properly registered with the director  
19 and that all fees have been paid.

20           301.140. 1. Upon the transfer of ownership of any motor  
21 vehicle or trailer, the certificate of registration and the right  
22 to use the number plates shall expire and the number plates shall  
23 be removed by the owner at the time of the transfer of  
24 possession, and it shall be unlawful for any person other than  
25 the person to whom such number plates were originally issued to  
26 have the same in his or her possession whether in use or not;  
27 except that the buyer of a motor vehicle or trailer who trades in  
28 a motor vehicle or trailer may attach the license plates from the

1     traded-in motor vehicle or trailer to the newly purchased motor  
2     vehicle or trailer. The operation of a motor vehicle with such  
3     transferred plates shall be lawful for no more than thirty days.  
4     As used in this subsection, the term "trade-in motor vehicle or  
5     trailer" shall include any single motor vehicle or trailer sold  
6     by the buyer of the newly purchased vehicle or trailer, as long  
7     as the license plates for the trade-in motor vehicle or trailer  
8     are still valid.

9             2. In the case of a transfer of ownership the original  
10     owner may register another motor vehicle under the same number,  
11     upon the payment of a fee of two dollars, if the motor vehicle is  
12     of horsepower, gross weight or (in the case of a  
13     passenger-carrying commercial motor vehicle) seating capacity,  
14     not in excess of that originally registered. When such motor  
15     vehicle is of greater horsepower, gross weight or (in the case of  
16     a passenger-carrying commercial motor vehicle) seating capacity,  
17     for which a greater fee is prescribed, applicant shall pay a  
18     transfer fee of two dollars and a pro rata portion for the  
19     difference in fees. When such vehicle is of less horsepower,  
20     gross weight or (in case of a passenger-carrying commercial motor  
21     vehicle) seating capacity, for which a lesser fee is prescribed,  
22     applicant shall not be entitled to a refund.

23             3. License plates may be transferred from a motor vehicle  
24     which will no longer be operated to a newly purchased motor  
25     vehicle by the owner of such vehicles. The owner shall pay a  
26     transfer fee of two dollars if the newly purchased vehicle is of  
27     horsepower, gross weight or (in the case of a passenger-carrying  
28     commercial motor vehicle) seating capacity, not in excess of that

1 of the vehicle which will no longer be operated. When the newly  
2 purchased motor vehicle is of greater horsepower, gross weight or  
3 (in the case of a passenger-carrying commercial motor vehicle)  
4 seating capacity, for which a greater fee is prescribed, the  
5 applicant shall pay a transfer fee of two dollars and a pro rata  
6 portion of the difference in fees. When the newly purchased  
7 vehicle is of less horsepower, gross weight or (in the case of a  
8 passenger-carrying commercial motor vehicle) seating capacity,  
9 for which a lesser fee is prescribed, the applicant shall not be  
10 entitled to a refund.

11 4. Upon the sale of a motor vehicle or trailer by a dealer,  
12 a buyer who has made application for registration, by mail or  
13 otherwise, may operate the same for a period of thirty days after  
14 taking possession thereof, if during such period the motor  
15 vehicle or trailer shall have attached thereto, in the manner  
16 required by section 301.130, number plates issued to the dealer.  
17 Upon application and presentation of satisfactory evidence that  
18 the buyer has applied for registration, a dealer may furnish such  
19 number plates to the buyer for such temporary use. In such  
20 event, the dealer shall require the buyer to deposit the sum of  
21 ten dollars and fifty cents to be returned to the buyer upon  
22 return of the number plates as a guarantee that said buyer will  
23 return to the dealer such number plates within thirty days. The  
24 director shall issue a temporary permit [or paper plate]  
25 authorizing the operation of a motor vehicle or trailer by a  
26 buyer for not more than thirty days of the date of purchase.

27 5. The temporary permit [or paper plate] shall be made  
28 available by the director of revenue and may be purchased from

1 the department of revenue upon proof of purchase of a motor  
2 vehicle or trailer for which the buyer has no registration plate  
3 available for transfer, or from a dealer upon purchase of a motor  
4 vehicle or trailer for which the buyer has no registration plate  
5 available for transfer. The director shall make temporary  
6 [plates or] permits available to registered dealers in this state  
7 or authorized agents of the department of revenue in sets of ten  
8 [plates or] permits. The fee for the temporary permit [or plate]  
9 shall be seven dollars and fifty cents for each permit or plate  
10 issued. No dealer or authorized agent shall charge more than  
11 seven dollars and fifty cents for each permit issued. The permit  
12 [or plate] shall be valid for a period of thirty days from the  
13 date of purchase of a motor vehicle or trailer, or from the date  
14 of sale of the motor vehicle or trailer by a dealer for which the  
15 purchaser obtains a permit [or plate] as set out above.

16 6. The permit [or plate] shall be issued on a form  
17 prescribed by the director and issued only for the applicant's  
18 use in the operation of the motor vehicle or trailer purchased to  
19 enable the applicant to legally operate the vehicle while proper  
20 title and registration plate are being obtained, and shall be  
21 displayed on no other vehicle. Temporary permits [or paper  
22 plates] issued pursuant to this section shall not be transferable  
23 or renewable and shall not be valid upon issuance of proper  
24 registration plates for the motor vehicle or trailer. The  
25 director shall determine the size and numbering configuration,  
26 construction, and color of the permit [and plate].

27 7. The dealer or authorized agent shall insert the date of  
28 issuance and expiration date, year, make, and manufacturer's



1 number of vehicle on the [paper plate or] permit when issued to  
2 the buyer. The dealer shall also insert such dealer's number on  
3 the [paper plate] permit. Every dealer that issues a temporary  
4 permit [or paper plate] shall keep, for inspection of proper  
5 officers, a correct record of each permit [or plate] issued by  
6 recording the permit or plate number, buyer's name and address,  
7 year, make, manufacturer's vehicle identification number [of  
8 vehicle] on which the permit [or plate] is to be used, and the  
9 date of issuance.

10 8. Upon the transfer of ownership of any currently  
11 registered motor vehicle wherein the owner cannot transfer the  
12 license plates due to a change of vehicle category, the owner may  
13 surrender the license plates issued to the motor vehicle and  
14 receive credit for any unused portion of the original  
15 registration fee against the registration fee of another motor  
16 vehicle. Such credit shall be granted based upon the date the  
17 license plates are surrendered. No refunds shall be made on the  
18 unused portion of any license plates surrendered for such credit.

19 301.142. 1. As used in sections 301.141 to 301.143, the  
20 following terms mean:

- 21 (1) "Department", the department of revenue;
- 22 (2) "Director", the director of the department of revenue;
- 23 (3) "Other authorized health care practitioner" includes  
24 advanced practice registered nurses licensed pursuant to chapter  
25 335, RSMo, chiropractors licensed pursuant to chapter 331, RSMo,  
26 podiatrists licensed pursuant to chapter 330, RSMo, and  
27 optometrists licensed pursuant to chapter 336, RSMo;
- 28 (4) "Physically disabled", a natural person who is blind,

1 as defined in section 8.700, RSMo, or a natural person with  
2 medical disabilities which prohibits, limits, or severely impairs  
3 one's ability to ambulate or walk, as determined by a licensed  
4 physician or other authorized health care practitioner as  
5 follows:

6 (a) The person cannot ambulate or walk fifty or less feet  
7 without stopping to rest due to a severe and disabling arthritic,  
8 neurological, orthopedic condition, or other severe and disabling  
9 condition; or

10 (b) The person cannot ambulate or walk without the use of,  
11 or assistance from, a brace, cane, crutch, another person,  
12 prosthetic device, wheelchair, or other assistive device; or

13 (c) Is restricted by a respiratory or other disease to such  
14 an extent that the person's forced respiratory expiratory volume  
15 for one second, when measured by spirometry, is less than one  
16 liter, or the arterial oxygen tension is less than sixty mm/hg on  
17 room air at rest; or

18 (d) Uses portable oxygen; or

19 (e) Has a cardiac condition to the extent that the person's  
20 functional limitations are classified in severity as class III or  
21 class IV according to standards set by the American Heart  
22 Association; or

23 (f) A person's age, in and of itself, shall not be a factor  
24 in determining whether such person is physically disabled or is  
25 otherwise entitled to disabled license plates and/or disabled  
26 windshield hanging placards within the meaning of sections  
27 301.141 to 301.143;

28 (5) "Physician", a person licensed to practice medicine

1 pursuant to chapter 334, RSMo;

2 (6) "Physician's statement", a statement personally signed  
3 by a duly authorized person which certifies that a person is  
4 disabled as defined in this section;

5 (7) "Temporarily disabled person", a disabled person as  
6 defined in this section whose disability or incapacity is  
7 expected to last no more than one hundred eighty days.

8 2. Other authorized health care practitioners may furnish  
9 to a disabled or temporarily disabled person a physician's  
10 statement for only those physical health care conditions for  
11 which such health care practitioner is legally authorized to  
12 diagnose and treat.

13 3. A physician's statement shall:

14 (1) Be on a form prescribed by the director of revenue;

15 (2) Set forth the specific diagnosis and medical condition  
16 which renders the person physically disabled or temporarily  
17 disabled as defined in this section;

18 (3) Include the physician's or other authorized health care  
19 practitioner's license number; and

20 (4) Be personally signed by the issuing physician or other  
21 authorized health care practitioner.

22 4. If it is the professional opinion of the physician or  
23 other authorized health care practitioner issuing the statement  
24 that the physical disability of the applicant, user, or member of  
25 the applicant's household is permanent, it shall be noted on the  
26 statement. Otherwise, the physician or other authorized health  
27 care practitioner shall note on the statement the anticipated  
28 length of the disability which period may not exceed one hundred

1 eighty days. If the physician or health care practitioner fails  
2 to record an expiration date on the physician's statement, the  
3 director shall issue a temporary windshield placard for a period  
4 of thirty days.

5 5. A physician or other authorized health care practitioner  
6 who issues or signs a physician's statement so that disabled  
7 plates or a disabled windshield placard may be obtained shall  
8 maintain in such disabled person's medical chart documentation  
9 that such a certificate has been issued, the date the statement  
10 was signed, the diagnosis or condition which existed that  
11 qualified the person as disabled pursuant to this section and  
12 shall contain sufficient documentation so as to objectively  
13 confirm that such condition exists.

14 6. The medical or other records of the physician or other  
15 authorized health care practitioner who issued a physician's  
16 statement shall be open to inspection and review by such  
17 practitioner's licensing board, in order to verify compliance  
18 with this section. Information contained within such records  
19 shall be confidential unless required for prosecution,  
20 disciplinary purposes, or otherwise required to be disclosed by  
21 law.

22 7. Owners of motor vehicles who are residents of the state  
23 of Missouri, and who are physically disabled, owners of motor  
24 vehicles operated at least fifty percent of the time by a  
25 physically disabled person, or owners of motor vehicles used to  
26 primarily transport physically disabled members of the owner's  
27 household may obtain disabled person license plates. Such  
28 owners, upon application, accompanied by the documents and fees

1 provided for in this section, a current physician's statement  
2 which has been issued within ninety days proceeding the date the  
3 application is made and proof of compliance with the state motor  
4 vehicle laws relating to registration and licensing of motor  
5 vehicles, shall be issued motor vehicle license plates for  
6 vehicles, other than commercial vehicles with a gross weight in  
7 excess of twenty-four thousand pounds, upon which shall be  
8 inscribed the international wheelchair accessibility symbol and  
9 the word "DISABLED" in addition to a combination of letters and  
10 numbers. Such license plates shall be made with fully reflective  
11 material with a common color scheme and design, shall be clearly  
12 visible at night, and shall be aesthetically attractive, as  
13 prescribed by section 301.130.

14 8. The director shall further issue, upon request, to such  
15 applicant one, and for good cause shown, as the director may  
16 define by rule and regulations, not more than two, removable  
17 disabled windshield hanging placards for use when the disabled  
18 person is occupying a vehicle or when a vehicle not bearing the  
19 permanent handicap plate is being used to pick up, deliver, or  
20 collect the physically disabled person issued the disabled motor  
21 vehicle license plate or disabled windshield hanging placard.

22 9. No additional fee shall be paid to the director for the  
23 issuance of the special license plates provided in this section,  
24 except for special personalized license plates and other license  
25 plates described in this subsection. Priority for any specific  
26 set of special license plates shall be given to the applicant who  
27 received the number in the immediately preceding license period  
28 subject to the applicant's compliance with the provisions of this

1 section and any applicable rules or regulations issued by the  
2 director. If determined feasible by the advisory committee  
3 established in section 301.129, any special license plate issued  
4 pursuant to this section may be adapted to also include the  
5 international wheelchair accessibility symbol and the word  
6 "DISABLED" as prescribed in this section and such plate may be  
7 issued to any applicant who meets the requirements of this  
8 section and the other appropriate provision of this chapter,  
9 subject to the requirements and fees of the appropriate provision  
10 of this chapter.

11 10. Any physically disabled person, or the parent or  
12 guardian of any such person, or any not-for-profit group,  
13 organization, or other entity which transports more than one  
14 physically disabled person, may apply to the director of revenue  
15 for a removable windshield placard. The placard may be used in  
16 motor vehicles which do not bear the permanent handicap symbol on  
17 the license plate. Such placards must be hung from the front,  
18 middle rearview mirror of a parked motor vehicle and may not be  
19 hung from the mirror during operation. These placards may only  
20 be used during the period of time when the vehicle is being used  
21 by a disabled person, or when the vehicle is being used to pick  
22 up, deliver, or collect a disabled person. When there is no  
23 rearview mirror, the placard shall be displayed on the dashboard  
24 on the driver's side.

25 11. The removable windshield placard shall conform to the  
26 specifications, in respect to size, color, and content, as set  
27 forth in federal regulations published by the Department of  
28 Transportation. The [fee for each removable windshield placard

1 shall be four dollars and the] removable windshield placard shall  
2 be renewed every [two] four years. The director may stagger the  
3 expiration dates to equalize workload. Only one removable  
4 placard may be issued to an applicant who has been issued  
5 disabled person license plates. Upon request, one additional  
6 windshield placard may be issued to an applicant who has not been  
7 issued disabled person license plates[, at the appropriate fee].

8 12. A temporary windshield placard shall be issued to any  
9 physically disabled person, or the parent or guardian of any such  
10 person who otherwise qualifies except that the physical  
11 disability, in the opinion of the physician, is not expected to  
12 exceed a period of one hundred eighty days. The temporary  
13 windshield placard shall conform to the specifications, in  
14 respect to size, color, and content, as set forth in federal  
15 regulations published by the Department of Transportation. The  
16 fee for the temporary windshield placard shall be two dollars.  
17 Upon request, and for good cause shown, one additional temporary  
18 windshield placard may be issued to an applicant. Temporary  
19 windshield placards shall be issued upon presentation of the  
20 physician's statement provided by this section and shall be  
21 displayed in the same manner as removable windshield placards. A  
22 person or entity shall be qualified to possess and display a  
23 temporary removable windshield placard for six months and the  
24 placard may be renewed once for an additional six months if a  
25 physician's statement pursuant to this section is supplied to the  
26 director of revenue at the time of renewal.

27 13. Application for license plates or windshield placards  
28 issued pursuant to this section shall be made to the director of

1 revenue and shall be accompanied by a statement signed by a  
2 licensed physician or other authorized health care practitioner  
3 which certifies that the applicant, user, or member of the  
4 applicant's household is a physically disabled person as defined  
5 by this section.

6 14. The placard shall be renewable only by the person or  
7 entity to which the placard was originally issued. Any placard  
8 issued pursuant to this section shall only be used when the  
9 physically disabled occupant for whom the disabled plate or  
10 placard was issued is in the motor vehicle at the time of parking  
11 or when a physically disabled person is being delivered or  
12 collected. A disabled license plate and/or a removable  
13 windshield hanging placard are not transferable and may not be  
14 used by any other person whether disabled or not.

15 15. At the time the disabled plates or windshield hanging  
16 placards are issued, the director shall issue a registration  
17 certificate which shall include the applicant's name, address,  
18 and other identifying information as prescribed by the director,  
19 or if issued to an agency, such agency's name and address. This  
20 certificate shall further contain the disabled license plate  
21 number or, for windshield hanging placards, the registration or  
22 identifying number stamped on the placard. The validated  
23 registration receipt given to the applicant shall serve as the  
24 registration certificate.

25 16. The director shall, upon issuing any disabled  
26 registration certificate for license plates and/or windshield  
27 hanging placards, provide information which explains that such  
28 plates or windshield hanging placards are nontransferable, and



1 the restrictions explaining who and when a person or vehicle  
2 which bears or has the disabled plates or windshield hanging  
3 placards may be used or be parked in a disabled reserved parking  
4 space, and the penalties prescribed for violations of the  
5 provisions of this act.

6 17. Every new applicant for a disabled license plate or  
7 placard shall be required to present a new physician's statement  
8 dated no more than ninety days prior to such application.  
9 Renewal applicants will be required to submit a physician's  
10 statement dated no more than ninety days prior to such  
11 application upon their first renewal occurring on or after August  
12 1, 2005. Upon completing subsequent renewal applications, a  
13 physician's statement dated no more than ninety days prior to  
14 such application shall be required every fourth year. Such  
15 physician's statement shall state the expiration date for the  
16 temporary windshield placard. If the physician fails to record  
17 an expiration date on the physician's statement, the director  
18 shall issue the temporary windshield placard for a period of  
19 thirty days. The director may stagger the requirement of a  
20 physician's statement on all renewals for the initial  
21 implementation of a four-year placard.

22 18. The director of revenue upon receiving a physician's  
23 statement pursuant to this subsection shall check with the state  
24 board of registration for the healing arts created in section  
25 334.120, RSMo, or the Missouri state board of nursing established  
26 in section 335.021, RSMo, with respect to physician's statements  
27 signed by advanced practice registered nurses, or the Missouri  
28 state board of chiropractic examiners established in section

1 331.090, RSMo, with respect to physician's statements signed by  
2 licensed chiropractors, or with the board of optometry  
3 established in section 336.130, RSMo, with respect to physician's  
4 statements signed by licensed optometrists, or the state board of  
5 podiatric medicine created in section 330.100, RSMo, with respect  
6 to physician's statements signed by physicians of the foot or  
7 podiatrists to determine whether the physician is duly licensed  
8 and registered pursuant to law. If such applicant obtaining a  
9 disabled license plate or placard presents proof of disability in  
10 the form of a statement from the United States Veterans'  
11 Administration verifying that the person is permanently disabled,  
12 the applicant shall be exempt from the four-year certification  
13 requirement of this subsection for renewal of the plate or  
14 placard. Initial applications shall be accompanied by the  
15 physician's statement required by this section.

16 19. The boards shall cooperate with the director and shall  
17 supply information requested pursuant to this subsection. The  
18 director shall, in cooperation with the boards which shall assist  
19 the director, establish a list of all Missouri physicians and  
20 other authorized health care practitioners and of any other  
21 information necessary to administer this section.

22 20. Where the owner's application is based on the fact that  
23 the vehicle is used at least fifty percent of the time by a  
24 physically disabled person, the applicant shall submit a  
25 statement stating this fact, in addition to the physician's  
26 statement. The statement shall be signed by both the owner of  
27 the vehicle and the physically disabled person. The applicant  
28 shall be required to submit this statement with each application

1 for license plates. No person shall willingly or knowingly  
2 submit a false statement and any such false statement shall be  
3 considered perjury and may be punishable pursuant to section  
4 301.420.

5 21. The director of revenue shall retain all physicians'  
6 statements and all other documents received in connection with a  
7 person's application for disabled license plates and/or disabled  
8 windshield placards.

9 22. The director of revenue shall enter into reciprocity  
10 agreements with other states or the federal government for the  
11 purpose of recognizing disabled person license plates or  
12 windshield placards issued to physically disabled persons.

13 23. When a person to whom disabled person license plates or  
14 a removable or temporary windshield placard or both have been  
15 issued dies, the personal representative of the decedent or such  
16 other person who may come into or otherwise take possession of  
17 the disabled license plates or disabled windshield placard shall  
18 return the same to the director of revenue under penalty of law.  
19 Failure to return such plates or placards shall constitute a  
20 class B misdemeanor.

21 24. The director of revenue may order any person issued  
22 disabled person license plates or windshield placards to submit  
23 to an examination by a chiropractor, osteopath, or physician, or  
24 to such other investigation as will determine whether such person  
25 qualifies for the special plates or placards.

26 25. If such person refuses to submit or is found to no  
27 longer qualify for special plates or placards provided for in  
28 this section, the director of revenue shall collect the special

1 plates or placards, and shall furnish license plates to replace  
2 the ones collected as provided by this chapter.

3 26. In the event a removable or temporary windshield  
4 placard is lost, stolen, or mutilated, the lawful holder thereof  
5 shall, within five days, file with the director of revenue an  
6 application and an affidavit stating such fact, in order to  
7 purchase a new placard. The fee for the replacement windshield  
8 placard shall be four dollars.

9 27. Fraudulent application, renewal, issuance, procurement  
10 or use of disabled person license plates or windshield placards  
11 shall be a class A misdemeanor. It is a class B misdemeanor for  
12 a physician, chiropractor, podiatrist or optometrist to certify  
13 that an individual or family member is qualified for a license  
14 plate or windshield placard based on a disability, the diagnosis  
15 of which is outside their scope of practice or if there is no  
16 basis for the diagnosis.

17 301.144. 1. The director of revenue shall establish and  
18 issue special personalized license plates containing letters or  
19 numbers or combinations of letters and numbers. Such license  
20 plates shall be made with fully reflective material with a common  
21 color scheme and design, shall be clearly visible at night, and  
22 shall be aesthetically attractive, as prescribed by section  
23 301.130. Any person desiring to obtain a special personalized  
24 license plate for any motor vehicle the person owns, either  
25 solely or jointly, other than an apportioned motor vehicle or a  
26 commercial motor vehicle licensed in excess of eighteen thousand  
27 pounds gross weight shall apply to the director of revenue on a  
28 form provided by the director and shall pay a fee of fifteen

1 dollars in addition to the regular registration fees. The  
2 director of revenue shall issue rules and regulations setting the  
3 standards and establishing the procedure for application for and  
4 issuance of the special personalized license plates and shall  
5 provide a deadline each year for the applications. Any rule or  
6 portion of a rule, as that term is defined in section 536.010,  
7 RSMo, that is created under the authority delegated in this  
8 section shall become effective only if it complies with and is  
9 subject to all of the provisions of chapter 536, RSMo, and, if  
10 applicable, section 536.028, RSMo. This section and chapter 536,  
11 RSMo, are nonseverable and if any of the powers vested with the  
12 general assembly pursuant to chapter 536, RSMo, to review, to  
13 delay the effective date or to disapprove and annul a rule are  
14 subsequently held unconstitutional, then the grant of rulemaking  
15 authority and any rule proposed or adopted after August 28, 2001,  
16 shall be invalid and void. No two owners shall be issued  
17 identical plates. An owner shall make a new application and pay  
18 a new fee each year such owner desires to obtain or retain  
19 special personalized license plates; however, notwithstanding the  
20 provisions of subsection 8 of section 301.130 to the contrary,  
21 the director shall allow the special personalized license plates  
22 to be replaced with new plates every three years without any  
23 additional charge, above the fee established in this section, to  
24 the renewal applicant. Any person currently in possession of an  
25 approved personalized license plate shall have first priority on  
26 that particular plate for each of the following years that timely  
27 and appropriate application is made.

28 2. Upon application for a personalized plate by the owner

1 of a motor vehicle for which the owner has no registration plate  
2 available for transfer as prescribed by section 301.140, the  
3 director shall issue a temporary permit authorizing the operation  
4 of the motor vehicle until the personalized plate is issued.

5 3. No personalized license plates shall be issued  
6 containing any letters, numbers or combination of letters and  
7 numbers which are obscene, profane, patently offensive or  
8 contemptuous of a racial or ethnic group, or offensive to good  
9 taste or decency, or would present an unreasonable danger to the  
10 health or safety of the applicant, of other users of streets and  
11 highways, or of the public in any location where the vehicle with  
12 such a plate may be found. The director may recall any  
13 personalized license plates, including those issued prior to  
14 August 28, 1992, if the director determines that the plates are  
15 obscene, profane, patently offensive or contemptuous of a racial  
16 or ethnic group, or offensive to good taste or decency, or would  
17 present an unreasonable danger to the health or safety of the  
18 applicant, of other users of streets and highways, or of the  
19 public in any location where the vehicle with such a plate may be  
20 found. Where the director recalls such plates pursuant to the  
21 provisions of this subsection, the director shall reissue  
22 personalized license plates to the owner of the motor vehicle for  
23 which they were issued at no charge, if the new plates proposed  
24 by the owner of the motor vehicle meet the standards established  
25 pursuant to this section. The director shall not apply the  
26 provisions of this statute in a way that violates the Missouri or  
27 United States Constitutions as interpreted by the courts with  
28 controlling authority in the state of Missouri. The primary

1 purpose of motor vehicle licence plates is to identify motor  
2 vehicles. Nothing in the issuance of a personalized license  
3 plate creates a designated or limited public forum. Nothing  
4 contained in this subsection shall be interpreted to prohibit the  
5 use of license plates, which are no longer valid for registration  
6 purposes, as collector's items or for decorative purposes.

7 4. The director may also establish categories of special  
8 license plates from which license plates may be issued. Any such  
9 person, other than a person exempted from the additional fee  
10 pursuant to subsection 7 of this section, that desires a  
11 personalized special license plate from any such category shall  
12 pay the same additional fee and make the same kind of application  
13 as that required by subsection 1 of this section, and the  
14 director shall issue such plates in the same manner as other  
15 personalized special license plates are issued.

16 5. The director of revenue shall issue to residents of the  
17 state of Missouri who hold an unrevoked and unexpired official  
18 amateur radio license issued by the Federal Communications  
19 Commission, upon application and upon payment of the additional  
20 fee specified in subsection 1 of this section, except for a  
21 person exempted from the additional fee pursuant to subsection 7  
22 of this section, personalized special license plates bearing the  
23 official amateur radio call letters assigned by the Federal  
24 Communications Commission to the applicant with the words  
25 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The  
26 application shall be accompanied by a statement stating that the  
27 applicant has an unrevoked and unexpired amateur radio license  
28 issued by the Federal Communications Commission and the official

1 radio call letters assigned by the Federal Communications  
2 Commission to the applicant. An owner making a new application  
3 and paying a new fee to retain an amateur radio plate may request  
4 a replacement plate with the words "AMATEUR RADIO" in place of  
5 the words "SHOW-ME STATE". If application is made to retain a  
6 plate that is three years old or older, the replacement plate  
7 shall be issued upon the payment of required fees.

8 6. Notwithstanding any other provision to the contrary, any  
9 business that repossesses motor vehicles or trailers and sells or  
10 otherwise disposes of them shall be issued a placard displaying  
11 the word "Repossessed", provided such business pays the license  
12 fees presently required of a manufacturer, distributor, or dealer  
13 in subsection 1 of section ~~[301.253]~~ 301.560. Such placard shall  
14 bear a number and shall be in such form as the director of  
15 revenue shall determine, and shall be only used for  
16 demonstrations when displayed substantially as provided for  
17 number plates on the rear of the repossessed motor vehicle or  
18 trailer.

19 7. Notwithstanding any provision of law to the contrary,  
20 any person who has retired from any branch of the United States  
21 armed forces or reserves, the United States Coast Guard or  
22 reserve, the United States Merchant Marines or reserve, the  
23 National Guard, or any subdivision of any such services shall be  
24 exempt from the additional fee required for personalized license  
25 plates issued pursuant to section 301.441. As used in this  
26 subsection, "retired" means having served twenty or more years in  
27 the appropriate branch of service and having received an  
28 honorable discharge.



1           301.150. 1. License plates issued to owners of motor  
2 vehicles registered pursuant to the monthly series system of  
3 registration as provided in section 301.030 shall be removed on  
4 the sale or transfer of ownership of such vehicles. The plates,  
5 if still current, may thereafter be retained and preserved by the  
6 person to whom issued, to be fastened to such other motor  
7 vehicles as such person shall thereafter register in the person's  
8 name.

9           2. If application for registration of another motor vehicle  
10 is not made to the director of revenue within one year following  
11 the sale or transfer of ownership of a motor vehicle, the license  
12 plates held by the person who sold or transferred ownership of  
13 such motor vehicle shall be declared void, and new license plates  
14 bearing the same numbers may be issued to another registrant.

15           3. It shall be unlawful to fasten voided plates to any  
16 motor vehicle. Violation of this section shall be [deemed a class  
17 C misdemeanor] punishable under section 301.440.

18           301.190. 1. No certificate of registration of any motor  
19 vehicle or trailer, or number plate therefor, shall be issued by  
20 the director of revenue unless the applicant therefor shall make  
21 application for and be granted a certificate of ownership of such  
22 motor vehicle or trailer, or shall present satisfactory evidence  
23 that such certificate has been previously issued to the applicant  
24 for such motor vehicle or trailer. Application shall be made  
25 within thirty days after the applicant acquires the motor vehicle  
26 or trailer upon a blank form furnished by the director of revenue  
27 and shall contain the applicant's identification number, a full  
28 description of the motor vehicle or trailer, the vehicle

1 identification number, and the mileage registered on the odometer  
2 at the time of transfer of ownership, as required by section  
3 407.536, RSMo, together with a statement of the applicant's  
4 source of title and of any liens or encumbrances on the motor  
5 vehicle or trailer, provided that for good cause shown the  
6 director of revenue may extend the period of time for making such  
7 application.

8         2. The director of revenue shall use reasonable diligence  
9 in ascertaining whether the facts stated in such application are  
10 true and shall, to the extent possible without substantially  
11 delaying processing of the application, review any odometer  
12 information pertaining to such motor vehicle that is accessible  
13 to the director of revenue. If satisfied that the applicant is  
14 the lawful owner of such motor vehicle or trailer, or otherwise  
15 entitled to have the same registered in his name, the director  
16 shall thereupon issue an appropriate certificate over his  
17 signature and sealed with the seal of his office, procured and  
18 used for such purpose. The certificate shall contain on its face  
19 a complete description, vehicle identification number, and other  
20 evidence of identification of the motor vehicle or trailer, as  
21 the director of revenue may deem necessary, together with the  
22 odometer information required to be put on the face of the  
23 certificate pursuant to section 407.536, RSMo, a statement of any  
24 liens or encumbrances which the application may show to be  
25 thereon, and, if ownership of the vehicle has been transferred,  
26 the name of the state issuing the transferor's title and whether  
27 the transferor's odometer mileage statement executed pursuant to  
28 section 407.536, RSMo, indicated that the true mileage is

1 materially different from the number of miles shown on the  
2 odometer, or is unknown.

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

15 (1) The mileage information included on the face of the  
16 immediately prior certificate and the date of purchase or  
17 issuance of the immediately prior certificate; or

18 (2) Any other mileage information provided to the director  
19 of revenue, and the date the director obtained or recorded that  
20 information.

21 4. The certificate of ownership issued by the director of  
22 revenue shall be manufactured in a manner to prohibit as nearly  
23 as possible the ability to alter, counterfeit, duplicate, or  
24 forge such certificate without ready detection. In order to  
25 carry out the requirements of this subsection, the director of  
26 revenue may contract with a nonprofit scientific or educational  
27 institution specializing in the analysis of secure documents to  
28 determine the most effective methods of rendering Missouri

1 certificates of ownership nonalterable or noncounterfeitable.

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

27 6. Any applicant for a certificate of ownership requesting  
28 the department of revenue to process an application for a

1 certificate of ownership in an expeditious manner requiring  
2 special handling shall pay a fee of five dollars in addition to  
3 the regular certificate of ownership fee.

4 7. It is unlawful for any person to operate in this state a  
5 motor vehicle or trailer required to be registered under the  
6 provisions of the law unless a certificate of ownership has been  
7 [issued as herein] applied for as provided in this section.

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

1           9. Each application for an original Missouri certificate of  
2 ownership for a vehicle which is classified as a reconstructed  
3 motor vehicle, specially constructed motor vehicle, kit vehicle,  
4 motor change vehicle, non-USA-std motor vehicle, or other vehicle  
5 as required by the director of revenue shall be accompanied by a  
6 vehicle examination certificate issued by the Missouri state  
7 highway patrol, or other law enforcement agency as authorized by  
8 the director of revenue. The vehicle examination shall include a  
9 verification of vehicle identification numbers and a  
10 determination of the classification of the vehicle. The owner of  
11 a vehicle which requires a vehicle examination certificate shall  
12 present the vehicle for examination and obtain a completed  
13 vehicle examination certificate prior to submitting an  
14 application for a certificate of ownership to the director of  
15 revenue. The fee for the vehicle examination application shall  
16 be twenty-five dollars and shall be collected by the director of  
17 revenue at the time of the request for the application and shall  
18 be deposited in the state treasury to the credit of the state  
19 highways and transportation department fund. If the vehicle is  
20 also to be registered in Missouri, the safety inspection required  
21 in chapter 307, RSMo, and the emissions inspection required under  
22 chapter 643, RSMo, shall be completed and the fees required by  
23 section 307.365, RSMo, and section 643.315, RSMo, shall be  
24 charged to the owner.

25           10. When an application is made for an original Missouri  
26 certificate of ownership for a motor vehicle previously  
27 registered or titled in a state other than Missouri or as  
28 required by section 301.020, it shall be accompanied by a current

1 inspection form certified by a duly authorized official  
2 inspection station as described in chapter 307, RSMo. The  
3 completed form shall certify that the manufacturer's  
4 identification number for the vehicle has been inspected, that it  
5 is correctly displayed on the vehicle and shall certify the  
6 reading shown on the odometer at the time of inspection. The  
7 inspection station shall collect the same fee as authorized in  
8 section 307.365, RSMo, for making the inspection, and the fee  
9 shall be deposited in the same manner as provided in section  
10 307.365, RSMo. If the vehicle is also to be registered in  
11 Missouri, the safety inspection required in chapter 307, RSMo,  
12 and the emissions inspection required under chapter 643, RSMo,  
13 shall be completed and only the fees required by section 307.365,  
14 RSMo, and section 643.315, RSMo, shall be charged to the owner.  
15 This section shall not apply to vehicles being transferred on a  
16 manufacturer's statement of origin.

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

28 12. When an application is made for an original Missouri

1 certificate of ownership for a motor vehicle previously  
2 registered or titled in a state other than Missouri, and the  
3 certificate of ownership has been appropriately designated by the  
4 issuing state as a reconstructed motor vehicle, motor change  
5 vehicle, [or] specially constructed motor vehicle, or prior  
6 salvage vehicle, the director of revenue shall appropriately  
7 designate on the current Missouri and all subsequent issues of  
8 the certificate of ownership the name of the issuing state and  
9 such prior designation. The absence of any prior designation  
10 shall not relieve a transferor of the duty to exercise due  
11 diligence with regard to such certificate of ownership prior to  
12 the transfer of a certificate. If a transferor exercises due  
13 diligence with regard to a certificate of ownership, the legal  
14 transfer of a certificate of ownership without any designation  
15 that is subsequently discovered to have or should have had a  
16 designation shall be a transfer free and clear of any liabilities  
17 of the transferor associated with the missing designation.

18 13. When an application is made for an original Missouri  
19 certificate of ownership for a motor vehicle previously  
20 registered or titled in a state other than Missouri, and the  
21 certificate of ownership has been appropriately designated by the  
22 issuing state as non-USA-std motor vehicle, the director of  
23 revenue shall appropriately designate on the current Missouri and  
24 all subsequent issues of the certificate of ownership the words  
25 "Non-USA-Std Motor Vehicle".

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



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

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

9           (2) Photocopies of receipts, bills of sale establishing  
10 ownership, or titles, and the source of all major component parts  
11 used to rebuild the vehicle;

12           (3) A fee of one hundred fifty dollars in addition to the  
13 fees described in subsection 5 of this section. Such fee shall  
14 be deposited in the state treasury to the credit of the state  
15 highways and transportation department fund; and

16           (4) An inspection certificate, other than a motor vehicle  
17 examination certificate required under subsection 9 of this  
18 section, completed and issued by the Missouri state highway  
19 patrol, or other law enforcement agency as authorized by the  
20 director of revenue. The inspection performed by the highway  
21 patrol or other authorized local law enforcement agency shall  
22 include a check for stolen vehicles.

23  
24 The department of revenue shall issue the owner a certificate of  
25 ownership designated with the words "Reconstructed Motor Vehicle"  
26 and deliver such certificate of ownership in accordance with the  
27 provisions of this chapter. Notwithstanding subsection 9 of this  
28 section, no owner of a reconstructed motor vehicle described in

1 this subsection shall be required to obtain a vehicle examination  
2 certificate issued by the Missouri state highway patrol.

3 [301.190. 1. No certificate of registration of  
4 any motor vehicle or trailer, or number plate therefor,  
5 shall be issued by the director of revenue unless the  
6 applicant therefor shall make application for and be  
7 granted a certificate of ownership of such motor  
8 vehicle or trailer, or shall present satisfactory  
9 evidence that such certificate has been previously  
10 issued to the applicant for such motor vehicle or  
11 trailer. Application shall be made within thirty days  
12 after the applicant acquires the motor vehicle or  
13 trailer upon a blank form furnished by the director of  
14 revenue and shall contain the applicant's  
15 identification number, a full description of the motor  
16 vehicle or trailer, the vehicle identification number,  
17 and the mileage registered on the odometer at the time  
18 of transfer of ownership, as required by section  
19 407.536, RSMo, together with a statement of the  
20 applicant's source of title and of any liens or  
21 encumbrances on the motor vehicle or trailer, provided  
22 that for good cause shown the director of revenue may  
23 extend the period of time for making such application.

24 2. The director of revenue shall use reasonable  
25 diligence in ascertaining whether the facts stated in  
26 such application are true and shall, to the extent  
27 possible without substantially delaying processing of  
28 the application, review any odometer information  
29 pertaining to such motor vehicle that is accessible to  
30 the director of revenue. If satisfied that the  
31 applicant is the lawful owner of such motor vehicle or  
32 trailer, or otherwise entitled to have the same  
33 registered in his name, the director shall thereupon  
34 issue an appropriate certificate over his signature and  
35 sealed with the seal of his office, procured and used  
36 for such purpose. The certificate shall contain on its  
37 face a complete description, vehicle identification  
38 number, and other evidence of identification of the  
39 motor vehicle or trailer, as the director of revenue  
40 may deem necessary, together with the odometer  
41 information required to be put on the face of the  
42 certificate pursuant to section 407.536, RSMo, a  
43 statement of any liens or encumbrances which the  
44 application may show to be thereon, and, if ownership  
45 of the vehicle has been transferred, the name of the  
46 state issuing the transferor's title and whether the  
47 transferor's odometer mileage statement executed  
48 pursuant to section 407.536, RSMo, indicated that the  
49 true mileage is materially different from the number of

1 miles shown on the odometer, or is unknown.

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

16 (1) The mileage information included on the face  
17 of the immediately prior certificate and the date of  
18 purchase or issuance of the immediately prior  
19 certificate; or

20 (2) Any other mileage information provided to the  
21 director of revenue, and the date the director obtained  
22 or recorded that information.

23 4. The certificate of ownership issued by the  
24 director of revenue shall be manufactured in a manner  
25 to prohibit as nearly as possible the ability to alter,  
26 counterfeit, duplicate, or forge such certificate  
27 without ready detection. In order to carry out the  
28 requirements of this subsection, the director of  
29 revenue may contract with a nonprofit scientific or  
30 educational institution specializing in the analysis of  
31 secure documents to determine the most effective  
32 methods of rendering Missouri certificates of ownership  
33 nonalterable or noncounterfeitable.

34 5. The fee for each original certificate so  
35 issued shall be eight dollars and fifty cents, in  
36 addition to the fee for registration of such motor  
37 vehicle or trailer. If application for the certificate  
38 is not made within thirty days after the vehicle is  
39 acquired by the applicant, a delinquency penalty fee of  
40 twenty-five dollars for the first thirty days of  
41 delinquency and twenty-five dollars for each thirty  
42 days of delinquency thereafter, not to exceed a total  
43 of one hundred dollars before November 1, 2003, and not  
44 to exceed a total of two hundred dollars on or after  
45 November 1, 2003, shall be imposed, but such penalty  
46 may be waived by the director for a good cause shown.  
47 If the director of revenue learns that any person has  
48 failed to obtain a certificate within thirty days after  
49 acquiring a motor vehicle or trailer or has sold a  
50 vehicle without obtaining a certificate, he shall  
51 cancel the registration of all vehicles registered in

1 the name of the person, either as sole owner or as a  
2 co-owner, and shall notify the person that the  
3 cancellation will remain in force until the person pays  
4 the delinquency penalty fee provided in this section,  
5 together with all fees, charges and payments which he  
6 should have paid in connection with the certificate of  
7 ownership and registration of the vehicle. The  
8 certificate shall be good for the life of the motor  
9 vehicle or trailer so long as the same is owned or held  
10 by the original holder of the certificate and shall not  
11 have to be renewed annually.

12 6. Any applicant for a certificate of ownership  
13 requesting the department of revenue to process an  
14 application for a certificate of ownership in an  
15 expeditious manner requiring special handling shall pay  
16 a fee of five dollars in addition to the regular  
17 certificate of ownership fee.

18 7. It is unlawful for any person to operate in  
19 this state a motor vehicle or trailer required to be  
20 registered under the provisions of the law unless a  
21 certificate of ownership has been issued as herein  
22 provided.

23 8. Before an original Missouri certificate of  
24 ownership is issued, an inspection of the vehicle and a  
25 verification of vehicle identification numbers shall be  
26 made by the Missouri state highway patrol on vehicles  
27 for which there is a current title issued by another  
28 state if a Missouri salvage certificate of title has  
29 been issued for the same vehicle but no prior  
30 inspection and verification has been made in this  
31 state, except that if such vehicle has been inspected  
32 in another state by a law enforcement officer in a  
33 manner comparable to the inspection process in this  
34 state and the vehicle identification numbers have been  
35 so verified, the applicant shall not be liable for the  
36 twenty-five dollar inspection fee if such applicant  
37 submits proof of inspection and vehicle identification  
38 number verification to the director of revenue at the  
39 time of the application. The applicant, who has such a  
40 title for a vehicle on which no prior inspection and  
41 verification have been made, shall pay a fee of  
42 twenty-five dollars for such verification and  
43 inspection, payable to the director of revenue at the  
44 time of the request for the application, which shall be  
45 deposited in the state treasury to the credit of the  
46 state highways and transportation department fund.

47 9. Each application for an original Missouri  
48 certificate of ownership for a vehicle which is  
49 classified as a reconstructed motor vehicle, specially  
50 constructed motor vehicle, kit vehicle, motor change  
51 vehicle, non-USA-std motor vehicle, or other vehicle as

1 required by the director of revenue shall be  
2 accompanied by a vehicle examination certificate issued  
3 by the Missouri state highway patrol, or other law  
4 enforcement agency as authorized by the director of  
5 revenue. The vehicle examination shall include a  
6 verification of vehicle identification numbers and a  
7 determination of the classification of the vehicle.  
8 The owner of a vehicle which requires a vehicle  
9 examination certificate shall present the vehicle for  
10 examination and obtain a completed vehicle examination  
11 certificate prior to submitting an application for a  
12 certificate of ownership to the director of revenue.  
13 The fee for the vehicle examination application shall  
14 be twenty-five dollars and shall be collected by the  
15 director of revenue at the time of the request for the  
16 application and shall be deposited in the state  
17 treasury to the credit of the state highways and  
18 transportation department fund.

19 10. When an application is made for an original  
20 Missouri certificate of ownership for a motor vehicle  
21 previously registered or titled in a state other than  
22 Missouri or as required by section 301.020, it shall be  
23 accompanied by a current inspection form certified by a  
24 duly authorized official inspection station as  
25 described in chapter 307, RSMo. The completed form  
26 shall certify that the manufacturer's identification  
27 number for the vehicle has been inspected, that it is  
28 correctly displayed on the vehicle and shall certify  
29 the reading shown on the odometer at the time of  
30 inspection. The inspection station shall collect the  
31 same fee as authorized in section 307.365, RSMo, for  
32 making the inspection, and the fee shall be deposited  
33 in the same manner as provided in section 307.365,  
34 RSMo. If the vehicle is also to be registered in  
35 Missouri, the safety and emissions inspections required  
36 in chapter 307, RSMo, shall be completed and only the  
37 fees required by sections 307.365 and 307.366, RSMo,  
38 shall be charged to the owner. This section shall not  
39 apply to vehicles being transferred on a manufacturer's  
40 statement of origin.

41 11. Motor vehicles brought into this state in a  
42 wrecked or damaged condition or after being towed as an  
43 abandoned vehicle pursuant to another state's abandoned  
44 motor vehicle procedures shall, in lieu of the  
45 inspection required by subsection 10 of this section,  
46 be inspected by the Missouri state highway patrol in  
47 accordance with subsection 9 of this section. If the  
48 inspection reveals the vehicle to be in a salvage or  
49 junk condition, the director shall so indicate on any  
50 Missouri certificate of ownership issued for such  
51 vehicle. Any salvage designation shall be carried

1 forward on all subsequently issued certificates of  
2 title for the motor vehicle.

3 12. When an application is made for an original  
4 Missouri certificate of ownership for a motor vehicle  
5 previously registered or titled in a state other than  
6 Missouri, and the certificate of ownership has been  
7 appropriately designated by the issuing state as a  
8 reconstructed motor vehicle, motor change vehicle, or  
9 specially constructed motor vehicle, the director of  
10 revenue shall appropriately designate on the current  
11 Missouri and all subsequent issues of the certificate  
12 of ownership the name of the issuing state and such  
13 prior designation.

14 13. When an application is made for an original  
15 Missouri certificate of ownership for a motor vehicle  
16 previously registered or titled in a state other than  
17 Missouri, and the certificate of ownership has been  
18 appropriately designated by the issuing state as  
19 non-USA-std motor vehicle, the director of revenue  
20 shall appropriately designate on the current Missouri  
21 and all subsequent issues of the certificate of  
22 ownership the words "Non-USA-Std Motor Vehicle".

23 14. The director of revenue and the  
24 superintendent of the Missouri state highway patrol  
25 shall make and enforce rules for the administration of  
26 the inspections required by this section.

27 15. Each application for an original Missouri  
28 certificate of ownership for a vehicle which is  
29 classified as a reconstructed motor vehicle,  
30 manufactured forty or more years prior to the current  
31 model year, and which has a value of three thousand  
32 dollars or less shall be accompanied by:

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

37 (2) Photocopies of receipts, bills of sale  
38 establishing ownership, or titles, and the source of  
39 all major component parts used to rebuild the vehicle;

40 (3) A fee of one hundred fifty dollars in  
41 addition to the fees described in subsection 5 of this  
42 section. Such fee shall be deposited in the state  
43 treasury to the credit of the state highways and  
44 transportation department fund; and

45 (4) An inspection certificate, other than a motor  
46 vehicle examination certificate required under  
47 subsection 9 of this section, completed and issued by  
48 the Missouri state highway patrol, or other law  
49 enforcement agency as authorized by the director of  
50 revenue. The inspection performed by the highway  
51 patrol or other authorized local law enforcement agency

1 shall include a check for stolen vehicles.  
2 The department of revenue shall issue the owner a  
3 certificate of ownership designated with the words  
4 "Reconstructed Motor Vehicle" and deliver such  
5 certificate of ownership in accordance with the  
6 provisions of this chapter. Notwithstanding subsection  
7 9 of this section, no owner of a reconstructed motor  
8 vehicle described in this subsection shall be required  
9 to obtain a vehicle examination certificate issued by  
10 the Missouri state highway patrol.]  
11

12 301.200. 1. In the case of dealers, a [separate]  
13 certificate of ownership[, either of such dealer's immediate  
14 vendor, or of the dealer himself,] or proof that a dealer has  
15 applied for a certificate of ownership or that a prior lien has  
16 been satisfied by the dealer shall be required in the case of  
17 each motor vehicle in his possession, and the director of revenue  
18 shall determine the form in which application for such  
19 certificates of ownership and assignments shall be made, in case  
20 forms differing from those used for individuals are, in his  
21 judgment, reasonably required; provided, however, that no such  
22 certificates shall be required in the case of new motor vehicles  
23 or trailers sold by manufacturers to dealers.

24 2. Dealers shall execute and deliver manufacturer's  
25 statements of origin in accordance with forms prescribed by the  
26 director of revenue for all new cars sold by them. On the  
27 presentation of a manufacturer's statement of origin, executed in  
28 the form prescribed by the director of revenue, by a manufacturer  
29 or a dealer for a new car sold in this state, a certificate of  
30 ownership shall be issued.

31 3. Each certificate of ownership issued by the department  
32 of revenue shall contain space for four assignments. On all  
33 certificates of ownership containing fewer than four assignment

spaces, the director shall prescribe a secure document for use in making a fourth assignment by a dealer. All secure documents for assignments which are spoiled shall be marked "void" and shall be returned by the dealer to the department of revenue at the end of each month.

301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

(1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;

(2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;

(3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;

(4) Processing scrapped vehicles or vehicle parts as a mobile scrap processor, as defined in section 301.010.

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 [as a salvage dealer and dismantler and actually engaged in that business. Such persons must have and present a separate buyer's identification card issued by the department of revenue to buy at a salvage pool or salvage disposal sale. If the prospective purchasers are not engaged in such business in Missouri but are



1 in some other state, then they shall submit a fee of twenty-five  
2 dollars and must furnish proof of licensure or nonrequirement  
3 therefor from their state to the director of revenue who shall  
4 issue a buyer's identification card after verifying that the  
5 prospective purchaser is entitled to have the same in order to  
6 buy salvage vehicles. The director of revenue shall adopt rules  
7 for criteria and requirements for out of state, prospective  
8 purchasers to meet in order to be issued a buyer's identification  
9 card] and 301.550 to 301.573 or any person from another state or  
10 jurisdiction who is legally allowed in his or her state of  
11 domicile to purchase for resale, rebuild, dismantle, crush, or  
12 scrap either motor vehicles or salvage vehicles, and to persons  
13 who reside in a foreign country that are purchasing salvage  
14 vehicles for export outside of the United States. Operators of  
15 salvage pools or salvage disposal sales shall keep a record, for  
16 three years, of sales of salvage vehicles with the purchasers'  
17 name and address, and the year, make, and vehicle identification  
18 number for each vehicle. These records shall be open for  
19 inspection as provided in section 301.225. Such records shall be  
20 submitted to the department on a quarterly basis.

21 \_\_\_\_\_ 3. The seller of a nonrepairable motor vehicle or a salvage  
22 motor vehicle to a person who is not a resident of the United  
23 States at a salvage pool or a salvage disposal sale shall:

24 (1) Stamp on the face of the title so as not to obscure any  
25 name, date, or mileage statement on the title the words "FOR  
26 EXPORT ONLY" in capital letters that are black; and

27 (2) Stamp in each unused reassignment space on the back of  
28 the title the words "FOR EXPORT ONLY" and print the number of the

1 dealer's salvage vehicle license, name of the salvage pool, or  
2 the name or the governmental entity, as applicable.

3  
4 The words "FOR EXPORT ONLY" required under subdivisions (1) and  
5 (2) of this subsection shall be at least two inches wide and  
6 clearly legible. Copies of the stamped titles shall be forwarded  
7 to the department.

8 4. The director of revenue shall issue a separate license  
9 for each kind of business described in subsection 1 of this  
10 section, to be entitled and designated as either "used parts  
11 dealer"; "salvage dealer or dismantler"; "rebuilder or body  
12 shop"; or "mobile scrap processor" license.

13 301.221. 1. The department shall file each application  
14 received by it with the required fee, and when satisfied that the  
15 applicant, if an individual, or each of the partners or principal  
16 officers of the applicant, if a partnership or a corporation, is  
17 of good moral character and that the applicant, so far as can be  
18 ascertained, has complied and will comply with the provisions of  
19 sections 301.217 to 301.229 and the laws of this state relating  
20 to registration of and certificates of title of vehicles, shall  
21 issue to the applicant a license to carry on and conduct the kind  
22 of businesses, enumerated in section 301.218, specified in the  
23 application at the address therein specified, until the next  
24 license renewal date.

25 2. When the application is being made for licensure as a  
26 salvage dealer, a certification by a uniformed member or an  
27 authorized or designated employee of the Missouri state highway  
28 patrol stationed in the troop area in which the applicant's place

1 of business is located; except, that in counties of the first  
2 classification, certification may be performed by an officer of a  
3 metropolitan police department when the applicant's established  
4 place of business of salvage is in the metropolitan area where  
5 the certifying metropolitan police officer is employed. An  
6 applicant shall have a bona fide established place of business  
7 which shall include a permanent enclosed building or structure,  
8 either owned in fee or leased and actually occupied as a place of  
9 business by the applicant for:

10 (1) Selling used parts of or used accessories for vehicles;  
11 or

12 (2) Salvaging, wrecking or dismantling vehicles for resale  
13 of the parts thereof; or

14 (3) Rebuilding and repairing wrecked or dismantled  
15 vehicles; or

16 (4) Processing scrapped vehicles or vehicle parts.

17 3. The applicant's place of business shall be a place  
18 wherein the public may contact the owner or operator, in person  
19 or by telephone, at any reasonable time, and wherein shall be  
20 kept and maintained the books, records, files, tools, equipment  
21 and other matters required and necessary to conduct the business.

22 4. The application shall include a photograph, not to  
23 exceed eight inches by ten inches, showing the building and  
24 business premises and shall accompany the initial application but  
25 will not be required for subsequent renewals unless substantial  
26 changes have been made to the building or business premises.

27 301.225. Every person licensed or required to be licensed  
28 shall maintain for three years on vehicles not more than seven

1 years old a record of:

2 (1) Every vehicle or used transmission, rear end, cowl,  
3 frame, body, front end assembly or engine of or for a vehicle  
4 received or acquired by him, its description and identifying  
5 number, if any, the date of its receipt or acquisition, and the  
6 name and address of the person from whom received or acquired;

7 (2) Every vehicle wrecked, dismantled or disposed of by  
8 him, and the date of its wrecking or dismantling and, if sold to  
9 a scrap metal operator, the operator's name and address.

10 Every such record shall be retained by the person licensed or  
11 required to be licensed at his principal place of business and  
12 shall be open to inspection by any representative of the  
13 department, member or authorized or designated employee of the  
14 Missouri highway patrol, or any police officer during reasonable  
15 business hours. Members of the patrol or any police officer may  
16 inspect the premises of every person licensed or required to be  
17 licensed at any time that business is being conducted or work is  
18 being performed, whether or not open to the public to enforce the  
19 provisions of sections 301.217 to 301.229.

20 301.229. 1. Anyone who violates any provision of sections  
21 301.217 to 301.229 is guilty of a class A misdemeanor and, upon  
22 conviction, shall be punished as provided by law.

23 2. The director of revenue or his or her designated  
24 representative, including members or authorized or designated  
25 employees of the Missouri state highway patrol shall administer  
26 and enforce the provisions of sections 301.217 to 301.229 and may  
27 develop, prescribe and issue any forms, notices or other written  
28 documents in order to enforce such authority and to ensure that

1 every person licensed or required to be licensed pursuant to  
2 sections 301.217 to 301.229 is in compliance with sections  
3 301.217 to 301.229.

4 301.280. 1. Every motor vehicle dealer and boat dealer  
5 shall make a monthly report to the department of revenue, on  
6 blanks to be prescribed by the department of revenue, giving the  
7 following information: date of the sale of each motor vehicle,  
8 boat, trailer and all-terrain vehicle sold; the name and address  
9 of the buyer; the name of the manufacturer; year of manufacture;  
10 model of vehicle; vehicle identification number; style of  
11 vehicle; odometer setting; and it shall also state whether the  
12 motor vehicle, boat, trailer or all-terrain vehicle is new or  
13 secondhand. The odometer reading is not required when reporting  
14 the sale of any motor vehicle that is ten years old or older, any  
15 motor vehicle having a gross vehicle weight rating of more than  
16 sixteen thousand pounds, new vehicles that are transferred on a  
17 manufacturer's statement of origin between one franchised motor  
18 vehicle dealer and another, or boats, all-terrain vehicles or  
19 trailers. The sale of all thirty-day temporary permits, without  
20 exception, shall be recorded in the appropriate space on the  
21 dealer's monthly sales report by recording the complete permit  
22 number issued on the motor vehicle or trailer sale listed. The  
23 monthly sales report shall be completed in full and signed by an  
24 officer, partner, or owner of the dealership, and actually  
25 received by the department of revenue on or before the fifteenth  
26 day of the month succeeding the month for which the sales are  
27 being reported. If no sales occur in any given month, a report  
28 shall be submitted for that month indicating no sales. Any

1 vehicle dealer who fails to file a monthly report or who fails to  
2 file a timely report shall be subject to disciplinary action as  
3 prescribed in section 301.562 or a penalty assessed by the  
4 director not to exceed three hundred dollars per violation.

5 Every motor vehicle and boat dealer shall retain copies of the  
6 monthly sales report as part of the records to be maintained at  
7 the dealership location and shall hold them available for  
8 inspection by appropriate law enforcement officials and officials  
9 of the department of revenue. [Beginning January 1, 2006, the  
10 monthly sales report required by this subsection may be filed  
11 electronically. Beginning January 1, 2007,] Every vehicle dealer  
12 selling twenty or more vehicles a month shall file the monthly  
13 sales report with the department in an electronic format. Any  
14 dealer filing a monthly sales report in an electronic format  
15 shall be exempt from filing the notice of transfer required by  
16 section 301.196. For any dealer not filing electronically, the  
17 notice of transfer required by section 301.196 shall be submitted  
18 with the monthly sales report as prescribed by the director.

19 2. Every dealer and every person operating a public garage  
20 shall keep a correct record of the vehicle identification number,  
21 odometer setting, manufacturer's name of all motor vehicles or  
22 trailers accepted by him for the purpose of sale, rental,  
23 storage, repair or repainting, together with the name and address  
24 of the person delivering such motor vehicle or trailer to the  
25 dealer or public garage keeper, and the person delivering such  
26 motor vehicle or trailer shall record such information in a file  
27 kept by the dealer or garage keeper. The record shall be kept  
28 for three years and be open for inspection by law enforcement

1 officials and persons, agencies and officials designated by the  
2 director of revenue.

3 3. Every dealer and every person operating a public garage  
4 in which a motor vehicle remains unclaimed for a period of  
5 fifteen days [shall, within five days after the expiration of  
6 that period,] may report the motor vehicle as unclaimed to the  
7 director of revenue. Such report shall be on a form prescribed  
8 by the director of revenue. A motor vehicle left by its owner  
9 whose name and address are known to the dealer or his employee or  
10 person operating a public garage or his employee is not  
11 considered unclaimed. [Any dealer or person operating a public  
12 garage who fails to report a motor vehicle as unclaimed as herein  
13 required forfeits all claims and liens for its garaging, parking  
14 or storing.]

15 4. The director of revenue shall maintain appropriately  
16 indexed cumulative records of unclaimed vehicles reported to the  
17 director. Such records shall be kept open to public inspection  
18 during reasonable business hours.

19 5. The alteration or obliteration of the vehicle  
20 identification number on any such motor vehicle shall be prima  
21 facie evidence of larceny, and the dealer or person operating  
22 such public garage shall upon the discovery of such obliteration  
23 or alteration immediately notify the highway patrol, sheriff,  
24 marshal, constable or chief of police of the municipality where  
25 the dealer or garage keeper has his place of business, and shall  
26 hold such motor vehicle or trailer for a period of forty-eight  
27 hours for the purpose of an investigation by the officer so  
28 notified.

1           301.301. 1. Any person replacing a stolen license plate  
2 tab issued on or after January 1, 2009, may receive at no cost up  
3 to two sets of two license plate tabs per year when the  
4 application for the replacement tab is accompanied with a police  
5 report that is corresponding with the stolen license plate tab.

6           2. Any person replacing a stolen license plate tab issued  
7 prior to January 1, 2009, may receive at no cost up to two sets  
8 of two license plate tabs per year when the application for the  
9 replacement tab is accompanied with a notarized affidavit  
10 verifying that such license plate tab or tabs were stolen.

11           301.310. 1. Whenever a law enforcement officer observes a  
12 plate to be in such condition as to hinder or make difficult  
13 identification of same, he shall notify the director of revenue  
14 and instruct the owner to apply for a duplicate plate.

15           2. If the owner has not made application within fifteen  
16 days, the director of revenue may cancel such registration and  
17 notify the registrant and such cancellation shall remain in force  
18 until the application has been filed.

19           3. The director of revenue may at his discretion replace  
20 worn plates without cost to the registrant.

21           4. Failure to surrender a mutilated or worn plate for which  
22 duplicate has been issued shall be [deemed a misdemeanor]  
23 punishable under section 301.440.

24           301.420. No person shall willfully or knowingly make a  
25 false statement in any application for the registration of a  
26 motor vehicle or trailer, or as a dealer, or in an application  
27 for or assignment of a certificate of ownership. All blanks or  
28 forms issued by the director of revenue for the purpose of making



1 application for registration of certificate of ownership shall  
2 conspicuously bear on the face thereof the following words: "Any  
3 false statement in this application is a violation of the law and  
4 may be punished by fine or imprisonment or both". Violation of  
5 this section shall be a class C misdemeanor.

6 301.440. Any person who violates any provision of sections  
7 301.010 to 301.440 for which no specific punishment is provided  
8 shall upon [conviction] a plea or finding of guilt thereof be  
9 [punished] guilty of an infraction punishable by a fine of not  
10 less than five dollars or more than five hundred dollars [or by  
11 imprisonment in the county jail for a term not exceeding one  
12 year, or by both the fine and imprisonment].

13 301.444. 1. [Any person, as defined in subsection 3 of  
14 this section, may apply for special license plates for any motor  
15 vehicle such person owns, either solely or jointly, other than an  
16 apportioned motor vehicle or a commercial motor vehicle licensed  
17 in excess of eighteen thousand pounds gross weight. The  
18 firefighter memorial foundation of Missouri hereby authorizes the  
19 use of its official emblem to be affixed on multiyear  
20 personalized license plates as provided in this section.

21 2. Upon application and payment of a one-time twenty-five  
22 dollar emblem-use contribution to the firefighter memorial  
23 foundation of Missouri, the foundation shall issue to the vehicle  
24 owner, without further charge, an emblem-use authorization  
25 statement, which shall be presented to the department of revenue  
26 at the time of registration of a motor vehicle.

27 3. As used in this section, the term "person" shall mean:

28 (1) A director of a fire protection district;

1           (2) Persons compensated, partially compensated, or  
2 volunteer members of any fire department, fire protection  
3 district, or voluntary fire protection association of this state;

4           (3) A person wounded in the line of duty as a firefighter;  
5 or

6           (4) A surviving spouse, parent, brother, sister, or adult  
7 child, including an adopted child or stepchild, of a person  
8 killed in the line of duty as a firefighter.

9           4. Upon presentation of the emblem-use authorization  
10 statement and payment of a fifteen dollar fee in addition to the  
11 regular registration fees and presentation of other documents  
12 which may be required by law, the department of revenue shall  
13 issue a personalized license plate to the vehicle owner, which  
14 shall bear the emblem of the firefighter memorial foundation of  
15 Missouri and the word "FIREFIGHTER" in place of the words  
16 "SHOW-ME STATE". Such license plates shall be made with fully  
17 reflective material with a common color scheme and design, shall  
18 be clearly visible at night, and shall be aesthetically  
19 attractive, as prescribed by section 301.130. Notwithstanding  
20 the provisions of section 301.144, no additional fee shall be  
21 charged for the personalization of license plates pursuant to  
22 this section.

23           5. The director of revenue may promulgate rules and  
24 regulations for the administration of this section. Any rule or  
25 portion of a rule, as that term is defined in section 536.010,  
26 RSMo, that is created under the authority delegated in this  
27 section shall become effective only if it complies with and is  
28 subject to all of the provisions of chapter 536, RSMo, and, if

1 applicable, section 536.028, RSMo. This section and chapter 536,  
2 RSMo, are nonseverable and if any of the powers vested with the  
3 general assembly pursuant to chapter 536, RSMo, to review, to  
4 delay the effective date, or to disapprove and annul a rule are  
5 subsequently held unconstitutional, then the grant of rulemaking  
6 authority and any rule proposed or adopted after August 28, 2004,  
7 shall be invalid and void.] Owners or a joint owner of motor  
8 vehicles who are residents of the state of Missouri, and who are  
9 directors of a fire protection district or who are compensated,  
10 partially compensated, or volunteer members of any fire  
11 department, fire protection district, or voluntary fire  
12 protection association in this state, upon application  
13 accompanied by affidavit as prescribed in this section, complying  
14 with the state motor vehicle laws relating to registration and  
15 licensing of motor vehicles, and upon payment of a fee as  
16 prescribed in this section, shall be issued a set of license  
17 plates for any motor vehicle such person owns, either solely or  
18 jointly, other than an apportioned motor vehicle or a commercial  
19 motor vehicle licensed in excess of eighteen thousand pounds  
20 gross weight. The license plates shall be inscribed with a  
21 variation of the Maltese cross that signifies the universally  
22 recognized symbol for firefighters. In addition, upon such set  
23 of license plates shall be inscribed, in lieu of the words "Show-  
24 me State", the word "FIREFIGHTER". Such license plates shall be  
25 made will fully reflective material, shall be clearly visible at  
26 night, and shall be aesthetically attractive, as prescribed by  
27 section 301.130.

28 2. Applications for license plates issued under this

1 section shall be made to the director of revenue and shall be  
2 accompanied by an affidavit stating that the applicant is a  
3 person described in subsection 1 of this section. Any person who  
4 is lawfully in possession of such plates who resigns, is removed,  
5 or otherwise terminates or is terminated from his association  
6 with such fire department, fire protection district, or voluntary  
7 fire protection association shall return such special plates to  
8 the director within fifteen days.

9 3. An additional annual fee equal to that charged for  
10 personalized license plates in section 301.144 shall be paid to  
11 the director of revenue for the issuance of the license plates  
12 provided for in this section.

13 301.550. 1. The definitions contained in section 301.010  
14 shall apply to sections 301.550 to 301.573, and in addition as  
15 used in sections 301.550 to 301.573, the following terms mean:

16 (1) "Boat dealer", any natural person, partnership, or  
17 corporation who, for a commission or with an intent to make a  
18 profit or gain of money or other thing of value, sells, barter,  
19 exchanges, leases or rents with the option to purchase, offers,  
20 attempts to sell, or negotiates the sale of any vessel or vessel  
21 trailer, whether or not the vessel or vessel trailer is owned by  
22 such person. The sale of six or more vessels or vessel trailers  
23 or both in any calendar year shall be required as evidence that  
24 such person is eligible for licensure as a boat dealer under  
25 sections 301.550 to 301.573. The boat dealer shall demonstrate  
26 eligibility for renewal of his license by selling six or more  
27 vessels or vessel trailers or both in the prior calendar year  
28 while licensed as a boat dealer pursuant to sections 301.550 to

301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

(4) "Director", the director of the Missouri department of revenue;

(5) "Emergency vehicles", motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) "Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

[(6)] (7) "Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction;

1 or

2 (d) A public motor vehicle auction or wholesale motor  
3 vehicle auction where buyers are licensed dealers in this or any  
4 other jurisdiction;

5 [(7)] (8) "Motor vehicle dealer" or "dealer", any person  
6 who, for commission or with an intent to make a profit or gain of  
7 money or other thing of value, sells, barter, exchanges, leases  
8 or rents with the option to purchase, or who offers or attempts  
9 to sell or negotiates the sale of motor vehicles or trailers  
10 whether or not the motor vehicles or trailers are owned by such  
11 person; provided, however, an individual auctioneer or auction  
12 conducted by an auctioneer licensed pursuant to chapter 343,  
13 RSMo, shall not be included within the definition of a motor  
14 vehicle dealer. The sale of six or more motor vehicles or  
15 trailers in any calendar year shall be required as evidence that  
16 such person is engaged in the motor vehicle business and is  
17 eligible for licensure as a motor vehicle dealer under sections  
18 301.550 to 301.573. Any motor vehicle dealer licensed before  
19 August 28, 2007, shall be required to meet the minimum calendar  
20 year sales of six or more motor vehicles provided the dealer can  
21 prove the business achieved, cumulatively, six or more sales per  
22 year for the preceding twenty-four months in business; or if the  
23 dealer has not been in business for twenty-four months, the  
24 cumulative equivalent of one sale every two months for the months  
25 the dealer has been in business before August 28, 2007. Any  
26 licensed motor vehicle dealer failing to meet the minimum vehicle  
27 sales requirements as referenced in this subsection shall not be  
28 qualified to renew his or her license for one year. Applicants

1 who reapply after the one-year period shall meet the requirement  
2 of six sales per year;

3       [(8)] (9) "New motor vehicle", any motor vehicle being  
4 transferred for the first time from a manufacturer, distributor  
5 or new vehicle dealer which has not been registered or titled in  
6 this state or any other state and which is offered for sale,  
7 barter or exchange by a dealer who is franchised to sell, barter  
8 or exchange that particular make of motor vehicle. The term "new  
9 motor vehicle" shall not include manufactured homes, as defined  
10 in section 700.010, RSMo;

11       [(9)] (10) "New motor vehicle franchise dealer", any motor  
12 vehicle dealer who has been franchised to deal in a certain make  
13 of motor vehicle by the manufacturer or distributor of that make  
14 and motor vehicle and who may, in line with conducting his  
15 business as a franchise dealer, sell, barter or exchange used  
16 motor vehicles;

17       [(10)] (11) "Person" includes an individual, a partnership,  
18 corporation, an unincorporated society or association, joint  
19 venture or any other entity;

20       [(11)] (12) "Powersport dealer", any motor vehicle dealer  
21 who sells, either pursuant to a franchise agreement or otherwise,  
22 primarily motor vehicles including but not limited to  
23 motorcycles, all-terrain vehicles, and personal watercraft, as  
24 those terms are defined in this chapter and chapter 306, RSMo;

25       [(12)] (13) "Public motor vehicle auction", any person,  
26 firm or corporation who takes possession of a motor vehicle  
27 whether by consignment, bailment or any other arrangement, except  
28 by title, for the purpose of selling motor vehicles at a public

1 auction by a licensed auctioneer;

2 (14) "Recreational motor vehicle dealer", a dealer of new  
3 or used motor vehicles designed, constructed or substantially  
4 modified for use as temporary housing quarters, including  
5 sleeping and eating facilities which are either permanently  
6 attached to the motor vehicle or attached to a unit which is  
7 securely attached to the motor vehicle;

8 ~~[(13)]~~ (15) "Storage lot", an area, within the same city or  
9 county where a dealer may store excess vehicle inventory;

10 (16) "Trailer dealer", any person selling, either  
11 exclusively or otherwise, trailers as defined in subdivision (59)  
12 of section 301.010. A trailer dealer may acquire a motor vehicle  
13 for resale only as a trade-in for a trailer. Notwithstanding the  
14 provisions of subdivision (11) of section 301.010 and section  
15 301.069, trailer dealers may purchase one driveaway license plate  
16 to display such motor vehicle for demonstration purposes. The  
17 sale of six or more trailers in any calendar year shall be  
18 required as evidence that such person is engaged in the trailer  
19 business and is eligible for licensure as a trailer dealer under  
20 sections 301.550 to 301.573. Any trailer dealer licensed before  
21 August 28, 2007, shall be required to meet the minimum calendar  
22 year sales of six or more trailers provided the dealer can prove  
23 the business achieved, cumulatively, six or more sales per year  
24 for the preceding twenty-four months in business; or if the  
25 dealer has not been in business for twenty-four months, the  
26 cumulative equivalent of one sale every two months for the months  
27 the dealer has been in business before August 28, 2007. Any  
28 licensed trailer dealer failing to meet the minimum trailer and



1 vehicle sales requirements as referenced in this subsection shall  
2 not be qualified to renew his or her license for one year.  
3 Applicants who reapply after the one-year period shall meet the  
4 requirement of six sales per year;

5       [(14)] (17) "Used motor vehicle", any motor vehicle which  
6 is not a new motor vehicle, as defined in sections 301.550 to  
7 301.573, and which has been sold, bartered, exchanged or given  
8 away or which may have had a title issued in this state or any  
9 other state, or a motor vehicle so used as to be what is commonly  
10 known as a secondhand motor vehicle. In the event of an  
11 assignment of the statement of origin from an original franchise  
12 dealer to any individual or other motor vehicle dealer other than  
13 a new motor vehicle franchise dealer of the same make, the  
14 vehicle so assigned shall be deemed to be a used motor vehicle  
15 and a certificate of ownership shall be obtained in the  
16 assignee's name. The term "used motor vehicle" shall not include  
17 manufactured homes, as defined in section 700.010, RSMo;

18       [(15)] (18) "Used motor vehicle dealer", any motor vehicle  
19 dealer who is not a new motor vehicle franchise dealer;

20       [(16)] (19) "Vessel", every boat and watercraft defined as  
21 a vessel in section 306.010, RSMo;

22       [(17)] (20) "Vessel trailer", any trailer, as defined by  
23 section 301.010 which is designed and manufactured for the  
24 purposes of transporting vessels;

25       [(18)] (21) "Wholesale motor vehicle auction", any person,  
26 firm or corporation in the business of providing auction services  
27 solely in wholesale transactions at its established place of  
28 business in which the purchasers are motor vehicle dealers

1 licensed by this or any other jurisdiction, and which neither  
2 buys, sells nor owns the motor vehicles it auctions in the  
3 ordinary course of its business. Except as required by law with  
4 regard to the auction sale of a government owned motor vehicle, a  
5 wholesale motor vehicle auction shall not provide auction  
6 services in connection with the retail sale of a motor vehicle;

7 [(19)] (22) "Wholesale motor vehicle dealer", a motor  
8 vehicle dealer who sells motor vehicles only to other new motor  
9 vehicle franchise dealers or used motor vehicle dealers or via  
10 auctions limited to other dealers of any class.

11 2. For purposes of sections 301.550 to 301.573, neither the  
12 term "motor vehicle" nor the term "trailer" shall include  
13 manufactured homes, as defined in section 700.010, RSMo.

14 3. Dealers shall be divided into classes as follows:

- 15 (1) Boat dealers;  
16 (2) Franchised new motor vehicle dealers;  
17 (3) Used motor vehicle dealers;  
18 (4) Wholesale motor vehicle dealers;  
19 (5) Recreational motor vehicle dealers;  
20 (6) Historic motor vehicle dealers;  
21 (7) Classic motor vehicle dealers; [and]  
22 (8) Powersport dealers; and  
23 (9) Trailer dealers.

24 301.560. 1. In addition to the application forms  
25 prescribed by the department, each applicant shall submit the  
26 following to the department:

27 (1) Every application other than a renewal application for  
28 a motor vehicle franchise dealer shall include a certification

1     that the applicant has a bona fide established place of business.  
2     [When the application is being made for licensure as a  
3     manufacturer, motor vehicle dealer, wholesale motor vehicle  
4     dealer, wholesale motor vehicle auction or a public motor vehicle  
5     auction,] Such application shall include an annual certification  
6     that the applicant has a bona fide established place of business  
7     for the first three years and only for every other year  
8     thereafter. The certification shall be performed by a uniformed  
9     member of the Missouri state highway patrol stationed in the  
10    troop area in which the applicant's place of business is located;  
11    except, that in counties of the first classification,  
12    certification may be performed by an officer of a metropolitan  
13    police department when the applicant's established place of  
14    business of distributing or selling motor vehicles or trailers is  
15    in the metropolitan area where the certifying metropolitan police  
16    officer is employed. When the application is being made for  
17    licensure as a boat manufacturer or boat dealer, certification  
18    shall be performed by a uniformed member of the Missouri state  
19    water patrol stationed in the district area in which the  
20    applicant's place of business is located or by a uniformed member  
21    of the Missouri state highway patrol stationed in the troop area  
22    in which the applicant's place of business is located or, if the  
23    applicant's place of business is located within the jurisdiction  
24    of a metropolitan police department in a first class county, by  
25    an officer of such metropolitan police department. A bona fide  
26    established place of business for any new motor vehicle franchise  
27    dealer [or] used motor vehicle dealer, boat dealer, powersport  
28    dealer, wholesale motor dealer, trailer dealer, or wholesale or

1   public auction shall [include] be a permanent enclosed building  
2   or structure, either owned in fee or leased and actually occupied  
3   as a place of business by the applicant for the selling,  
4   bartering, trading, servicing, or exchanging of motor vehicles,  
5   boats, personal watercraft, or trailers and wherein the public  
6   may contact the owner or operator at any reasonable time, and  
7   wherein shall be kept and maintained the books, records, files  
8   and other matters required and necessary to conduct the business.  
9   The applicant's place of business shall contain a working  
10   telephone which shall be maintained during the entire  
11   registration year. In order to qualify as a bona fide  
12   established place of business for all applicants licensed  
13   pursuant to this section there shall be an exterior sign  
14   displayed carrying the name of the business set forth in letters  
15   at least six inches in height and clearly visible to the public  
16   and there shall be an area or lot which shall not be a public  
17   street on which [one or more] multiple vehicles, boats, personal  
18   watercraft, or trailers may be displayed, [except when licensure  
19   is for a wholesale motor vehicle dealer, a lot and sign shall not  
20   be required]. The sign shall contain the name of the dealership  
21   by which it is known to the public through advertising or  
22   otherwise, which need not be identical to the name appearing on  
23   the dealership's license so long as such name is registered as a  
24   fictitious name with the secretary of state, has been approved by  
25   its line-make manufacturer in writing in the case of a new motor  
26   vehicle franchise dealer and a copy of such fictitious name  
27   registration has been provided to the department. [When  
28   licensure is for a boat dealer, a lot shall not be required. In

1 the case of new motor vehicle franchise dealers, the bona fide  
2 established place of business shall include adequate facilities,  
3 tools and personnel necessary to properly service and repair  
4 motor vehicles and trailers under their franchisor's warranty]  
5 Dealers who sell only emergency vehicles as defined in section  
6 301.550 are exempt from maintaining a bona fide place of  
7 business, including the related law enforcement certification  
8 requirements, and from meeting the minimum yearly sales;

9 (2) [If] The initial application [is] for licensure [as a  
10 manufacturer, boat manufacturer, new motor vehicle franchise  
11 dealer, used motor vehicle dealer, wholesale motor vehicle  
12 auction, boat dealer or a public motor vehicle auction,] shall  
13 include a photograph, not to exceed eight inches by ten inches  
14 but no less than five inches by seven inches, showing the  
15 business building, lot, and sign [shall accompany the initial  
16 application. In the case of a manufacturer, new motor vehicle  
17 franchise dealer or used motor vehicle dealer, the photograph  
18 shall include the lot of the business]. A new motor vehicle  
19 franchise dealer applicant who has purchased a currently licensed  
20 new motor vehicle franchised dealership shall be allowed to  
21 submit a photograph of the existing dealership building, lot and  
22 sign but shall be required to submit a new photograph upon the  
23 installation of the new dealership sign as required by sections  
24 301.550 to 301.573. Applicants shall not be required to submit a  
25 photograph annually unless the business has moved from its  
26 previously licensed location, or unless the name of the business  
27 or address has changed, or unless the class of business has  
28 changed;

1           (3)   [If the application is for licensure as a wholesale  
2 motor vehicle dealer or as a boat dealer, the application shall  
3 contain the business address, not a post office box, and  
4 telephone number of the place where the books, records, files and  
5 other matters required and necessary to conduct the business are  
6 located and where the same may be inspected during normal daytime  
7 business hours. Wholesale motor vehicle dealers and boat dealers  
8 shall file reports as required of new franchised motor vehicle  
9 dealers and used motor vehicle dealers;

10           (4)] Every applicant as a new motor vehicle franchise  
11 dealer, a used motor vehicle dealer, a powersport dealer, a  
12 wholesale motor vehicle dealer, trailer dealer, or boat dealer  
13 shall furnish with the application a corporate surety bond or an  
14 irrevocable letter of credit as defined in section 400.5-103,  
15 RSMo, issued by any state or federal financial institution in the  
16 penal sum of [twenty-five] thirty thousand dollars on a form  
17 approved by the department. The bond or irrevocable letter of  
18 credit shall be conditioned upon the dealer complying with the  
19 provisions of the statutes applicable to new motor vehicle  
20 franchise dealers, used motor vehicle dealers, powersport  
21 dealers, wholesale motor vehicle dealers, trailer dealers, and  
22 boat dealers, and the bond shall be an indemnity for any loss  
23 sustained by reason of the acts of the person bonded when such  
24 acts constitute grounds for the suspension or revocation of the  
25 dealer's license. The bond shall be executed in the name of the  
26 state of Missouri for the benefit of all aggrieved parties or the  
27 irrevocable letter of credit shall name the state of Missouri as  
28 the beneficiary; except, that the aggregate liability of the

1 surety or financial institution to the aggrieved parties shall,  
2 in no event, exceed the amount of the bond or irrevocable letter  
3 of credit. The proceeds of the bond or irrevocable letter of  
4 credit shall be paid upon receipt by the department of a final  
5 judgment from a Missouri court of competent jurisdiction against  
6 the principal and in favor of an aggrieved party. Additionally,  
7 every applicant as a new motor vehicle franchise dealer, a used  
8 motor vehicle dealer, a powersport dealer, a wholesale motor  
9 vehicle dealer, trailer dealer, or boat dealer shall furnish with  
10 the application a copy of a current dealer garage policy bearing  
11 the policy number and name of the insurer and the insured, and a  
12 copy of a current property and casualty policy bearing the policy  
13 number and name of the insurer and the insured from an insurance  
14 carrier registered with the director of the Missouri department  
15 of insurance, financial and professional regulation;

16        **[(5)] (4)** Payment of all necessary license fees as  
17 established by the department. In establishing the amount of the  
18 annual license fees, the department shall, as near as possible,  
19 produce sufficient total income to offset operational expenses of  
20 the department relating to the administration of sections 301.550  
21 to 301.573. All fees payable pursuant to the provisions of  
22 sections 301.550 to 301.573, other than those fees collected for  
23 the issuance of dealer plates or certificates of number collected  
24 pursuant to subsection 6 of this section, shall be collected by  
25 the department for deposit in the state treasury to the credit of  
26 the "Motor Vehicle Commission Fund", which is hereby created.  
27 The motor vehicle commission fund shall be administered by the  
28 Missouri department of revenue. **[The provisions of section**

1 33.080, RSMo, to the contrary notwithstanding, money in such fund  
2 shall not be transferred and placed to the credit of the general  
3 revenue fund until the amount in the motor vehicle commission  
4 fund at the end of the biennium exceeds two times the amount of  
5 the appropriation from such fund for the preceding fiscal year  
6 or, if the department requires permit renewal less frequently  
7 than yearly, then three times the appropriation from such fund  
8 for the preceding fiscal year. The amount, if any, in the fund  
9 which shall lapse is that amount in the fund which exceeds the  
10 multiple of the appropriation from such fund for the preceding  
11 fiscal year.] At the end of each biennium and after all  
12 statutorily or constitutionally required transfer of funds have  
13 been made, the state treasurer shall transfer the balance in the  
14 motor vehicle commission fund, except for gifts, donations,  
15 bequests, or money received from a federal source, in excess of  
16 two hundred percent of the previous fiscal year's expenditures  
17 into the state general revenue fund.

18 2. In the event a new vehicle manufacturer, boat  
19 manufacturer, motor vehicle dealer, wholesale motor vehicle  
20 dealer, boat dealer, powersport dealer, wholesale motor vehicle  
21 auction, trailer dealer, or a public motor vehicle auction  
22 submits an application for a license for a new business and the  
23 applicant has complied with all the provisions of this section,  
24 the department shall make a decision to grant or deny the license  
25 to the applicant within eight working hours after receipt of the  
26 dealer's application, notwithstanding any rule of the department.

27 3. Upon the initial issuance of a license by the  
28 department, the department shall assign a distinctive dealer



1 license number or certificate of number to the applicant and the  
2 department shall issue one number plate or certificate bearing  
3 the distinctive dealer license number or certificate of number  
4 and may issue two additional number plates or certificates of  
5 number within eight working hours after presentment of the  
6 application. Upon [the] renewal [of a boat dealer, boat  
7 manufacturer, manufacturer, motor vehicle dealer, public motor  
8 vehicle auction, wholesale motor vehicle dealer or wholesale  
9 motor vehicle auction], the department shall issue the  
10 distinctive dealer license number or certificate of number as  
11 quickly as possible. The issuance of such distinctive dealer  
12 license number or certificate of number shall be in lieu of  
13 registering each motor vehicle, trailer, vessel or vessel trailer  
14 dealt with by a boat dealer, boat manufacturer, manufacturer,  
15 public motor vehicle auction, wholesale motor vehicle dealer,  
16 wholesale motor vehicle auction or new or used motor vehicle  
17 dealer.

18 4. Notwithstanding any other provision of the law to the  
19 contrary, the department shall assign the following distinctive  
20 dealer license numbers to:

21 New motor vehicle franchise

22 dealers ..... D-0 through D-999

23 New [motor vehicle franchise and commercial

24 motor vehicle] powersport dealers ..... D-1000 through D-1999

25 Used motor vehicle [dealers]

26 and used powersport dealers .... D2000 through [D-5399] D-9999

27 [and D-6000 through D-9999]

28 Wholesale motor vehicle

dealers ..... [W-1000] W-0 through W-1999  
Wholesale motor vehicle  
auctions ..... [W-2000] WA-0 through [W-2999] WA-999  
New and used trailer dealers ..... T-0 through T-9999  
Motor vehicle [and], trailer, and boat  
manufacturers ..... [M-0] DM-0 through [M-9999] DM-999  
[Motorcycle dealers ..... D-5400 through D-5999]  
Public motor vehicle  
auctions ..... [A-1000] A-0 through A-1999  
Boat dealers [and boat  
manufacturers] ..... [B-0] M-0 through [B-9999] M-9999  
New and used recreational motor  
vehicle dealers . . . . . RV-0 through RV-9999  
The provisions of this subsection shall become effective on the  
date the director of the department of revenue begins to reissue  
new license plates under section 301.130, or on December 1, 2008,  
whichever occurs first. If the director of revenue begins  
reissuing new license plates under the authority granted under  
section 301.130 prior to December 1, 2008, the director of the  
department of revenue shall notify the revisor of statutes of  
such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of new motor vehicle manufacturers [and], motor vehicle dealers, powersport dealers, recreational motor

1 vehicle dealers, and trailer dealers, the department shall [also]  
2 issue one number plate bearing the distinctive dealer license  
3 number and may issue two additional number plates to the  
4 applicant upon payment by the manufacturer or dealer of a fifty  
5 dollar fee for the number plate bearing the distinctive dealer  
6 license number and ten dollars and fifty cents for each  
7 additional number plate. Such license plates shall be made with  
8 fully reflective material with a common color scheme and design,  
9 shall be clearly visible at night, and shall be aesthetically  
10 attractive, as prescribed by section 301.130. Boat dealers and  
11 boat manufacturers shall be entitled to one certificate of number  
12 bearing such number upon the payment of a fifty dollar fee. [As  
13 many] Additional number plates [as may be desired by  
14 manufacturers and motor vehicle dealers] and as many additional  
15 certificates of number [as may be desired by boat dealers and  
16 boat manufacturers] may be obtained upon payment of a fee of ten  
17 dollars and fifty cents for each additional plate or certificate.  
18 New motor vehicle manufacturers shall not be issued or possess  
19 more than three hundred forty-seven additional number plates or  
20 certificates of number annually. New and used motor vehicle  
21 dealers, powersport dealers, wholesale motor vehicle dealers,  
22 boat dealers, and trailer dealers are limited to one additional  
23 plate or certificate of number per ten-unit qualified  
24 transactions annually. New and used recreational motor vehicle  
25 dealers are limited to two additional plates or certificate of  
26 number per ten-unit qualified transactions annually for their  
27 first fifty transactions and one additional plate or certificate  
28 of number per ten-unit qualified transactions thereafter. An

1 applicant seeking the issuance of an initial license shall  
2 indicate on his or her initial application the applicant's  
3 proposed annual number of sales in order for the director to  
4 issue the appropriate number of additional plates or certificates  
5 of number. A motor vehicle dealer, trailer dealer, boat dealer,  
6 powersport dealer, recreational motor vehicle dealer, motor  
7 vehicle manufacturer, boat manufacturer, [public motor vehicle  
8 auction,] or wholesale motor vehicle dealer [or wholesale motor  
9 vehicle auction] obtaining a distinctive dealer license plate or  
10 certificate of number or additional license plate or additional  
11 certificate of number, throughout the calendar year, shall be  
12 required to pay a fee for such license plates or certificates of  
13 number computed on the basis of one-twelfth of the full fee  
14 prescribed for the original and duplicate number plates or  
15 certificates of number for such dealers' licenses, multiplied by  
16 the number of months remaining in the licensing period for which  
17 the dealer or manufacturers shall be required to be licensed. In  
18 the event of a renewing dealer, the fee due at the time of  
19 renewal shall not be prorated. Wholesale and public auctions  
20 shall be issued a certificate of dealer registration in lieu of a  
21 dealer number plate. In order for dealers to obtain number  
22 plates or certificates under this section, dealers shall submit  
23 to the department of revenue on August first of each year a  
24 statement certifying, under penalty of perjury, the dealer's  
25 number of sales during the reporting period of July first of the  
26 immediately preceding year to June thirtieth of the present year.

27 7. The plates issued pursuant to subsection 3 or 6 of this  
28 section may be displayed on any motor vehicle owned by a new

1 motor vehicle manufacturer. The plates issued pursuant to  
2 subsection 3 or 6 of this section may be displayed on any motor  
3 vehicle or trailer owned and held for resale by [the] a motor  
4 vehicle dealer [or manufacturer, and used] for use by a customer  
5 who is test driving the motor vehicle, [or is used] for use and  
6 display purposes during, but not limited to, parades, private  
7 events, charitable events, or for use by an employee or officer,  
8 but shall not be displayed on any motor vehicle or trailer hired  
9 or loaned to others or upon any regularly used service or wrecker  
10 vehicle. Motor vehicle dealers may display their dealer plates  
11 on a tractor, truck or trailer to demonstrate a vehicle under a  
12 loaded condition. Trailer dealers may display their dealer  
13 license plates in like manner, except such plates may only be  
14 displayed on trailers owned and held for resale by the trailer  
15 dealer.

16 8. The certificates of number issued pursuant to subsection  
17 3 or 6 of this section may be displayed on any vessel or vessel  
18 trailer owned and held for resale by a boat manufacturer or a  
19 boat dealer, and used by a customer who is test driving the  
20 vessel or vessel trailer, or is used by an employee or officer on  
21 a vessel or vessel trailer only, but shall not be displayed on  
22 any motor vehicle owned by a boat manufacturer, boat dealer, or  
23 trailer dealer, or vessel or vessel trailer hired or loaned to  
24 others or upon any regularly used service vessel or vessel  
25 trailer. Boat dealers and boat manufacturers may display their  
26 certificate of number on a vessel or vessel trailer [which is  
27 being transported] when transporting a vessel or vessels to an  
28 exhibit or show.

1           9. (1) [Beginning August 28, 2006,] Every application for  
2 the issuance of a used motor vehicle dealer's license shall be  
3 accompanied by proof that the applicant, within the last twelve  
4 months, has completed an educational seminar course approved by  
5 the department as prescribed by subdivision (2) of this  
6 subsection. Wholesale and [retail] public auto auctions and  
7 applicants currently holding a new or used license for a separate  
8 dealership shall be exempt from the requirements of this  
9 subsection. The provisions of this subsection shall not apply to  
10 current new motor vehicle franchise dealers or motor vehicle  
11 leasing agencies or applicants for a new motor vehicle franchise  
12 [dealers] or a motor vehicle leasing agency. The provisions of  
13 this subsection shall not apply to used motor vehicle dealers who  
14 were licensed prior to August 28, 2006.

15           (2) The educational seminar shall include, but is not  
16 limited to, the dealer requirements of sections 301.550 to  
17 301.573, the rules promulgated to implement, enforce, and  
18 administer sections 301.550 to 301.570, and any other rules and  
19 regulations promulgated by the department.

20           [301.566. 1. A motor vehicle dealer may  
21 participate in any motor vehicle show or sale and  
22 conduct sales of motor vehicles away from the dealer's  
23 usual, licensed place of business if either the  
24 requirements of subsection 2 or 3 of this section are  
25 met or the event is conducted for not more than ten  
26 days, and if a majority of the motor vehicle dealers  
27 within a class of dealers described pursuant to  
28 subsection 3 of section 301.550 in a city or town  
29 participate or are invited and have the opportunity to  
30 participate in the event, except that a recreational  
31 motor vehicle dealer classified in subdivision (5) of  
32 subsection 3 of section 301.550 may participate in such  
33 a show or sale even if a majority of recreational motor  
34 vehicle dealers in a city or town do not participate in  
35 the event. The department shall consider such events

1 to be proper in all respects and as if each dealer  
2 participant was conducting business at the dealer's  
3 usual business location. Nothing contained in this  
4 section shall be construed as applying to the sale of  
5 motor vehicles or trailers through either a wholesale  
6 motor vehicle auction or public motor vehicle auction.

7 2. Any person, partnership, corporation or  
8 association disposing of vehicles used and titled  
9 solely in its ordinary course of business as provided  
10 in section 301.570 may sell at retail such vehicles  
11 away from that person's bona fide established place of  
12 business, thus constituting an off-site sale, by  
13 adhering to each of the following conditions with  
14 regard to each and every off-site sale conducted:

15 (1) Have in effect a valid license, pursuant to  
16 sections 301.550 to 301.575, from the department for  
17 the sale of used motor vehicles;

18 (2) No off-site sale may exceed ten days in  
19 duration, and only one sale may be held per year, per  
20 county, in counties of the third and fourth  
21 classification;

22 (3) Pay to the motor vehicle commission fund,  
23 pursuant to section 301.560, a permit fee of two  
24 hundred fifty dollars for each off-site sale event;

25 (4) Advise the department, at least ten days  
26 prior to the sale, of the date, location and duration  
27 of each off-site sale;

28 (5) The sale of vehicles at off-site sales shall  
29 be limited to sales by a seller of vehicles used and  
30 titled solely in its ordinary course of business, and  
31 such sales shall be held in conjunction with a credit  
32 union and limited to members of the credit union, thus  
33 constituting a private sale to be advertised to members  
34 only;

35 (6) Off-site sales by a seller of vehicles used  
36 and titled solely in its ordinary course of business  
37 may also be held in conjunction with other financial  
38 institutions provided that any such sale event shall be  
39 held on the premises of the financial institution, and  
40 sales shall be limited to persons who were customers of  
41 the financial institution prior to the date of the sale  
42 event. Off-site sales held with such other financial  
43 institutions shall be limited to one sale per year per  
44 institution;

45 (7) The sale of motor vehicles which have the  
46 designation of the current model year, except  
47 discontinued models, is prohibited at off-site sales  
48 until subsequent model year designated vehicles of the  
49 same manufacture and model are offered for sale to the  
50 public.

51 3. A recreational vehicle dealer, as that term is

1 defined in section 700.010, RSMo, who is licensed in  
2 another state may participate in recreational vehicle  
3 shows or exhibits with recreational vehicles within  
4 this state, in which less than fifty dealers  
5 participate as exhibitors with permission of the  
6 dealer's licensed manufacturer if all of the following  
7 conditions exist:

8 (1) The show or exhibition has a minimum of ten  
9 recreational vehicle dealers licensed as motor vehicle  
10 dealers in this state;

11 (2) More than fifty percent of the participating  
12 recreational vehicle dealers are licensed motor vehicle  
13 dealers in this state; and

14 (3) The state in which the recreational vehicle  
15 is licensed is a state contiguous to Missouri and the  
16 state permits recreational vehicle dealers licensed in  
17 Missouri to participate in recreational vehicle shows  
18 in such state pursuant to conditions substantially  
19 equivalent to the conditions which are imposed on  
20 dealers from such state who participate in recreational  
21 vehicle shows in Missouri.

22 4. A recreational vehicle dealer licensed in  
23 another state may participate in a vehicle show or  
24 exhibition in Missouri which has, when it opens to the  
25 public, at least fifty dealers displaying recreational  
26 vehicles if the show or exhibition is trade-oriented  
27 and is predominantly funded by recreational vehicle  
28 manufacturers. All of the participating dealers who  
29 are not licensed in Missouri shall be licensed as  
30 recreational vehicle dealers by the state of their  
31 residence.

32 5. A recreational vehicle dealer licensed in  
33 another state who intends to participate in a vehicle  
34 show or exhibition in this state shall send written  
35 notification of such intended participation to the  
36 department of revenue at least thirty days prior to the  
37 vehicle show or exhibition. Upon receipt of such  
38 written notification, the department of revenue shall  
39 make a determination regarding compliance with the  
40 provisions of this section. If such recreational  
41 vehicle dealer would be unable to participate in the  
42 vehicle show or exhibition in this state pursuant to  
43 this section, the department of revenue shall notify  
44 the recreational vehicle dealer at least fifteen days  
45 prior to the vehicle show or exhibition of the  
46 inability to participate in the vehicle show or  
47 exhibition in this state, a violation of this section  
48 shall result in a fine of one thousand dollars to be  
49 assessed by the department of revenue.]

50  
51 301.566. 1. A motor vehicle dealer may participate in



1     ~~[any]~~ no more than two motor vehicle ~~[show or sale]~~ shows or  
2     sales annually and conduct sales of motor vehicles away from the  
3     dealer's usual, licensed place of business if either the  
4     requirements of subsection 2 or 3 of this section are met or the  
5     event is conducted for not more than ~~[ten]~~ five consecutive days,  
6     the event does not require any motor vehicle dealer participant  
7     to pay an unreasonably prohibitive participation fee, and if a  
8     majority of the motor vehicle dealers within a class of dealers  
9     described pursuant to subsection 3 of section 301.550 in a city  
10    or town participate or are invited and have the opportunity to  
11    participate in the event, except that a recreational motor  
12    vehicle dealer classified in subdivision (5) of subsection 3 of  
13    section 301.550 may participate in such a show or sale even if a  
14    majority of recreational motor vehicle dealers in a city or town  
15    do not participate in the event. If any show or sale includes a  
16    class of dealer or franchised new vehicle line-make, that is also  
17    represented by a same class dealer or dealer representing the  
18    same line-make outside of the boundary lines of the city or town  
19    and is within ten miles of where the show or sale is to take  
20    place, the dealer outside of the boundary lines of the city or  
21    town shall be invited to participate in the show or sale. The  
22    department shall consider such events to be proper in all  
23    respects and as if each dealer participant was conducting  
24    business at the dealer's usual business location. Nothing  
25    contained in this section shall be construed as applying to the  
26    sale of motor vehicles or trailers through either a wholesale  
27    motor vehicle auction or public motor vehicle auction.

28         2. Any person, partnership, corporation or association

1 disposing of vehicles used and titled solely in its ordinary  
2 course of business as provided in section 301.570 may sell at  
3 retail such vehicles away from that person's bona fide  
4 established place of business, thus constituting an off-site  
5 sale, by adhering to each of the following conditions with regard  
6 to each and every off-site sale conducted:

7 (1) Have in effect a valid license, pursuant to sections  
8 301.550 to 301.575, from the department for the sale of used  
9 motor vehicles;

10 (2) No off-site sale may exceed ~~[ten]~~ five days in  
11 duration, and only one sale may be held per year, per county[, in  
12 counties of the third and fourth classification];

13 (3) Pay to the motor vehicle commission fund, pursuant to  
14 section 301.560, a permit fee of ~~[two]~~ five hundred fifty dollars  
15 for each off-site sale event;

16 (4) Advise the department, at least ten days prior to the  
17 sale, of the date, location and duration of each off-site sale;

18 (5) The sale of vehicles at off-site sales shall be limited  
19 to sales by a seller of vehicles used and titled solely in its  
20 ordinary course of business, and such sales shall be held in  
21 conjunction with a credit union and limited to members of the  
22 credit union, thus constituting a private sale to be advertised  
23 to members only;

24 (6) Off-site sales by a seller of vehicles used and titled  
25 solely in its ordinary course of business may also be held in  
26 conjunction with other financial institutions provided that any  
27 such sale event shall be held on the premises of the financial  
28 institution, and sales shall be limited to persons who were

1 customers of the financial institution prior to the date of the  
2 sale event. Off-site sales held with such other financial  
3 institutions shall be limited to one sale per year per  
4 institution;

5 (7) The sale of motor vehicles which have the designation  
6 of the current model year, except discontinued models, is  
7 prohibited at off-site sales until subsequent model year  
8 designated vehicles of the same manufacture and model are offered  
9 for sale to the public.

10 3. A recreational vehicle dealer, as that term is defined  
11 in section 700.010, RSMo, who is licensed in another state may  
12 participate in recreational vehicle shows or exhibits with  
13 recreational vehicles within this state, in which less than fifty  
14 dealers participate as exhibitors with permission of the dealer's  
15 licensed manufacturer if all of the following conditions exist:

16 (1) The show or exhibition has a minimum of ten  
17 recreational vehicle dealers licensed as motor vehicle dealers in  
18 this state;

19 (2) More than fifty percent of the participating  
20 recreational vehicle dealers are licensed motor vehicle dealers  
21 in this state; and

22 (3) The state in which the recreational vehicle is licensed  
23 is a state contiguous to Missouri and the state permits  
24 recreational vehicle dealers licensed in Missouri to participate  
25 in recreational vehicle shows in such state pursuant to  
26 conditions substantially equivalent to the conditions which are  
27 imposed on dealers from such state who participate in  
28 recreational vehicle shows in Missouri.

1           4. A recreational vehicle dealer licensed in another state  
2 may participate in a vehicle show or exhibition in Missouri which  
3 has, when it opens to the public, at least fifty dealers  
4 displaying recreational vehicles if the show or exhibition is  
5 trade-oriented and is predominantly funded by recreational  
6 vehicle manufacturers. All of the participating dealers who are  
7 not licensed in Missouri shall be licensed as recreational  
8 vehicle dealers by the state of their residence.

9           5. A recreational vehicle dealer licensed in another state  
10 who intends to participate in a vehicle show or exhibition in  
11 this state shall send written notification of such intended  
12 participation to the department of revenue at least thirty days  
13 prior to the vehicle show or exhibition. Upon receipt of such  
14 written notification, the department of revenue shall make a  
15 determination regarding compliance with the provisions of this  
16 section. If such recreational vehicle dealer would be unable to  
17 participate in the vehicle show or exhibition in this state  
18 pursuant to this section, the department of revenue shall notify  
19 the recreational vehicle dealer at least fifteen days prior to  
20 the vehicle show or exhibition of the inability to participate in  
21 the vehicle show or exhibition in this state.

22           6. The department of revenue may assess a fine of up to one  
23 thousand dollars for any violation of this section.

24           301.567. 1. For purposes of this section, a violation of  
25 any of the following advertising standards shall be deemed an  
26 attempt by the advertising dealer to obtain a fee or other  
27 compensation by fraud, deception or misrepresentation in  
28 violation of section 301.562:

1           (1) A motor vehicle shall not be advertised as new, either  
2 by express terms or implication, unless it is a "new motor  
3 vehicle" as defined in section 301.550;

4           (2) When advertising any motor vehicle which is not a new  
5 motor vehicle, such advertisement must expressly identify that  
6 the motor vehicle is a used motor vehicle by express use of the  
7 term "used", or by such other term as is commonly understood to  
8 mean that the vehicle is used;

9           (3) Any terms, conditions, and disclaimers relating to the  
10 advertised motor vehicle's price or financing options shall be  
11 stated clearly and conspicuously. An asterisk or other reference  
12 symbol may be used to point to a disclaimer or other information,  
13 but not be used as a means of contradicting or changing the  
14 meaning of an advertised statement;

15           (4) The expiration date, if any, of an advertised sale or  
16 vehicle price shall be clearly and conspicuously disclosed. In  
17 the absence of such disclosure, the advertised sale or vehicle  
18 price shall be deemed effective so long as such vehicles remain  
19 in the advertising dealership's inventory;

20           (5) The terms "list price", "sticker price", or "suggested  
21 retail price" shall be used only in reference to the  
22 manufacturer's suggested retail price for new motor vehicles,  
23 and, if used, shall be accompanied by a clear and conspicuous  
24 disclosure that such terms represent the "manufacturer's  
25 suggested retail price" of the advertised vehicle;

26           (6) Terms such as "at cost", "\$..... above cost",  
27 "invoice price", and "\$..... below/over invoice" shall not be  
28 used in advertisements because of the difficulty in determining a

1 dealer's actual net cost at the time of the sale[. Terms such as  
2 "invoice price", "\$..... over invoice" may be used, provided  
3 that the invoice referred to is the manufacturer's factory  
4 invoice for a new motor vehicle and the invoice is available for  
5 customer inspection. For purposes of this section,  
6 "manufacturer's factory invoice" means that document supplied by  
7 the manufacturer to the dealer listing the manufacturer's charge  
8 to the dealer before any deduction for holdback, group  
9 advertising, factory incentives or rebates, or any governmental  
10 charges];

11 (7) When the price or financing terms of a motor vehicle  
12 are advertised, the vehicle shall be fully identified as to year,  
13 make, and model. In addition, in advertisements placed by  
14 individual dealers and not line-make marketing groups, the  
15 advertised price or credit terms shall include all charges which  
16 the buyer must pay to the dealer, except buyer-selected options  
17 and state and local taxes. If a processing fee or freight or  
18 destination charges are not included in the advertised price, the  
19 amount of any such processing fee and freight or destination  
20 charge must be clearly and conspicuously disclosed within the  
21 advertisement;

22 (8) [Advertisements which offer to match or better any  
23 competitors' prices shall not be used;

24 (9)] Advertisements of "dealer rebates" shall not be used,  
25 however, this shall not be deemed to prohibit the advertising of  
26 manufacturer rebates, so long as all material terms of such  
27 rebates are clearly and conspicuously disclosed;

28 [(10)] (9) "Free", "at no cost" shall not be used if any

1 purchase is required to qualify for the "free" item, merchandise,  
2 or service;

3 [(11)] (10) "Bait advertising", in which an advertiser may  
4 have no intention to sell at the prices or terms advertised,  
5 shall not be used. Bait advertising shall include, but not be  
6 limited to, the following examples:

7 (a) Not having available for sale the advertised motor  
8 vehicles at the advertised prices. If a specific vehicle is  
9 advertised, the dealer shall be in possession of a reasonable  
10 supply of such vehicles, and they shall be available at the  
11 advertised price. If the advertised vehicle is available only in  
12 limited numbers or only by order, such limitations shall be  
13 stated in the advertisement;

14 (b) Advertising a motor vehicle at a specified price,  
15 including such terms as "as low as \$.....", but having  
16 available for sale only vehicles equipped with dealer-added cost  
17 options which increase the selling price above the advertised  
18 price;

19 [(12)] (11) Any reference to monthly payments, down  
20 payments, or other reference to financing or leasing information  
21 shall be accompanied by a clear and conspicuous disclosure of the  
22 following:

23 (a) Whether the payment or other information relates to a  
24 financing or a lease transaction;

25 (b) If the payment or other information relates to a  
26 financing transaction, the minimum down payment, annual  
27 percentage interest rate, and number of payments necessary to  
28 obtain the advertised payment amount must be disclosed, in

1 addition to any special qualifications required for obtaining the  
2 advertised terms including, but not limited to, "first-time  
3 buyer" discounts, "college graduate" discounts, and a statement  
4 concerning whether the advertised terms are subject to credit  
5 approval;

6 (c) If the payment or other information relates to a lease  
7 transaction, the total amount due from the purchaser at signing  
8 with such costs broken down and identified by category, lease  
9 term expressed in number of months, whether the lease is  
10 closed-end or open-end, and total cost to the lessee over the  
11 lease term in dollars;

12 [(13)] (12) Any advertisement which states or implies that  
13 the advertising dealer has a special arrangement or relationship  
14 with the distributor or manufacturer, as compared to similarly  
15 situated dealers, shall not be used;

16 [(14)] (13) Any advertisement which, in the circumstances  
17 under which it is made or applied, is false, deceptive, or  
18 misleading shall not be used;

19 [(15)] (14) No abbreviations for industry words or phrases  
20 shall be used in any advertisement unless such abbreviations are  
21 accompanied by the fully spelled or spoken words or phrases.

22 2. The requirements of this section shall apply regardless  
23 of whether a dealer advertises by means of print, broadcast, or  
24 electronic media, or direct mail. If the advertisement is by  
25 means of a broadcast or print media, a dealer may provide the  
26 disclaimers and disclosures required under subdivision (3) of  
27 subsection 1 of this section by reference to an Internet web page  
28 or toll-free telephone number containing the information required



1 to be disclosed.

2 3. Dealers shall clearly and conspicuously identify  
3 themselves in each advertisement by use of a dealership name  
4 which complies with subsection 6 of section 301.560.

5 301.570. 1. It shall be unlawful for any person,  
6 partnership, corporation, company or association, unless the  
7 seller is a financial institution, or is selling repossessed  
8 motor vehicles or is disposing of vehicles used and titled solely  
9 in its ordinary course of business or is a collector of antique  
10 motor vehicles, to sell or display with an intent to sell [seven]  
11 six or more motor vehicles in a calendar year, except when such  
12 motor vehicles are registered in the name of the seller, unless  
13 such person, partnership, corporation, company or association is:

14 (1) Licensed as a motor vehicle dealer by the department  
15 under the provisions of sections 301.550 to 301.573;

16 (2) Exempt from licensure as a motor vehicle dealer  
17 pursuant to subsection 4 of section 301.559;

18 (3) Selling commercial motor vehicles with a gross weight  
19 of at least nineteen thousand five hundred pounds, but only with  
20 respect to such commercial motor vehicles;

21 (4) An auctioneer, acting at the request of the owner at an  
22 auction, when such auction is not a public motor vehicle auction.

23 2. Any person, partnership, corporation, company or  
24 association that has reason to believe that the provisions of  
25 this section are being violated shall file a complaint with the  
26 prosecuting attorney in the county in which the violation  
27 occurred. The prosecuting attorney shall investigate the  
28 complaint and take appropriate action.

1           3. For the purposes of sections 301.550 to 301.573, the  
2 sale, barter, exchange, lease or rental with option to purchase  
3 of [seven] six or more motor vehicles in a calendar year by any  
4 person, partnership, corporation, company or association, whether  
5 or not the motor vehicles are owned by them, shall be prima facie  
6 evidence of intent to make a profit or gain of money and such  
7 person, partnership, corporation, company or association shall be  
8 deemed to be acting as a motor vehicle dealer without a license.

9           4. Any person, partnership, corporation, company or  
10 association who violates subsection 1 of this section is guilty  
11 of a class A misdemeanor.

12           5. The provisions of this section shall not apply to  
13 liquidation of an estate.

14           301.640. 1. [Upon] Within five business days after the  
15 satisfaction of any lien or encumbrance of a motor vehicle or  
16 trailer, the lienholder shall[, within ten business days] release  
17 the lien or encumbrance on the certificate or a separate  
18 document, and mail or deliver the certificate or a separate  
19 document to the owner or any person who delivers to the  
20 lienholder an authorization from the owner to receive the  
21 certificate or such documentation. The release on the  
22 certificate or separate document shall be notarized. Each  
23 perfected subordinate lienholder, if any, shall release such lien  
24 or encumbrance as provided in this section for the first  
25 lienholder. The owner may cause the certificate to be mailed or  
26 delivered to the director of revenue, who shall issue a new  
27 certificate of ownership upon application and payment of the  
28 required fee. A lien or encumbrance shall be satisfied for the

1 purposes of this section when a lienholder receives payment in  
2 full in the form of certified funds, as defined in section  
3 381.410, RSMo, or when the lienholder receives payment in full  
4 electronically or by way of electronic funds transfer, whichever  
5 first occurs.

6 2. If the electronic certificate of ownership is in the  
7 possession of the director of revenue, the lienholder shall  
8 notify the director within ~~[ten]~~ five business days ~~[of]~~ after  
9 any release of a lien and provide the director with the most  
10 current address of the owner or any person who delivers to the  
11 lienholder an authorization from the owner to receive the  
12 certificate or such documentation. The director shall note such  
13 release on the electronic certificate and if no other lien exists  
14 the director shall mail or deliver the certificate free of any  
15 lien to the owner or any person who has delivered to the  
16 lienholder an authorization from the owner to receive the  
17 certificate or such documentation from the director.

18 3. If the purchase price of a motor vehicle or trailer did  
19 not exceed six thousand dollars at the time of purchase, a lien  
20 or encumbrance which was not perfected by a motor vehicle  
21 financing corporation whose net worth exceeds one hundred million  
22 dollars, or a depository institution, shall be considered  
23 satisfied within six years from the date the lien or encumbrance  
24 was originally perfected unless a new lien or encumbrance has  
25 been perfected as provided in section 301.600. This subsection  
26 does not apply to motor vehicles or trailers for which the  
27 certificate of ownership has recorded in the second lienholder  
28 portion the words "subject to future advances".

1           4. Any lienholder who fails to timely comply with  
2 subsection 1 or 2 of this section shall pay to the person or  
3 persons satisfying the lien or encumbrance [twenty-five dollars  
4 for the first ten business days after expiration of the time  
5 period prescribed in subsection 1 or 2 of this section, and such  
6 payment shall double for each ten days thereafter in which there  
7 is continued noncompliance, up to a maximum of five hundred  
8 dollars for each lien] liquidated damages up to a maximum of two  
9 thousand five hundred dollars for each lien. Liquidated damages  
10 shall be five hundred dollars if the lienholder does not comply  
11 within five business days after satisfaction of the lien or  
12 encumbrance. Liquidated damages shall be one thousand dollars if  
13 the lienholder does not comply within ten business days after  
14 satisfaction of the lien or encumbrance. Liquidated damages  
15 shall be two thousand dollars if the lienholder does not comply  
16 within fifteen business days after satisfaction of the lien or  
17 encumbrance. Liquidated damages shall be two thousand five  
18 hundred dollars if the lienholder does not comply within twenty  
19 business days after satisfaction of the lien or encumbrance. If  
20 delivery of the certificate or other lien release is made by  
21 mail, the delivery date is the date of the postmark for purposes  
22 of this subsection. In computing any period of time prescribed  
23 or allowed by this section, the day of the act or event after  
24 which the designated period of time begins to run is not to be  
25 counted. However, the last day of the period so computed is to  
26 be included, unless it is a Saturday, Sunday, or a legal holiday,  
27 in which event the period runs until the end of the next day that  
28 is not a Saturday, Sunday, or legal holiday.

1           5. Any person who knowingly and intentionally sends in a  
2 separate document releasing a lien of another without authority  
3 to do so shall be guilty of a class C felony.

4           301.716. 1. Any violation of the provisions of sections  
5 301.700 to 301.714 shall be an infraction. An arrest or service  
6 of summons for violations of the provisions of sections 301.700  
7 to 301.714 and section 577.065, RSMo, or the provisions of this  
8 chapter, chapter 304, RSMo, or 307, RSMo, as such provisions  
9 relate to all-terrain vehicles may be made by the duly authorized  
10 law enforcement officer of any political subdivision of the  
11 state, the highway patrol and the state water patrol.

12           2. Violations of sections 301.700 to 301.714 and section  
13 577.065, RSMo, or the provisions of this chapter, chapter 304,  
14 RSMo, or 307, RSMo, as such provisions relate to all-terrain  
15 vehicles or any rule or order hereunder may be referred to the  
16 proper prosecuting attorney or circuit attorney who may, with or  
17 without such reference, institute appropriate [criminal]  
18 proceedings.

19           3. Nothing in sections 301.700 to 301.714 and section  
20 577.065, RSMo, or the provisions of this chapter, chapter 304,  
21 RSMo, or 307, RSMo, as such provisions relate to all-terrain  
22 vehicles limits the power of the state to punish any person for  
23 any conduct which constitutes a crime by statute or at common  
24 law.

25           301.2998. Notwithstanding any other provisions of this  
26 chapter, which establishes the issuance of a specialty plate, if  
27 no applications for such plate have been received within five  
28 years from the effective date of the section authorizing the

1 plate, then the department of revenue no longer will be required  
2 to accept applications and issue such plate.

3 302.010. Except where otherwise provided, when used in this  
4 chapter, the following words and phrases mean:

5 (1) "Circuit court", each circuit court in the state;

6 (2) "Commercial motor vehicle", a motor vehicle designed or  
7 regularly used for carrying freight and merchandise, or more than  
8 fifteen passengers;

9 (3) "Conviction", any final conviction; also a forfeiture  
10 of bail or collateral deposited to secure a defendant's  
11 appearance in court, which forfeiture has not been vacated, shall  
12 be equivalent to a conviction, except that when any conviction as  
13 a result of which points are assessed pursuant to section 302.302  
14 is appealed, the term "conviction" means the original judgment of  
15 conviction for the purpose of determining the assessment of  
16 points, and the date of final judgment affirming the conviction  
17 shall be the date determining the beginning of any license  
18 suspension or revocation pursuant to section 302.304;

19 (4) "Director", the director of revenue acting directly or  
20 through the director's authorized officers and agents;

21 (5) "Farm tractor", every motor vehicle designed and used  
22 primarily as a farm implement for drawing plows, mowing machines  
23 and other implements of husbandry;

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

27 (7) "Incompetent to drive a motor vehicle", a person who  
28 has become physically incapable of meeting the prescribed

1 requirements of an examination for an operator's license, or who  
2 has been adjudged by a probate division of the circuit court in a  
3 capacity hearing of being incapacitated;

4 (8) "License", a license issued by a state to a person  
5 which authorizes a person to operate a motor vehicle;

6 (9) "Motor vehicle", any self-propelled vehicle not  
7 operated exclusively upon tracks except motorized bicycles, as  
8 defined in section 307.180, RSMo;

9 (10) "Motorcycle", a motor vehicle operated on two wheels;  
10 however, this definition shall not include motorized bicycles as  
11 defined in section 301.010, RSMo;

12 (11) "Motortricycle", a motor vehicle operated on three  
13 wheels, including a motorcycle operated with any conveyance,  
14 temporary or otherwise, requiring the use of a third wheel;

15 (12) "Moving violation", that character of traffic  
16 violation where at the time of violation the motor vehicle  
17 involved is in motion, except that the term does not include the  
18 driving of a motor vehicle without a valid motor vehicle  
19 registration license, or violations of sections 304.170 to  
20 304.240, RSMo, inclusive, relating to sizes and weights of  
21 vehicles;

22 (13) "Municipal court", every division of the circuit court  
23 having original jurisdiction to try persons for violations of  
24 city ordinances;

25 (14) "Nonresident", every person who is not a resident of  
26 this state;

27 (15) "Operator", every person who is in actual physical  
28 control of a motor vehicle upon a highway;

1           (16) "Owner", a person who holds the legal title of a  
2 vehicle or in the event a vehicle is the subject of an agreement  
3 for the conditional sale or lease thereof with the right of  
4 purchase upon performance of the conditions stated in the  
5 agreement and with an immediate right of possession vested in the  
6 conditional vendee or lessee, or in the event a mortgagor of a  
7 vehicle is entitled to possession, then such conditional vendee  
8 or lessee or mortgagor shall be deemed the owner for the purpose  
9 of sections 302.010 to 302.540;

10           (17) "Record" includes, but is not limited to, papers,  
11 documents, facsimile information, microphotographic process,  
12 electronically generated or electronically recorded information,  
13 digitized images, deposited or filed with the department of  
14 revenue;

15           (18) "Residence address", residence, or resident address  
16 shall be the location or residence within this state in which the  
17 applicant physically currently resides. Proof of such address,  
18 residence, or resident address may be required in the form of  
19 voter registration or other such form established by the director  
20 by administrative rule;

21           (19) "Restricted driving privilege", a driving privilege  
22 issued by the director of revenue following a suspension of  
23 driving privileges for the limited purpose of driving in  
24 connection with the driver's business, occupation, employment,  
25 formal program of secondary, postsecondary or higher education,  
26 or for an alcohol education or treatment program;

27           [(19)] (20) "School bus", when used in sections 302.010 to  
28 302.540, means any motor vehicle, either publicly or privately



1 owned, used to transport students to and from school, or to  
2 transport pupils properly chaperoned to and from any place within  
3 the state for educational purposes. The term "school bus" shall  
4 not include a bus operated by a public utility, municipal  
5 corporation or common carrier authorized to conduct local or  
6 interstate transportation of passengers when such bus is not  
7 traveling a specific school bus route but is:

8 (a) On a regularly scheduled route for the transportation  
9 of fare-paying passengers; or

10 (b) Furnishing charter service for the transportation of  
11 persons enrolled as students on field trips or other special  
12 trips or in connection with other special events;

13 [(20)] (21) "School bus operator", an operator who  
14 operates a school bus as defined in subdivision [(19)] (20) of  
15 this section in the transportation of any schoolchildren and who  
16 receives compensation for such service. The term "school bus  
17 operator" shall not include any person who transports  
18 schoolchildren as an incident to employment with a school or  
19 school district, such as a teacher, coach, administrator,  
20 secretary, school nurse, or janitor unless such person is under  
21 contract with or employed by a school or school district as a  
22 school bus operator;

23 [(21)] (22) "Signature", any method determined by the  
24 director of revenue for the signing, subscribing or verifying of  
25 a record, report, application, driver's license, or other related  
26 document that shall have the same validity and consequences as  
27 the actual signing by the person providing the record, report,  
28 application, driver's license or related document;

1           [(22)] (23) "Substance abuse traffic offender program", a  
2 program certified by the division of alcohol and drug abuse of  
3 the department of mental health to provide education or  
4 rehabilitation services pursuant to a professional assessment  
5 screening to identify the individual needs of the person who has  
6 been referred to the program as the result of an alcohol- or  
7 drug-related traffic offense. Successful completion of such a  
8 program includes participation in any education or rehabilitation  
9 program required to meet the needs identified in the assessment  
10 screening. The assignment recommendations based upon such  
11 assessment shall be subject to judicial review as provided in  
12 subsection 13 of section 302.304 and subsections 1 and 5 of  
13 section 302.540;

14           [(23)] (24) "Vehicle", any mechanical device on wheels,  
15 designed primarily for use, or used on highways, except motorized  
16 bicycles, vehicles propelled or drawn by horses or human power,  
17 or vehicles used exclusively on fixed rails or tracks, or cotton  
18 trailers or motorized wheelchairs operated by handicapped  
19 persons.

20           302.272. 1. No person shall operate any school bus owned  
21 by or under contract with a public school or the state board of  
22 education unless such driver has qualified for a school bus  
23 endorsement under this section and complied with the pertinent  
24 rules and regulations of the department of revenue and any final  
25 rule issued by the secretary of the United States Department of  
26 Transportation or has a valid school bus endorsement on a valid  
27 commercial driver's license issued by another state. A school  
28 bus endorsement shall be issued to any applicant who meets the

1 following qualifications:

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

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

5 (3) The applicant has successfully passed an examination  
6 for the operation of a school bus as prescribed by the director  
7 of revenue. The examination shall include any examinations  
8 prescribed by the secretary of the United States Department of  
9 Transportation, and a driving test in the type of vehicle to be  
10 operated. The test shall be completed in the appropriate class  
11 of vehicle to be driven. For purposes of this section classes of  
12 school buses shall comply with the Commercial Motor Vehicle  
13 Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers  
14 who are at least seventy years of age, such examination shall be  
15 completed annually.

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

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

1 bus endorsement permanently denied by the court, beginning on the  
2 date of the court's order.

3 4. The director may adopt any rules and regulations  
4 necessary to carry out the provisions of this section. Any rule  
5 or portion of a rule, as that term is defined in section 536.010,  
6 RSMo, that is created under the authority delegated in this  
7 section shall become effective only if it complies with and is  
8 subject to all of the provisions of chapter 536, RSMo, and, if  
9 applicable, section 536.028, RSMo. This section and chapter 536,  
10 RSMo, are nonseverable and if any of the powers vested with the  
11 general assembly pursuant to chapter 536, RSMo, to review, to  
12 delay the effective date, or to disapprove and annul a rule are  
13 subsequently held unconstitutional, then the grant of rulemaking  
14 authority and any rule proposed or adopted after August 28, 2004,  
15 shall be invalid and void.

16 [4.] 5. Notwithstanding the requirements of this section,  
17 an applicant who resides in another state and possesses a valid  
18 driver's license from his or her state of residence with a valid  
19 school bus endorsement for the type of vehicle being operated  
20 shall not be required to obtain a Missouri driver's license with  
21 a school bus endorsement.

22 302.275. 1. Any employer of a person licensed pursuant to  
23 section 302.272 to operate a school bus, as that term is defined  
24 in section 301.010, RSMo, shall notify the director of the  
25 department of revenue within ten days of discovering that the  
26 person has failed to pass any drug, alcohol or chemical test  
27 administered pursuant to the requirements of any federal or state  
28 law, rule or regulation regarding the operation of a school bus.

1 The notification shall consist of the person's name and any other  
2 relevant information required by the director. The director  
3 shall determine the manner in which the notification is made.  
4 Any employer, or any officer of an employer, who knowingly fails  
5 to comply with the notification requirement of this section or  
6 who knowingly provides a false notification shall be guilty of an  
7 infraction.

8 2. Whenever a citation for an intoxicated-related traffic  
9 offense, as defined by section 577.023, RSMo, is issued to any  
10 person licensed under section 302.272 to operate a school bus,  
11 the person shall notify the superintendent of the school district  
12 or employing contractor for which he or she operates a school bus  
13 of the citation. Notice of such citation shall be given prior to  
14 the person resuming operation of a school bus. Failure to notify  
15 the school district or the employing contractor of the citation  
16 shall constitute a valid reason to discharge such person from the  
17 school district's or employing contractor's employ.

18 302.305. 1. The director of the department of revenue  
19 shall issue a registration plate impoundment order to any person  
20 whose driver's license has been suspended, revoked, or  
21 disqualified for a period of sixty days or greater. The  
22 registration plate impoundment order shall require the  
23 impoundment of the registration plates of all motor vehicles  
24 owned by, registered, or leased in the name of the person whose  
25 driver's license has been suspended, revoked, or disqualified,  
26 including motor vehicles registered solely or jointly in the name  
27 of such individual. The registration plate impoundment order  
28 shall notify the person that he or she has seven days to

surrender all registration plates listed in the registration  
impoundment order. Within seven days of receipt of the  
registration plate impoundment order, the person shall surrender  
his or her current license plates for any motor vehicle  
registered solely or jointly in the name of such person to the  
director of the department of revenue for destruction. If the  
person fails to return all license plates to the director within  
seven days of receipt of the registration plate impoundment  
order, the director shall direct the Missouri state highway  
patrol or any peace or police officer to secure the possession of  
such license plates. The person shall be issued a set of  
restricted license plates that are different in color from  
regular plates which shall be displayed on the motor vehicle or  
motor vehicles registered solely or jointly in the person's name  
for the period of the suspension, revocation, denial, or  
disqualification. The applicant shall pay replacement plate fees  
as provided in section 301.300, RSMo, for the restricted license  
plates in addition to any other registration fees that may apply.  
After reinstatement, standard plates shall be obtained under the  
requirements and fees established in chapter 301, RSMo.

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

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

1       4. A registered owner of a motor vehicle who has been  
2 issued restricted license plates under the provisions of this  
3 section may not sell the motor vehicle during the period the  
4 motor vehicle is required to display such plates unless the  
5 registered owner applies to the department of revenue for  
6 permission to transfer title to the motor vehicle. If the  
7 director of the department of revenue is satisfied that the  
8 proposed sale is in good faith and for a valid consideration, and  
9 that the sale or transfer is not for the purpose of circumventing  
10 the provisions of this section, the director may certify its  
11 consent to the owner of the motor vehicle. Any vehicle acquired  
12 by the applicant during the period of restriction shall display  
13 the restricted license plates.

14       5. If, during the time the restricted license plates are  
15 required to be displayed under this section, the title to a motor  
16 vehicle is transferred by a foreclosure, a sale upon execution,  
17 or other similar legal action, the department shall enter notice  
18 of the transfer of the motor vehicle's title in the motor vehicle  
19 system and the restricted license plates shall be returned to the  
20 department of revenue for destruction.

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

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

28       8. The director of the department of revenue is authorized

1 to promulgate rules and regulations to implement the provisions  
2 of this section. Any rule or portion of a rule, as that term is  
3 defined in section 536.010, RSMo, that is created under the  
4 authority delegated in this section shall become effective only  
5 if it complies with and is subject to all of the provisions of  
6 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
7 This section and chapter 536, RSMo, are nonseverable and if any  
8 of the powers vested with the general assembly pursuant to  
9 chapter 536, RSMo, to review, to delay the effective date, or to  
10 disapprove and annul a rule are subsequently held  
11 unconstitutional, then the grant of rulemaking authority and any  
12 rule proposed or adopted after August 28, 2007, shall be invalid  
13 and void.

14 9. The provisions of this section shall become effective  
15 January 1, 2008.

16 302.321. 1. A person commits the crime of driving while  
17 revoked if such person operates a motor vehicle on a highway when  
18 such person's license or driving privilege has been canceled,  
19 suspended, or revoked under the laws of this state or any other  
20 state and acts with criminal negligence with respect to knowledge  
21 of the fact that such person's driving privilege has been  
22 canceled, suspended, or revoked.

23 2. Any person convicted of driving while revoked is guilty  
24 of a class A misdemeanor. If the person convicted of driving  
25 while revoked was operating a school bus at the time of the  
26 offense, the person shall be fined not less than one thousand  
27 dollars if the offense is otherwise a class A misdemeanor. Any  
28 person with no prior alcohol-related enforcement contacts as



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

28 302.545. 1. Any person who is less than twenty-one years

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

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

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

23 (2) Driving with excessive blood alcohol content pursuant  
24 to section 577.012, RSMo.

25 302.700. 1. Sections 302.700 to 302.780 may be cited as  
26 the "Uniform Commercial Driver's License Act".

27 2. When used in sections 302.700 to 302.780, the following  
28 words and phrases mean:

1           (1) "Alcohol", any substance containing any form of  
2 alcohol, including, but not limited to, ethanol, methanol,  
3 propanol and isopropanol;

4           (2) "Alcohol concentration", the number of grams of alcohol  
5 per one hundred milliliters of blood or the number of grams of  
6 alcohol per two hundred ten liters of breath or the number of  
7 grams of alcohol per sixty-seven milliliters of urine;

8           (3) "Commercial driver's instruction permit", a permit  
9 issued pursuant to section 302.720;

10          (4) "Commercial driver's license", a license issued by this  
11 state to an individual which authorizes the individual to operate  
12 a commercial motor vehicle;

13          (5) "Commercial driver's license information system", the  
14 information system established pursuant to the Commercial Motor  
15 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to  
16 serve as a clearinghouse for locating information related to the  
17 licensing and identification of commercial motor vehicle drivers;

18          (6) "Commercial motor vehicle", a motor vehicle designed or  
19 used to transport passengers or property:

20           (a) If the vehicle has a gross combination weight rating of  
21 twenty-six thousand one or more pounds inclusive of a towed unit  
22 which has a gross vehicle weight rating of ten thousand one  
23 pounds or more;

24           (b) If the vehicle has a gross vehicle weight rating of  
25 twenty-six thousand one or more pounds or such lesser rating as  
26 determined by federal regulation;

27           (c) If the vehicle is designed to transport sixteen or more  
28 passengers, including the driver; or

1 (d) If the vehicle is transporting hazardous materials and  
2 is required to be placarded under the Hazardous Materials  
3 Transportation Act (46 U.S.C. 1801 et seq.);

4 (7) "Controlled substance", any substance so classified  
5 under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
6 802(6)), and includes all substances listed in schedules I  
7 through V of 21 CFR part 1308, as they may be revised from time  
8 to time;

9 (8) "Conviction", an unvacated adjudication of guilt,  
10 including pleas of guilt and nolo contendere, or a determination  
11 that a person has violated or failed to comply with the law in a  
12 court of original jurisdiction or an authorized administrative  
13 proceeding, an unvacated forfeiture of bail or collateral  
14 deposited to secure the person's appearance in court, the payment  
15 of a fine or court cost, or violation of a condition of release  
16 without bail, regardless of whether the penalty is rebated,  
17 suspended or prorated, including an offense for failure to appear  
18 or pay;

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

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

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

25 (b) Any withdrawal of a person's privileges to drive a  
26 commercial motor vehicle by a state as the result of a violation  
27 of federal, state, county, municipal, or local law relating to  
28 motor vehicle traffic control or violations committed through the

1 operation of motor vehicles, other than parking, vehicle weight,  
2 or vehicle defect violations;

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

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

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

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

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

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

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

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

26 (e) Having any state, county or municipal alcohol-related  
27 enforcement contact, as defined in subsection 3 of section  
28 302.525; provided that any suspension or revocation pursuant to

1 section 302.505, committed in a noncommercial motor vehicle by an  
2 individual twenty-one years of age or older shall have been  
3 committed by the person with an alcohol concentration of at least  
4 eight-hundredths of one percent or more, or in the case of an  
5 individual who is less than twenty-one years of age, shall have  
6 been committed by the person with an alcohol concentration of at  
7 least two-hundredths of one percent or more, and if committed in  
8 a commercial motor vehicle, a concentration of four-hundredths of  
9 one percent or more;

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

13 (a) Driving a commercial or noncommercial motor vehicle  
14 while under the influence of any substance so classified under  
15 Section 102(6) of the Controlled Substances Act (21 U.S.C.  
16 802(6)), including any substance listed in schedules I through V  
17 of 21 CFR Part 1308, as they may be revised from time to time;

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

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

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

28 (16) "Farm vehicle", a commercial motor vehicle controlled

1 and operated by a farmer used exclusively for the transportation  
2 of agricultural products, farm machinery, farm supplies, or a  
3 combination of these, within one hundred fifty miles of the farm,  
4 other than one which requires placarding for hazardous materials  
5 as defined in this section, or used in the operation of a common  
6 or contract motor carrier, except that a farm vehicle shall not  
7 be a commercial motor vehicle when the total combined gross  
8 weight rating does not exceed twenty-six thousand one pounds when  
9 transporting fertilizers as defined in subdivision (21) of this  
10 subsection;

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

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

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

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

25 (21) "Hazardous materials", hazardous materials as  
26 specified in Section 103 of the Hazardous Materials  
27 Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,  
28 including but not limited to ammonium nitrate, phosphate,

1 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special  
2 fuel, shall not be considered hazardous materials when  
3 transported by a farm vehicle provided all other provisions of  
4 this definition are followed;

5 (22) "Imminent hazard", the existence of a condition that  
6 presents a substantial likelihood that death, serious illness,  
7 severe personal injury, or a substantial endangerment to health,  
8 property, or the environment may occur before the reasonably  
9 foreseeable completion date of a formal proceeding begins to  
10 lessen the risk of that death, illness, injury, or endangerment;

11 (23) "Issuance", the initial licensure, license transfers,  
12 license renewals, and license upgrades;

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

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

18 (26) "Out of service", a temporary prohibition against the  
19 operation of a commercial motor vehicle by a particular driver,  
20 or the operation of a particular commercial motor vehicle, or the  
21 operation of a particular motor carrier;

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

27 (28) "School bus", a commercial motor vehicle used to  
28 transport preprimary, primary, or secondary school students from



1 home to school, from school to home, or to and from  
2 school-sponsored events. School bus does not include a bus used  
3 as a common carrier as defined by the Secretary;

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

6 (30) "Serious traffic violation", driving a commercial  
7 motor vehicle in such a manner that the driver receives a  
8 conviction for the following offenses or driving a noncommercial  
9 motor vehicle when the driver receives a conviction for the  
10 following offenses and the conviction results in the suspension  
11 or revocation of the driver's license or noncommercial motor  
12 vehicle driving privilege:

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

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

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

28 (d) Driving a commercial motor vehicle without obtaining a

1 commercial driver's license in violation of any federal or state  
2 or county or municipal ordinance;

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

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

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

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

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

24 302.720. 1. Except when operating under an instruction  
25 permit as described in this section, no person may drive a  
26 commercial motor vehicle unless the person has been issued a  
27 commercial driver's license with applicable endorsements valid  
28 for the type of vehicle being operated as specified in sections

1 302.700 to 302.780. A commercial driver's instruction permit  
2 shall allow the holder of a valid license to operate a commercial  
3 motor vehicle when accompanied by the holder of a commercial  
4 driver's license valid for the vehicle being operated and who  
5 occupies a seat beside the individual, or reasonably near the  
6 individual in the case of buses, for the purpose of giving  
7 instruction in driving the commercial motor vehicle. A  
8 commercial driver's instruction permit shall be valid for the  
9 vehicle being operated for a period of not more than six months,  
10 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  
12 driving test. A permit holder, unless otherwise disqualified,  
13 may be granted one six-month renewal within a one-year period.  
14 The fee for such permit or renewal shall be five dollars. In the  
15 alternative, a commercial driver's instruction permit shall be  
16 issued for a thirty-day period to allow the holder of a valid  
17 driver's license to operate a commercial motor vehicle if the  
18 applicant has completed all other requirements except the driving  
19 test. The permit may be renewed for one additional thirty-day  
20 period and the fee for the permit and for renewal shall be five  
21 dollars.

22 2. No person may be issued a commercial driver's license  
23 until he has passed written and driving tests for the operation  
24 of a commercial motor vehicle which complies with the minimum  
25 federal standards established by the Secretary and has satisfied  
26 all other requirements of the Commercial Motor Vehicle Safety Act  
27 of 1986 (Title XII of Pub. Law 99-570), as well as any other  
28 requirements imposed by state law. Applicants for a hazardous

1 materials endorsement must also meet the requirements of the U.S.  
2 Patriot Act of 2001 (Title X of Public Law 107-56) as specified  
3 and required by regulations promulgated by the Secretary.  
4 Nothing contained in this subsection shall be construed as  
5 prohibiting the director from establishing alternate testing  
6 formats for those who are functionally illiterate; provided,  
7 however, that any such alternate test must comply with the  
8 minimum requirements of the Commercial Motor Vehicle Safety Act  
9 of 1986 (Title XII of Pub. Law 99-570) as established by the  
10 Secretary. The director shall neither supply nor permit the use  
11 of language interpreters in connection with the written and  
12 driving test required under this section.

13 (1) The written and driving tests shall be held at such  
14 times and in such places as the superintendent may designate. A  
15 twenty-five dollar examination fee shall be paid by the applicant  
16 upon completion of any written or driving test. The director  
17 shall delegate the power to conduct the examinations required  
18 under sections 302.700 to 302.780 to any member of the highway  
19 patrol or any person employed by the highway patrol qualified to  
20 give driving examinations.

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

1           (3) Beginning August 28, 2006, the director shall only  
2 issue or renew third-party tester certification to junior  
3 colleges or community colleges established under chapter 178,  
4 RSMo, or to private companies who own, lease, or maintain their  
5 own fleet and administer in-house testing to their employees, or  
6 to school districts and their agents that administer in-house  
7 testing to the school district's or agent's employees. Any  
8 third-party tester who violates any of the rules and regulations  
9 adopted and promulgated pursuant to this section shall be subject  
10 to having his certification revoked by the department. The  
11 department shall provide written notice and an opportunity for  
12 the third-party tester to be heard in substantially the same  
13 manner as provided in chapter 536, RSMo. If any applicant  
14 submits evidence that he has successfully completed a test  
15 administered by a third-party tester, the actual driving test for  
16 a commercial driver's license may then be waived.

17           (4) Every applicant for renewal of a commercial driver's  
18 license shall provide such certifications and information as  
19 required by the secretary and if such person transports a  
20 hazardous material must also meet the requirements of the U.S.  
21 Patriot Act of 2001 (Title X of Public Law 107-56) as specified  
22 and required by regulations promulgated by the secretary. Such  
23 person shall be required to take the written test for such  
24 endorsement. A twenty-five dollar examination fee shall be paid  
25 upon completion of such tests.

26           (5) The director shall have the authority to waive the  
27 driving skills test for any qualified military applicant for a  
28 commercial driver's license who is currently licensed at the time

1 of application for a commercial driver's license. The director  
2 shall impose conditions and limitations to restrict the  
3 applicants from whom the department may accept alternative  
4 requirements for the skills test described in 49 CFR Part 383,  
5 Section 383.77. An applicant must certify that, during the two-  
6 year period immediately preceding application for a commercial  
7 driver's license, all of the following apply:

8 \_\_\_\_\_ (a) The applicant has not had more than one license;

9 \_\_\_\_\_ (b) The applicant has not had any license suspended,  
10 revoked, or canceled;

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

14 \_\_\_\_\_ (d) The applicant has not had more than one conviction for  
15 any type of motor vehicle for serious traffic violations;

16 \_\_\_\_\_ (e) The applicant has not had any conviction for a  
17 violation of state or local law relating to motor vehicle traffic  
18 control, other than a parking violation, arising in connection  
19 with any traffic accident, and has no record of an accident in  
20 which he or she was at fault;

21 \_\_\_\_\_ (f) The applicant is regularly employed in a job requiring  
22 operation of a commercial motor vehicle, and has at least  
23 operated the vehicle for sixty days during the two years  
24 immediately preceding application for a commercial driver's  
25 license. The vehicle must be representative of the commercial  
26 motor vehicle the driver applicant operates or expects to  
27 operate;

28 \_\_\_\_\_ (g) The applicant, if on active duty, must provide a

1 notarized affidavit signed by a commanding officer as proof of  
2 driving experience as indicated in paragraph (f) of this  
3 subsection;

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

7 (i) The applicant must meet all federal and state  
8 qualifications to operate a commercial vehicle; and

9 (j) The applicant will be required to complete all  
10 applicable knowledge tests.

11 3. A commercial driver's license may not be issued to a  
12 person while the person is disqualified from driving a commercial  
13 motor vehicle, when a disqualification is pending in any state or  
14 while the person's driver's license is suspended, revoked, or  
15 canceled in any state; nor may a commercial driver's license be  
16 issued unless the person first surrenders in a manner prescribed  
17 by the director any commercial driver's license issued by another  
18 state, which license shall be returned to the issuing state for  
19 cancellation.

20 4. Beginning July 1, 2005, the director shall not issue an  
21 instruction permit under this section unless the director  
22 verifies that the applicant is lawfully present in the United  
23 States before accepting the application. The director may, by  
24 rule or regulation, establish procedures to verify the lawful  
25 presence of the applicant under this section. No rule or portion  
26 of a rule promulgated pursuant to the authority of this section  
27 shall become effective unless it has been promulgated pursuant to  
28 chapter 536, RSMo.

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

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

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

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

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

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

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

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

28          4. Any person is disqualified from driving a commercial



1 motor vehicle for life who uses a commercial or noncommercial  
2 motor vehicle in the commission of any felony involving the  
3 manufacture, distribution, or dispensing of a controlled  
4 substance, or possession with intent to manufacture, distribute,  
5 or dispense a controlled substance.

6 5. Any person is disqualified from operating a commercial  
7 motor vehicle for a period of not less than sixty days if  
8 convicted of two serious traffic violations or one hundred twenty  
9 days if convicted of three serious traffic violations, arising  
10 from separate incidents occurring within a three-year period.

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

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

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

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

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

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

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

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

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

25           15. Any person disqualified from operating a commercial  
26 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section  
27 shall have such commercial driver's license canceled, and upon  
28 conclusion of the period of disqualification shall take the

1 written and driving tests and meet all other requirements of  
2 sections 302.700 to 302.780. Such disqualification and  
3 cancellation shall not be withdrawn by the director until such  
4 person reapplies for a commercial driver's license in this or any  
5 other state after meeting all requirements of sections 302.700 to  
6 302.780.

7 16. The director shall disqualify a driver upon receipt of  
8 notification that the Secretary has determined a driver to be an  
9 imminent hazard pursuant to 49 CFR, Part 383.52. Due process of  
10 a disqualification determined by the Secretary pursuant to this  
11 section shall be held in accordance with regulations promulgated  
12 by the Secretary. The period of disqualification determined by  
13 the Secretary pursuant to this section shall be served  
14 concurrently to any other period of disqualification which may be  
15 imposed by the director pursuant to this section. Both  
16 disqualifications shall appear on the driving record of the  
17 driver.

18 17. The director shall disqualify a commercial license  
19 holder or operator of a commercial vehicle from operation of any  
20 commercial motor vehicle upon receipt of a conviction for an  
21 offense of failure to appear or pay, and such disqualification  
22 shall remain in effect until the director receives notice that  
23 the person has complied with the requirement to appear or pay.

24 302.775. The provisions of sections 302.700 to 302.780  
25 shall not apply to:

26 (1) Any person driving a farm vehicle as defined in section  
27 302.700;

28 (2) Any active duty military personnel, members of the

1 reserves and national guard on active duty, including personnel  
2 on full-time national guard duty, personnel on part-time training  
3 and national guard military technicians, while driving [military]  
4 vehicles for military purposes;

5 (3) Any person who drives emergency or fire equipment  
6 necessary to the preservation of life or property or the  
7 execution of emergency governmental functions under emergency  
8 conditions;

9 (4) Any person qualified to operate the equipment under  
10 subdivision (3) of this section when operating such equipment in  
11 other functions such as parades, special events, repair, service  
12 or other authorized movements;

13 (5) Any person driving or pulling a recreational vehicle,  
14 as defined in sections 301.010 and 700.010, RSMo, for personal  
15 use; and

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

20 303.415. [1. Sections 303.400 and 303.403 shall become  
21 effective on July 1, 2002, and shall expire on June 30, 2007.

22 2. The enactment of section 303.025, and the repeal and  
23 reenactment of sections 303.406, 303.409, 303.412 and 303.415  
24 shall become effective July 1, 2002 and sections 303.406, 303.409  
25 and 303.412 shall expire on June 30, 2007] Sections 303.400 to  
26 303.415 shall expire on June 30, 2012.

27 304.015. 1. All vehicles not in motion shall be placed  
28 with their right side as near the right-hand side of the highway

1 as practicable, except on streets of municipalities where  
2 vehicles are obliged to move in one direction only or parking of  
3 motor vehicles is regulated by ordinance.

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

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

10 (2) When placing a vehicle in position for and when such  
11 vehicle is lawfully making a left turn in compliance with the  
12 provisions of sections 304.014 to 304.026 or traffic regulations  
13 thereunder or of municipalities;

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

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

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

1 commission or the department.

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

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

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

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

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

1 304.014 to 304.026;

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

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

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

18 7. As of January 1, 2008, all trucks registered for a gross  
19 weight of more than twenty-four thousand pounds, shall not be  
20 driven in the far left lane upon an interstate highway having at  
21 least three lanes proceeding in the same direction, within three  
22 miles of where an interstate highway and three-digit Missouri  
23 route intersects with an average daily traffic count of at least  
24 one hundred thirty thousand vehicles at such point, in any county  
25 with a population of more than one hundred eighty thousand  
26 inhabitants that adjoins a county with a charter form of  
27 government with a population of more than nine hundred thousand  
28 inhabitants. The Missouri department of transportation shall

1 design, manufacture, and install any informational and  
2 directional signs at the appropriate locations. Such restriction  
3 shall not apply when:

4 (1) It is reasonably necessary for the operation of the  
5 truck to respond to emergency conditions; or

6 (2) The right or a center lane of a roadway is closed to  
7 traffic while under construction, maintenance, or repair.

8 As used in this subsection, the word "truck" means any vehicle,  
9 machine, tractor trailer, or semitrailer, or any combination  
10 thereof, propelled or drawn by mechanical power and designed for  
11 or used in the transportation of property upon the highways.

12 8. Violation of this section shall be deemed an infraction  
13 unless such violation causes an immediate threat of an accident,  
14 in which case such violation shall be deemed a class C  
15 misdemeanor, or unless an accident results from such violation,  
16 in which case such violation shall be deemed a class A  
17 misdemeanor.

18 304.022. 1. Upon the immediate approach of an emergency  
19 vehicle giving audible signal by siren or while having at least  
20 one lighted lamp exhibiting red light visible under normal  
21 atmospheric conditions from a distance of five hundred feet to  
22 the front of such vehicle or a flashing blue light authorized by  
23 section 307.175, RSMo, the driver of every other vehicle shall  
24 yield the right-of-way and shall immediately drive to a position  
25 parallel to, and as far as possible to the right of, the traveled  
26 portion of the highway and thereupon stop and remain in such  
27 position until such emergency vehicle has passed, except when  
28 otherwise directed by a police or traffic officer.



1           2. Upon approaching a stationary emergency vehicle  
2 displaying lighted red or red and blue lights, the driver of  
3 every motor vehicle shall:

4           (1) Proceed with caution and yield the right-of-way, if  
5 possible with due regard to safety and traffic conditions, by  
6 making a lane change into a lane not adjacent to that of the  
7 stationary vehicle, if on a roadway having at least four lanes  
8 with not less than two lanes proceeding in the same direction as  
9 the approaching vehicle; or

10          (2) Proceed with due caution and reduce the speed of the  
11 vehicle, maintaining a safe speed for road conditions, if  
12 changing lanes would be unsafe or impossible.

13          3. The motorman of every streetcar shall immediately stop  
14 such car clear of any intersection and keep it in such position  
15 until the emergency vehicle has passed, except as otherwise  
16 directed by a police or traffic officer.

17          4. An "emergency vehicle" is a vehicle of any of the  
18 following types:

19          (1) A vehicle operated by the state highway patrol, the  
20 state water patrol, the Missouri capitol police, a conservation  
21 agent, or a state park ranger, those vehicles operated by  
22 enforcement personnel of the state highways and transportation  
23 commission, police or fire department, sheriff, constable or  
24 deputy sheriff, federal law enforcement officer authorized to  
25 carry firearms and to make arrests for violations of the laws of  
26 the United States, traffic officer or coroner or by a privately  
27 owned emergency vehicle company;

28          (2) A vehicle operated as an ambulance or operated

1 commercially for the purpose of transporting emergency medical  
2 supplies or organs;

3 (3) Any vehicle qualifying as an emergency vehicle pursuant  
4 to section 307.175, RSMo;

5 (4) Any wrecker, or tow truck or a vehicle owned and  
6 operated by a public utility or public service corporation while  
7 performing emergency service;

8 (5) Any vehicle transporting equipment designed to  
9 extricate human beings from the wreckage of a motor vehicle;

10 (6) Any vehicle designated to perform emergency functions  
11 for a civil defense or emergency management agency established  
12 pursuant to the provisions of chapter 44, RSMo;

13 (7) Any vehicle operated by an authorized employee of the  
14 department of corrections who, as part of the employee's official  
15 duties, is responding to a riot, disturbance, hostage incident,  
16 escape or other critical situation where there is the threat of  
17 serious physical injury or death, responding to mutual aid call  
18 from another criminal justice agency, or in accompanying an  
19 ambulance which is transporting an offender to a medical  
20 facility;

21 (8) Any vehicle designated to perform hazardous substance  
22 emergency functions established pursuant to the provisions of  
23 sections 260.500 to 260.550, RSMo.

24 5. (1) The driver of any vehicle referred to in subsection  
25 4 of this section shall not sound the siren thereon or have the  
26 front red lights or blue lights on except when such vehicle is  
27 responding to an emergency call or when in pursuit of an actual  
28 or suspected law violator, or when responding to, but not upon

1 returning from, a fire.

2 (2) The driver of an emergency vehicle may:

3 (a) Park or stand irrespective of the provisions of  
4 sections 304.014 to 304.025;

5 (b) Proceed past a red or stop signal or stop sign, but  
6 only after slowing down as may be necessary for safe operation;

7 (c) Exceed the prima facie speed limit so long as the  
8 driver does not endanger life or property;

9 (d) Disregard regulations governing direction of movement  
10 or turning in specified directions.

11 (3) The exemptions granted to an emergency vehicle pursuant  
12 to subdivision (2) of this subsection shall apply only when the  
13 driver of any such vehicle while in motion sounds audible signal  
14 by bell, siren, or exhaust whistle as may be reasonably  
15 necessary, and when the vehicle is equipped with at least one  
16 lighted lamp displaying a red light or blue light visible under  
17 normal atmospheric conditions from a distance of five hundred  
18 feet to the front of such vehicle.

19 6. No person shall purchase an emergency light as described  
20 in this section without furnishing the seller of such light an  
21 affidavit stating that the light will be used exclusively for  
22 emergency vehicle purposes.

23 7. Violation of this section shall be deemed a class A  
24 misdemeanor.

25 304.032. 1. For purposes of this section, "Utility  
26 vehicle" means any motorized vehicle manufactured and used  
27 exclusively for off-highway use which is sixty-three inches or  
28 less in width, with an unladen dry weight of one thousand nine

hundred pounds or less, traveling on four or six wheels,  
excluding all-terrain vehicles, to be used primarily for  
agricultural, landscaping, lawn care, or maintenance purposes.

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

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

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

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

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

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

3. No person shall operate a utility vehicle within any  
stream or river in this state, except that utility vehicles may  
be operated within waterways which flow within the boundaries of  
land which a utility vehicle operator owns, or for agricultural  
purposes within the boundaries of land which a utility vehicle  
operator owns or has permission to be upon, or for the purpose of  
fording such stream or river of this state at such road crossings

1 as are customary or part of the highway system. All law  
2 enforcement officials or peace officers of this state and its  
3 political subdivisions or department of conservation agents or  
4 department of natural resources park rangers shall enforce the  
5 provisions of this subsection within the geographic area of their  
6 jurisdiction.

7 4. A person operating a utility vehicle on a public road  
8 pursuant to an exception covered in this section shall have a  
9 valid operator's or chauffeur's license, except that a  
10 handicapped person operating such vehicle pursuant to subdivision  
11 (3) of subsection 2 of this section, but shall not be required to  
12 have passed an examination for the operation of a motorcycle, and  
13 the vehicle shall be operated at speeds of less than thirty miles  
14 per hour and shall operate such vehicle at the highest degree of  
15 care and shall meet the financial responsibility requirements of  
16 chapter 303, RSMo.

17 5. No persons shall operate a utility vehicle while under  
18 the influence of alcohol or any controlled substance.

19 6. No operator of a utility vehicle shall carry a  
20 passenger, except for agricultural purposes. The provisions of  
21 this subsection shall not apply to any utility vehicle in which  
22 the seat of such vehicle is designed to carry more than one  
23 person.

24 7. Utility vehicles shall be exempt from the titling and  
25 registration provisions of chapter 301, RSMo.

26 8. A violation of this section shall be a class C  
27 misdemeanor.

28 304.070. 1. Any person who violates any of the provisions

1 of subsections 1, 3, and 6 of section 304.050 is guilty of a  
2 class A misdemeanor. In addition, beginning July 1, 2005, the  
3 court may suspend the driver's license of any person who violates  
4 the provision of subsection 1 of section 304.050. If ordered by  
5 the court, the director shall suspend the driver's license for  
6 ~~[ninety]~~ one hundred twenty days for a first offense of  
7 subsection 1 of section 304.050, and one hundred ~~[twenty]~~ eighty  
8 days for a second or subsequent offense of subsection 1 of  
9 section 304.050. Any person who violates subsection 1 of section  
10 304.050 where such violation results in the injury of any child  
11 shall be guilty of a class D felony. Any person who violates  
12 subsection 1 of section 304.050 where such violation causes the  
13 death of any child shall be guilty of a class C felony.

14 2. Any appeal of a suspension imposed under subsection 1 of  
15 this section shall be a direct appeal of the court order and  
16 subject to review by the presiding judge of the circuit court or  
17 another judge within the circuit other than the judge who issued  
18 the original order to suspend the driver's license. The director  
19 of revenue's entry of the court-ordered suspension on the driving  
20 record is not a decision subject to review pursuant to section  
21 302.311, RSMo. Any suspension of the driver's license ordered by  
22 the court under this section shall be in addition to any other  
23 suspension that may occur as a result of the conviction pursuant  
24 to other provisions of law.

25 304.170. 1. No vehicle operated upon the highways of this  
26 state shall have a width, including load, in excess of ninety-six  
27 inches, except clearance lights, rearview mirrors or other  
28 accessories required by federal, state or city law or regulation;

1     except that, vehicles having a width, including load, not in  
2     excess of one hundred two inches, exclusive of clearance lights,  
3     rearview mirrors or other accessories required by law or  
4     regulations, may be operated on the interstate highways and such  
5     other highways as may be designated by the highways and  
6     transportation commission for the operation of such vehicles plus  
7     a distance not to exceed ten miles from such interstate or  
8     designated highway. Provided however, a recreational vehicle as  
9     defined in section 700.010, RSMo, may exceed the foregoing width  
10    limits if the appurtenances on such recreational vehicle extend  
11    no further than the rearview mirrors. Such mirrors may only  
12    extend the distance necessary to provide the required field of  
13    view before the appurtenances were attached.

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

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

25         4. No bus, recreational motor vehicle or trackless trolley  
26    coach operated upon the highways of this state shall have a  
27    length in excess of forty-five feet, except that such vehicles  
28    may exceed the forty-five feet length when such excess length is

1 caused by the projection of a front safety bumper or a rear  
2 safety bumper or both. Such safety bumper shall not cause the  
3 length of the bus or recreational motor vehicle to exceed the  
4 forty-five feet length limit by more than one foot in the front  
5 and one foot in the rear. The term "safety bumper" means any  
6 device which may be fitted on an existing bumper or which  
7 replaces the bumper and is so constructed, treated, or  
8 manufactured that it absorbs energy upon impact.

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

21 6. In order to comply with the provisions of Title 23 of  
22 the United States Code (Public Law 97-424), no combination of  
23 truck-tractor, semitrailer and trailer operated upon the  
24 interstate highway system of this state shall have an overall  
25 length, including load, in excess of the length of the  
26 truck-tractor plus the semitrailer and trailer, neither of which  
27 semitrailer or trailer shall exceed twenty-eight feet in length,  
28 except that any existing semitrailer or trailer up to



1 twenty-eight and one-half feet in length actually and lawfully  
2 operated on December 1, 1982, within a sixty-five foot overall  
3 length limit in any state, may continue to be operated upon the  
4 interstate highways of this state. On those primary highways not  
5 designated by the state highways and transportation commission as  
6 provided in subsection 10 of this section, no combination of  
7 truck-tractor, semitrailer and trailer shall have an overall  
8 length, including load, in excess of sixty-five feet; provided,  
9 however, the state highways and transportation commission may  
10 designate additional routes for such sixty-five foot  
11 combinations.

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

27 8. Driveaway saddlemount combinations having a length not  
28 in excess of ~~[seventy-five]~~ ninety-seven feet may be operated on

1 the interstate highways of this state and such other highways as  
2 may be designated by the highways and transportation commission  
3 for the operation of such vehicles plus a distance not to exceed  
4 ten miles from such interstate or designated highway.

5 Saddlemount combinations must comply with the safety requirements  
6 of Section 393.71 of Title 49 of the Code of Federal Regulations  
7 and may contain no more than three saddlemounted vehicles and one  
8 fullmount.

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

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

1 under the provisions of this subsection.

2 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10  
3 of this section, no other combination of vehicles operated upon  
4 the primary or interstate highways of this state plus a distance  
5 of ten miles from a primary or interstate highway shall have an  
6 overall length, unladen or with load, in excess of sixty-five  
7 feet or in excess of fifty-five feet on any other highway, except  
8 the state highways and transportation commission may designate  
9 additional routes for use by sixty-five foot combinations,  
10 seventy-five foot stinger-steered combinations or seventy-five  
11 foot saddlemount combinations. Any vehicle or combination of  
12 vehicles transporting automobiles, boats or other motor vehicles  
13 may carry a load which extends no more than three feet beyond the  
14 front and four feet beyond the rear of the transporting vehicle  
15 or combination of vehicles.

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

27 (2) Implements of husbandry and vehicles transporting such  
28 machinery or equipment and the movement of farm products as

1 defined in section 400.9.109, RSMo, may be operated occasionally  
2 for short distances on state highways when operated between the  
3 hours of sunrise and sunset by a driver licensed as an operator  
4 or chauffeur.

5 13. As used in this chapter the term "implements of  
6 husbandry" means all self-propelled machinery operated at speeds  
7 of less than thirty miles per hour, specifically designed for, or  
8 especially adapted to be capable of, incidental over-the-road and  
9 primary offroad usage and used exclusively for the application of  
10 commercial plant food materials or agricultural chemicals, and  
11 not specifically designed or intended for transportation of such  
12 chemicals and materials.

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

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

24 304.180. 1. No vehicle or combination of vehicles shall be  
25 moved or operated on any highway in this state having a greater  
26 weight than twenty thousand pounds on one axle, no combination of  
27 vehicles operated by transporters of general freight over regular  
28 routes as defined in section 390.020, RSMo, shall be moved or

operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet  
between the extremes  
of any group of two or  
more consecutive axles,  
measured to the nearest  
foot, except where

indicated otherwise		Maximum load in pounds			
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				

1	5	34,000				
2	6	34,000				
3	7	34,000				
4	8	34,000	34,000			
5	More than 8	38,000	42,000			
6	9	39,000	42,500			
7	10	40,000	43,500			
8	11	40,000	44,000			
9	12	40,000	45,000	50,000		
10	13	40,000	45,500	50,500		
11	14	40,000	46,500	51,500		
12	15	40,000	47,000	52,000		
13	16	40,000	48,000	52,500	58,000	
14	17	40,000	48,500	53,500	58,500	
15	18	40,000	49,500	54,000	59,000	
16	19	40,000	50,000	54,500	60,000	
17	20	40,000	51,000	55,500	60,500	66,000
18	21	40,000	51,500	56,000	61,000	66,500
19	22	40,000	52,500	56,500	61,500	67,000
20	23	40,000	53,000	57,500	62,500	68,000
21	24	40,000	54,000	58,000	63,000	68,500
22	25	40,000	54,500	58,500	63,500	69,000
23	26	40,000	55,500	59,500	64,000	69,500
24	27	40,000	56,000	60,000	65,000	70,000
25	28	40,000	57,000	60,500	65,500	71,000
26	29	40,000	57,500	61,500	66,000	71,500
27	30	40,000	58,500	62,000	66,500	72,000
28	31	40,000	59,000	62,500	67,500	72,500

1	32	40,000	60,000	63,500	68,000	73,000
2	33	40,000	60,000	64,000	68,500	74,000
3	34	40,000	60,000	64,500	69,000	74,500
4	35	40,000	60,000	65,500	70,000	75,000
5	36		60,000	66,000	70,500	75,500
6	37		60,000	66,500	71,000	76,000
7	38		60,000	67,500	72,000	77,000
8	39		60,000	68,000	72,500	77,500
9	40		60,000	68,500	73,000	78,000
10	41		60,000	69,500	73,500	78,500
11	42		60,000	70,000	74,000	79,000
12	43		60,000	70,500	75,000	80,000
13	44		60,000	71,500	75,500	80,000
14	45		60,000	72,000	76,000	80,000
15	46		60,000	72,500	76,500	80,000
16	47		60,000	73,500	77,500	80,000
17	48		60,000	74,000	78,000	80,000
18	49		60,000	74,500	78,500	80,000
19	50		60,000	75,500	79,000	80,000
20	51		60,000	76,000	80,000	80,000
21	52		60,000	76,500	80,000	80,000
22	53		60,000	77,500	80,000	80,000
23	54		60,000	78,000	80,000	80,000
24	55		60,000	78,500	80,000	80,000
25	56		60,000	79,500	80,000	80,000
26	57		60,000	80,000	80,000	80,000

27 Notwithstanding the above table, two consecutive sets of tandem  
28 axles may carry a gross load of thirty-four thousand pounds each

1 if the overall distance between the first and last axles of such  
2 consecutive sets of tandem axles is thirty-six feet or more.

3 4. Whenever the state highways and transportation  
4 commission finds that any state highway bridge in the state is in  
5 such a condition that use of such bridge by vehicles of the  
6 weights specified in subsection 3 of this section will endanger  
7 the bridge, or the users of the bridge, the commission may  
8 establish maximum weight limits and speed limits for vehicles  
9 using such bridge. The governing body of any city or county may  
10 grant authority by act or ordinance to the state highways and  
11 transportation commission to enact the limitations established in  
12 this section on those roadways within the purview of such city or  
13 county. Notice of the weight limits and speed limits established  
14 by the commission shall be given by posting signs at a  
15 conspicuous place at each end of any such bridge.

16 5. Nothing in this section shall be construed as permitting  
17 lawful axle loads, tandem axle loads or gross loads in excess of  
18 those permitted under the provisions of Section 127 of Title 23  
19 of the United States Code.

20 6. Notwithstanding the weight limitations contained in this  
21 section, any vehicle or combination of vehicles operating on  
22 highways other than the interstate highway system may exceed  
23 single axle, tandem axle and gross weight limitations in an  
24 amount not to exceed two thousand pounds. However, total gross  
25 weight shall not exceed eighty thousand pounds.

26 7. Notwithstanding any provision of this section to the  
27 contrary, the department of transportation shall issue a  
28 single-use special permit, or upon request of the owner of the



1 truck or equipment, shall issue an annual permit, for the  
2 transporting of any concrete pump truck or well-drillers'  
3 equipment. The department of transportation shall set fees for  
4 the issuance of permits pursuant to this subsection.

5 Notwithstanding the provisions of section 301.133, RSMo, concrete  
6 pump trucks or well-drillers' equipment may be operated on  
7 state-maintained roads and highways at any time on any day.

8 8. Notwithstanding the provision of this section to the  
9 contrary, the maximum gross vehicle limit and axle weight limit  
10 for any vehicle or combination of vehicles equipped with an idle  
11 reduction technology may be increased by a quantity necessary to  
12 compensate for the additional weight of the idle reduction system  
13 as provided for in 23 U.S.C. Section 127, as amended. In no case  
14 shall the additional weight increase allowed by this subsection  
15 be greater than four hundred pounds. Upon request by an  
16 appropriate law enforcement officer, the vehicle operator shall  
17 provide proof that the idle reduction technology is fully  
18 functional at all times and that the gross weight increase is not  
19 used for any purpose other than for the use of idle reduction  
20 technology.

21 304.230. 1. It shall be the duty of the sheriff of each  
22 county or city to see that the provisions of sections 304.170 to  
23 304.230 are enforced, and any peace officer or police officer of  
24 any county or city or any highway patrol officer shall have the  
25 power to arrest on sight or upon a warrant any person found  
26 violating or having violated the provisions of such sections.  
27 Beginning January 1, 2008, only law enforcement officers that  
28 have been certified by the Missouri state highway patrol under

1 section 304.232, members of the Missouri state highway patrol,  
2 enforcement personnel of the department of transportation, or  
3 commercial vehicle enforcement officers appointed under  
4 subsection 4 of this section shall have the authority to conduct  
5 random roadside examinations or inspections to determine  
6 compliance with sections 304.170 to 304.230, and only such  
7 officers shall have the authority, with or without probable cause  
8 to believe that the size or weight is in excess of that permitted  
9 by sections 304.170 to 304.230, to require the driver, operator,  
10 owner, lessee, or bailee, to stop, drive, or otherwise move to a  
11 location to determine compliance with sections 304.170 to  
12 304.230. Notwithstanding the provisions of this subsection, a  
13 law enforcement officer not certified under section 304.232, may  
14 stop a vehicle that has a visible external safety defect relating  
15 to the enforcement of the provisions of sections 304.170 to  
16 304.230 that could cause immediate harm to the traveling public.  
17 In the course of a stop, the law enforcement officer shall  
18 identify to the driver the defect that caused the stop. If the  
19 vehicle passes a comprehensive roadside inspection, the law  
20 enforcement officer, state highway patrolman, or other authorized  
21 person may issue the operator, driver, owner, lessee, or bailee  
22 of such vehicle a Commercial Vehicle Safety Alliance inspection  
23 decal to be affixed to the vehicle in a manner prescribed by the  
24 superintendent. Once issued, the Commercial Vehicle Safety  
25 Alliance decal shall be valid for a period not to exceed three  
26 consecutive months and shall exempt such vehicle from further  
27 inspection during such period. However, nothing shall exempt the  
28 operator from subjecting such vehicle to an examination or

1 inspection if the vehicle has a visible external safety defect  
2 relating to the enforcement of sections 304.170 to 304.230, or  
3 the law enforcement officer stopping such vehicle has probable  
4 cause to believe that the size or weight of the vehicle is in  
5 excess of that permitted by sections 304.170 to 304.230. The  
6 superintendent of the Missouri state highway patrol shall  
7 promulgate rules and regulations relating to the issuance,  
8 display, and use of the Commercial Vehicle Safety Alliance decal.  
9 Any rule or portion of a rule, as that term is defined in section  
10 536.010, RSMo, that is created under the authority delegated in  
11 this section shall become effective only if it complies with and  
12 is subject to all of the provisions of chapter 536, RSMo, and, if  
13 applicable, section 536.028, RSMo. This section and chapter 536,  
14 RSMo, are nonseverable and if any of the powers vested with the  
15 general assembly pursuant to chapter 536, RSMo, to review, to  
16 delay the effective date, or to disapprove and annul a rule are  
17 subsequently held unconstitutional, then the grant of rulemaking  
18 authority and any rule proposed or adopted after August 28, 2007,  
19 shall be invalid and void.

20       2. **[The sheriff or]** Any peace officer certified under  
21 section 304.232 or any highway patrol officer is hereby given the  
22 power to stop any such conveyance or vehicle as above described  
23 upon the public highway for the purpose of determining whether  
24 such vehicle is loaded in excess of the provisions of sections  
25 304.170 to 304.230, and if he or she finds such vehicle loaded in  
26 violation of the provisions thereof he or she shall have a right  
27 at that time and place to cause the excess load to be removed  
28 from such vehicle; and provided further, that any **[regularly**

1 employed maintenance man] enforcement personnel of the department  
2 of transportation shall have the right and authority in any part  
3 of this state to stop any such conveyance or vehicle upon the  
4 public highway for the purpose of determining whether such  
5 vehicle is loaded in excess of the provisions of sections 304.170  
6 to 304.230, and if he or she finds such vehicle loaded in  
7 violation of the provisions thereof, he or she shall have the  
8 right at that time and place to cause the excess load to be  
9 removed from such vehicle. When only an axle or a tandem axle  
10 group of a vehicle is overloaded, the operator shall be permitted  
11 to shift the load, if this will not overload some other axle or  
12 axles, without being charged with a violation; provided, however,  
13 the privilege of shifting the weight without being charged with a  
14 violation shall not extend to or include vehicles while traveling  
15 on the federal interstate system of highways. When only an axle  
16 or tandem axle group of the vehicle traveling on the federal  
17 interstate system of highways is overloaded and a court  
18 authorized to enforce the provisions of sections 304.170 to  
19 304.230 finds that the overloading was due to the inadvertent  
20 shifting of the load changing axle weights in transit through no  
21 fault of the operator of the vehicle and that the load thereafter  
22 had been shifted so that no axle had been overloaded, then the  
23 court may find that no violation has been committed. The  
24 operator of any vehicle shall be permitted to back up and  
25 reweigh, or to turn around and weigh from the opposite direction.  
26 Any operator whose vehicle is weighed and found to be within five  
27 percent of any legal limit may request and receive a weight  
28 ticket, memorandum or statement showing the weight or weights on

1 each axle or any combinations of axles. Once a vehicle is found  
2 to be within the limits of section 304.180 after having been  
3 weighed on any state scale and there is no evidence that any  
4 cargo or fuel has been added, no violation shall occur, but a  
5 presumption shall exist that cargo or fuel has been added if upon  
6 reweighing on another state scale the total gross weight exceeds  
7 the applicable limits of section 304.180 or 304.190. The  
8 highways and transportation commission of this state may deputize  
9 and appoint any number of their [regularly employed maintenance  
10 men] enforcement personnel to enforce the provisions of such  
11 sections, and the [maintenance men] enforcement personnel  
12 delegated and appointed in this section shall report to the  
13 proper officers any violations of sections 304.170 to 304.230 for  
14 prosecution by such proper officers.

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

21 (1) To issue uniform traffic tickets at a permanent or  
22 portable weigh station for violations of rules and regulations of  
23 the division of motor carrier and railroad safety of the  
24 department of economic development and department of public  
25 safety, and laws, rules, and regulations pertaining to commercial  
26 motor vehicles and trailers and related to size, weight, fuel  
27 tax, registration, equipment, driver requirements, transportation  
28 of hazardous materials and operators' or chauffeurs' licenses,

1 and the provisions of sections 303.024 and 303.025, RSMo;

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

9 (3) To make arrests for violation of subdivisions (1) and  
10 (2) of this subsection. Commercial vehicle inspectors shall not  
11 have the authority to exercise the powers granted in subdivisions  
12 (1), (2) and (3) of this subsection until they have successfully  
13 completed training approved by the superintendent of the Missouri  
14 state highway patrol; nor shall they have the right as peace  
15 officers to bear arms.

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

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

24 (2) To require the operator of any commercial vehicle to  
25 stop and submit to a vehicle and driver inspection to determine  
26 compliance with commercial vehicle laws, rules, and regulations,  
27 compliance with the provisions of sections 303.024 and 303.025,  
28 RSMo, and to submit to a cargo inspection when reasonable grounds

1 exist to cause belief that a vehicle is transporting hazardous  
2 materials as defined by Title 49 of the Code of Federal  
3 Regulations;

4 (3) To make arrests upon warrants and for violations of  
5 subdivisions (1) and (2) of this subsection. Commercial vehicle  
6 enforcement officers shall not have the authority to exercise the  
7 powers granted in subdivisions (1), (2) and (3) of this  
8 subsection until they have successfully completed training  
9 approved by the superintendent of the Missouri state highway  
10 patrol. Commercial vehicle enforcement officers shall have the  
11 right as peace officers to bear arms.

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

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

20 304.232. 1. The Missouri state highway patrol shall  
21 establish procedures for the certification of municipal police  
22 officers, sheriffs, deputy sheriffs, and other law enforcement  
23 officials that enforce sections 304.170 to 304.230.

24 2. The certification procedures established by the Missouri  
25 state highway patrol shall include, but not be limited to:

26 (1) Initial and maintenance of certification, to include:

27 (a) Training;

28 (b) Recurring training, to be conducted minimally on an

1 annual basis;

2 (c) Testing; and

3 (d) On-the-job experience under the supervision of a  
4 certified law enforcement official or field training officer;

5 (2) Delineation of roles and responsibilities within the  
6 specific agency, as well as the coordination with the Missouri  
7 state highway patrol;

8 (3) Data collection and maintenance and upload to state  
9 information systems;

10 (4) Computer hardware, software, and communications systems  
11 shall be compatible with those of the Missouri state highway  
12 patrol;

13 (5) Prescribed use of forms and other official documents  
14 related to the certification;

15 (6) Fine and sanction structure that is similar to that of  
16 the Missouri state highway patrol; and

17 (7) Disposition of moneys generated by fines.

18 3. The certification procedures shall meet the requirements  
19 of the memorandum of understanding between the state of Missouri  
20 and the Commercial Vehicle Safety Alliance or any successor  
21 organization.

22 4. The commercial motor vehicle safety enforcement and  
23 inspection activities of all law enforcement officials of a  
24 political subdivision of the state of Missouri shall conform to  
25 the memorandum of understanding between the state of Missouri and  
26 the Commercial Vehicle Safety Alliance, as appropriate.

27 5. Commercial motor vehicle safety data collection,  
28 management, and distribution by law enforcement officials of a



1 political subdivision as described in subsection 11 of this  
2 section shall support the information systems of the Missouri  
3 state highway patrol.

4 6. The Missouri state highway patrol shall establish  
5 reasonable fees sufficient to recover from a political  
6 subdivision as described in subsection 11 of this section the  
7 cost of training, recurring training, data collection and  
8 management, certifying, and additional administrative functions  
9 for law enforcement officials certified under this section. The  
10 Missouri state highway patrol may apply for any applicable  
11 reimbursement or incentive funds that may be available under the  
12 motor carrier safety assistance program to fund the certification  
13 training program outlined in this section.

14 7. The agencies for which law enforcement officials  
15 certified under this section work for shall, to the extent  
16 practicable, adhere to the same Motor Carrier Safety Assistance  
17 Program requirements under 49 Code of Federal Regulations Part  
18 350 of the Federal Motor Carrier Safety Regulations.

19 8. The agencies for which law enforcement officials  
20 certified under this section work for shall be subject to  
21 periodic program reviews and, at the discretion of the Missouri  
22 state highway patrol, be required to submit a commercial vehicle  
23 safety plan that is consistent with and incorporated into the  
24 statewide enforcement plan.

25 9. Beginning January 1, 2008, no local law enforcement  
26 officer may conduct a random commercial motor vehicle roadside  
27 inspection to determine compliance with the provisions of  
28 sections 304.170 to 304.230 unless the law enforcement officer

1 has satisfactorily completed, as a part of his or her training,  
2 the basic course of instruction developed by the Commercial  
3 Vehicle Safety Alliance and has been certified by the Missouri  
4 state highway patrol under this section. Law enforcement  
5 officers authorized to enforce the provisions of sections 304.170  
6 to 304.230 shall annually receive in-service training related to  
7 commercial motor vehicle operations, including but not limited to  
8 training in current federal motor carrier safety regulations,  
9 safety inspection procedures, and out-of-service criteria. The  
10 annual training requirements shall be designated and specified by  
11 the superintendent of the highway patrol.

12 10. The superintendent of the state highway patrol shall  
13 promulgate rules and regulations necessary to administer the  
14 certification procedures and any other provisions of this  
15 section. Any rule or portion of a rule, as that term is defined  
16 in section 536.010, RSMo, that is created under the authority  
17 delegated in this section shall become effective only if it  
18 complies with and is subject to all of the provisions of chapter  
19 536, RSMo, and, if applicable, section 536.028, RSMo. This  
20 section and chapter 536, RSMo, are nonseverable and if any of the  
21 powers vested with the general assembly pursuant to chapter 536,  
22 RSMo, to review, to delay the effective date, or to disapprove  
23 and annul a rule are subsequently held unconstitutional, then the  
24 grant of rulemaking authority and any rule proposed or adopted  
25 after August 28, 2007, shall be invalid and void.

26 304.281. 1. Whenever traffic is controlled by traffic  
27 control signals exhibiting different colored lights, or colored  
28 lighted arrows, successively one at a time or in combination,

1 only the colors green, red and yellow shall be used, except for  
2 special pedestrian signals carrying a word legend, and said  
3 lights shall indicate and apply to drivers of vehicles and  
4 pedestrians as follows:

5 (1) Green indication

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

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

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

25 (2) Steady yellow indication

26 (a) Vehicular traffic facing a steady yellow signal is  
27 thereby warned that the related green movement is being  
28 terminated or that a red indication will be exhibited immediately

1 thereafter when vehicular traffic shall not enter the  
2 intersection;

3 (b) Pedestrians facing a steady yellow signal, unless  
4 otherwise directed by a pedestrian control signal as provided in  
5 section 304.291, are thereby advised that there is insufficient  
6 time to cross the roadway before a red indication is shown and no  
7 pedestrian shall then start to cross the roadway.

8 (3) Steady red indication

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

15 (b) The driver of a vehicle which is stopped as close as  
16 practicable at the entrance to the crosswalk on the near side of  
17 the intersection or, if none, then at the entrance to the  
18 intersection in obedience to a red signal, may cautiously enter  
19 the intersection to make a right turn but shall yield the  
20 right-of-way to pedestrians and other traffic proceeding as  
21 directed by the signal at the intersection, except that the state  
22 highways and transportation commission with reference to an  
23 intersection involving a state highway, and local authorities  
24 with reference to an intersection involving other highways under  
25 their jurisdiction, may prohibit any such right turn against a  
26 red signal at any intersection where safety conditions so  
27 require, said prohibition shall be effective when a sign is  
28 erected at such intersection giving notice thereof;

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

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

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

13 3. A person operating a motorcycle who violates this  
14 section or section 304.301 by entering or crossing an  
15 intersection controlled by a traffic control signal against a red  
16 light shall have an affirmative defense to that charge if the  
17 person establishes all of the following conditions:

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

19 (2) The traffic control signal continues to show a red  
20 light for an unreasonable time;

21 (3) The traffic control is apparently malfunctioning or, if  
22 programmed or engineered to change to a green light only after  
23 detecting the approach of a motor vehicle, the signal has  
24 apparently failed to detect the arrival of the motorcycle; and

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

28 The affirmative defense of this section applies only to a

1 violation for entering or crossing an intersection controlled by  
2 a traffic control signal against a red light and does not provide  
3 a defense to any other civil or criminal action.

4 306.015. 1. The owner of a vessel kept within this state  
5 shall cause it to be registered in the office of the director of  
6 revenue who shall issue a certificate of title for the same.

7 2. The owner of any vessel acquired or brought into the  
8 state shall file his application for title within sixty days  
9 after it is acquired or brought into this state. The director of  
10 revenue may grant extensions of time for titling to any person in  
11 deserving cases.

12 3. The fee for the certificate of title shall be seven  
13 dollars fifty cents and shall be paid to the director of revenue  
14 at the time of making application. If application for  
15 certificate of title is not made within sixty days after the  
16 vessel is acquired or brought into the state, a delinquency  
17 penalty fee of ~~[ten]~~ twenty-five dollars for each thirty days of  
18 delinquency, not to exceed a total of ~~[thirty]~~ two hundred  
19 dollars, shall be imposed. If the director of revenue learns  
20 that any person has failed to make application for certificate of  
21 title within sixty days after acquiring or bringing into the  
22 state a vessel or has sold a vessel without obtaining a  
23 certificate of title, he shall cancel the registration of all  
24 motorboats, vessels, and watercraft registered in the name of the  
25 person, either as sole owner or as co-owner, and shall notify the  
26 person that the cancellation will remain in force until the  
27 person pays the delinquency penalty fee provided in this section  
28 together with all fees, charges, and payments which he should

1 have paid in connection with the certificate of title of the  
2 vessel.

3 306.016. 1. By January 1, 1995, the owner of any vessel  
4 documented by the United States Coast Guard on August 28, 1994,  
5 and the new owner of any vessel purchased after August 28, 1994,  
6 who upon the sale or transfer of the vessel desires to document  
7 the vessel with the United States Coast Guard, shall apply for a  
8 vessel certificate of registration and pay a certification fee of  
9 seven dollars and fifty cents, an initial registration fee in an  
10 amount equal to the amount required for a certificate of number  
11 under section 306.030 and all applicable state and local or in  
12 lieu watercraft taxes as provided by law in effect on the date  
13 the vessel was documented or submit proof that all applicable  
14 registration fees have been paid to the department of revenue and  
15 all applicable taxes or in lieu watercraft taxes have been paid  
16 in this or another state. Such application shall include the  
17 county in which such vessel will be normally maintained by the  
18 new owner. A certificate of registration and a set of  
19 registration decals in a form the director shall prescribe shall  
20 be issued for a documented vessel. A Missouri resident shall  
21 make application for a vessel certificate of registration within  
22 thirty days of acquiring or bringing the vessel into this state.  
23 A nonresident shall make application for a vessel certificate of  
24 registration within sixty days after acquiring a vessel in this  
25 state or bringing a vessel into this state if the vessel will be  
26 kept in this state for a period in excess of sixty consecutive  
27 days. A delinquency penalty fee of ~~ten~~ twenty-five dollars  
28 shall be imposed for each thirty days of delinquency, not to

1 exceed a total of [thirty] two hundred dollars. If the director  
2 of revenue learns that any person has failed to make application  
3 for a vessel certificate of registration in accordance with this  
4 section or has sold a vessel documented by the United States  
5 Coast Guard without obtaining a certificate of registration as  
6 provided in this section, the director shall cancel the  
7 registration of all vessels and outboard motors registered in the  
8 name of the person, either as sole owner or a co-owner, and shall  
9 notify the person that the cancellation will remain in force  
10 until the person pays the delinquency penalty fee together with  
11 all fees, charges, and payments which the person should have paid  
12 in connection with the vessel certificate of registration.

13 2. A boat or vessel documented by the United States Coast  
14 Guard or other agency of the federal government and operated on  
15 the waters of this state shall not be liable for the payment of  
16 any state or local sales or use tax on the purchase, but shall be  
17 liable for the payment of an in-lieu watercraft tax, which is  
18 hereby imposed. The fee in lieu of tax imposed pursuant to this  
19 section shall not apply to United States Coast Guard registered  
20 vessels purchased for purposes of marine construction including,  
21 but not limited to, barges, dredges, marine cranes, and other  
22 marine equipment utilized for construction or dredging of  
23 waterways. The in-lieu watercraft tax shall be collected by the  
24 director of revenue and deposited in the state treasury to the  
25 credit of general revenue and shall be appropriated for use by  
26 the Missouri state water patrol. Watercraft dealers in this  
27 state shall report to the director of revenue on forms furnished  
28 by the director the sale of each watercraft sold to a resident of



1 this state. If the watercraft is registered and licensed  
2 pursuant to the provisions of this chapter and all applicable  
3 sales taxes have been paid, the director shall not collect the  
4 in-lieu tax imposed by this subsection. If the watercraft is  
5 registered with the United States Coast Guard or other agency of  
6 the federal government and not under the provisions of this  
7 chapter the director shall bill the purchaser of the watercraft  
8 for the in-lieu tax imposed by this subsection. Any person who  
9 fails to pay the in-lieu tax due under this section, within  
10 thirty days after receipt of the bill from the director of  
11 revenue, shall be liable to the same penalties imposed by law for  
12 failure to pay sales and use taxes due the state. The in-lieu  
13 tax shall be determined as follows:

PURCHASE PRICE OF WATERCRAFT	TAX DUE
Less than \$15,000	\$ 500.00
\$15,001 to \$30,000	650.00
\$30,001 to \$50,000	1,000.00
\$50,001 to \$100,000	1,400.00
\$100,001 to \$150,000	2,000.00
\$150,001 to \$200,000	3,000.00
\$200,001 to \$250,000	4,000.00
\$250,001 to \$300,000	5,000.00
\$300,001 to \$350,000	5,500.00
\$350,001 to \$400,000	6,000.00
\$400,001 to \$450,000	6,500.00
\$450,001 to \$500,000	7,500.00
\$500,001 to \$550,000	8,500.00
\$550,001 to \$650,000	9,500.00

\$650,001 to \$750,000	10,500.00
\$750,001 and above	add an additional 1,500.00
	for each \$100,000 increment

3. The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

4. The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate

1 of registration shall be issued on a form prescribed by the  
2 department of revenue and issued only for the purchaser's use in  
3 the operation of the vessel purchased to enable the purchaser to  
4 legally operate the vessel while a certificate of registration is  
5 being obtained, and shall be displayed on no other vessel.

6 Temporary certificates of registration issued under this section  
7 shall not be transferable or renewable and shall not be valid  
8 upon issuance of a proper certificate of registration. The  
9 dealer or authorized agent shall insert the date of issuance and  
10 expiration date, year, make and the manufacturer's identification  
11 number of the vessel on the temporary registration when issued to  
12 the purchaser. The dealer shall complete the information on the  
13 temporary registration in full. Every dealer that issues a  
14 temporary certificate of registration shall keep, for inspection  
15 by authorized officers, a correct record of each temporary  
16 certificate of registration issued by the dealer by recording the  
17 registration number, purchaser's name and address, year, make and  
18 manufacturer's identification number of the vessel on which the  
19 temporary certificate of registration is to be used and the date  
20 of issuance.

21 5. Upon the sale or transfer of any vessel documented by  
22 the United States Coast Guard for which a certificate of  
23 registration has been issued, the registration shall be  
24 terminated. If the new owner elects to have the vessel  
25 documented by the United States Coast Guard, the new owner shall  
26 submit, in addition to the properly assigned certificate of  
27 registration, proof of release from the documentation provided by  
28 the United States Coast Guard and shall comply with the

1 provisions of this section. If the new owner elects not to  
2 document the vessel with the United States Coast Guard, the owner  
3 shall comply with the applicable provisions of this chapter.

4 6. The certificate of registration shall be available at  
5 all times for inspection on the vessel for which it is issued,  
6 whenever the vessel is in operation.

7 306.535. 1. Applications shall be made on forms prescribed  
8 and furnished to the applicant, upon demand, by the director of  
9 revenue.

10 2. The application shall contain a brief description of the  
11 outboard motor to be registered, the name of manufacturer, the  
12 factory number or serial number, the type and color of the  
13 outboard motor, the amount of motive power stated in figures of  
14 horsepower, and the name and address, including county, of the  
15 owner; and a declaration and affidavit of ownership, showing the  
16 date and from whom purchased.

17 3. The fee for registering and issuing a license shall be  
18 two dollars, and the fee for a certificate of title shall be five  
19 dollars, both of which fees shall be paid to the director of  
20 revenue at the time of making the application.

21 4. If application for the certificate of title is not made  
22 within sixty days after the outboard motor is acquired or brought  
23 into the state by the applicant, a delinquency penalty fee of  
24 ~~[ten]~~ twenty-five dollars for each thirty days of delinquency,  
25 not to exceed a total of ~~[thirty]~~ two hundred dollars, shall be  
26 imposed. If the director of revenue learns that any person has  
27 failed to make application for a certificate of title within  
28 sixty days after acquiring or bringing into the state an outboard

1 motor or has sold an outboard motor without obtaining a  
2 certificate of title, he shall cancel the registration of all  
3 outboard motors registered in the name of the person, either as  
4 sole owner or as a co-owner, and shall notify the person that the  
5 cancellation shall remain in force until the person pays the  
6 delinquency penalty fee provided in this subsection together with  
7 all fees, charges and payments which he should have paid in  
8 connection with the certificate of title and registration of the  
9 outboard motor.

10 307.010. 1. All motor vehicles, and every trailer and  
11 semitrailer operating upon the public highways of this state and  
12 carrying goods or material or farm products which may reasonably  
13 be expected to become dislodged and fall from the vehicle,  
14 trailer or semitrailer as a result of wind pressure or air  
15 pressure and/or by the movement of the vehicle, trailer or  
16 semitrailer shall have a protective cover or be sufficiently  
17 secured so that no portion of such goods or material can become  
18 dislodged and fall from the vehicle, trailer or semitrailer while  
19 being transported or carried.

20 2. Operation of a motor vehicle, trailer or semitrailer in  
21 violation of this section shall be [a class C misdemeanor] an  
22 infraction, and any person [convicted] who pleads or is found  
23 guilty thereof shall be punished as provided by law.

24 307.015. 1. Trucks, semitrailers, and trailers, except  
25 utility trailers, without rear fenders, attached to a commercial  
26 motor vehicle registered for over twenty-four thousand pounds  
27 shall be equipped with mud flaps for the rear wheels when  
28 operated on the public highways of this state. If mud flaps are

1 used, they shall be wide enough to cover the full tread width of  
2 the tire or tires being protected; shall be so installed that  
3 they extend from the underside of the vehicle body in a vertical  
4 plane behind the rear wheels to within eight inches of the  
5 ground; and shall be constructed of a rigid material or a  
6 flexible material which is of a sufficiently rigid character to  
7 provide adequate protection when the vehicle is in motion. No  
8 provisions of this section shall apply to a motor vehicle in  
9 transit and in process of delivery equipped with temporary mud  
10 flaps, to farm implements, or to any vehicle which is not  
11 required to be registered.

12 2. Any person who violates this section is guilty of [a  
13 class B misdemeanor] an infraction and, upon [conviction] plea or  
14 finding of guilt, shall be punished as provided by law.

15 307.090. 1. Any motor vehicle may be equipped with not to  
16 exceed one spotlight but every lighted spotlight shall be so aimed  
17 and used so as not to be dazzling or glaring to any person.

18 2. Notwithstanding the provisions of section 307.120,  
19 violation of this section is [a class C misdemeanor] an  
20 infraction.

21 307.100. 1. Any lighted lamp or illuminating device upon a  
22 motor vehicle other than headlamps, spotlamps, front direction  
23 signals or auxiliary lamps which projects a beam of light of an  
24 intensity greater than three hundred candlepower shall be so  
25 directed that no part of the beam will strike the level of the  
26 roadway on which the vehicle stands at a distance of more than  
27 seventy-five feet from the vehicle. Alternately flashing warning  
28 signals may be used on school buses when used for school purposes

1 and on motor vehicles when used to transport United States mail  
2 from post offices to boxes of addressees thereof and on emergency  
3 vehicles as defined in section 304.022, RSMo, on buses owned or  
4 operated by churches, mosques, synagogues, temples or other  
5 houses of worship, and on commercial passenger transport vehicles  
6 or railroad passenger cars that are stopped to load or unload  
7 passengers, but are prohibited on other motor vehicles,  
8 motorcycles and motor-drawn vehicles except as a means for  
9 indicating a right or left turn.

10 2. A motorcycle headlamp may be wired or equipped to allow  
11 either its upper beam or its lower beam, but not both, to  
12 modulate from a higher intensity to a lower intensity at a rate  
13 of modulation of two hundred to two hundred and eighty cycles per  
14 minute. A headlamp modulator installed on a motorcycle with two  
15 headlamps shall be wired in a manner to prevent the headlamps  
16 from modulating at different rates or not in synchronization with  
17 each other. A headlamp modulator installed on a motorcycle shall  
18 meet the standards prescribed in 49 CFR Part 571, Section 571.108  
19 and Federal Motor Vehicle Standard 571.108, as amended.

20 3. Notwithstanding the provisions of section 307.120,  
21 violation of this section is an infraction.

22 307.120. Any person violating any of the provisions of  
23 sections 307.020 to 307.120 shall, upon conviction thereof, be  
24 deemed guilty of [a misdemeanor] an infraction. The term  
25 "person" as used in sections 307.020 to 307.120 shall mean and  
26 include any individual, association, joint stock company,  
27 copartnership or corporation.

28 307.125. 1. Any person who shall place or drive or cause

1 to be placed or driven upon or along any state or supplementary  
2 state highway of this state any animal-driven vehicle whatsoever,  
3 whether in motion or at rest, shall after sunset to one-half hour  
4 before sunrise have attached to every such vehicle at the rear  
5 thereof a red taillight or a red reflecting device of not less  
6 than three inches in diameter of effective area or its equivalent  
7 in area. When such device shall consist of reflecting buttons  
8 there shall be no less than seven of such buttons covering an  
9 area equal to a circle with a three-inch diameter. The total  
10 subtended effective angle of reflection of every such device  
11 shall be no less than sixty degrees and the spread and efficiency  
12 of the reflected light shall be sufficient for the reflected  
13 light to be visible to the driver of any motor vehicle  
14 approaching such animal-drawn vehicle from the rear of a distance  
15 of not less than five hundred feet.

16 2. In addition, any person who operates any such  
17 animal-driven vehicle during the hours between sunset and  
18 one-half hour before sunrise shall have at least one light  
19 flashing at all times the vehicle is on any highway of this  
20 state. Such light or lights shall be amber in the front and red  
21 in the back and shall be placed on the left side of the vehicle  
22 at a height of no more than six feet from the ground and shall be  
23 visible from the front and the back of the vehicle at a distance  
24 of at least five hundred feet. Any person violating the  
25 provisions of this section shall be guilty of [a class C  
26 misdemeanor] an infraction.

27 3. Any person operating an animal-driven vehicle during the  
28 hours between sunset and one-half hour before sunrise may, in



1    lieu of the requirements of subsection 2 of this section, use  
2    lamps or lanterns complying with the rules promulgated by the  
3    director of the department of public safety.

4           4. Any rule or portion of a rule, as that term is defined  
5    in section 536.010, RSMo, that is created under the authority  
6    delegated in this section shall become effective only if it  
7    complies with and is subject to all of the provisions of chapter  
8    536, RSMo, and, if applicable, section 536.028, RSMo. This  
9    section and chapter 536, RSMo, are nonseverable and if any of the  
10   powers vested with the general assembly pursuant to chapter 536,  
11   RSMo, to review, to delay the effective date, or to disapprove  
12   and annul a rule are subsequently held unconstitutional, then the  
13   grant of rulemaking authority and any rule proposed or adopted  
14   after August 28, 2004, shall be invalid and void.

15          307.155. Any person violating any of the provisions of  
16    sections 307.130 to 307.160 shall be deemed guilty of [a class C  
17    misdemeanor] an infraction and shall be punished by a fine of not  
18    to exceed fifty dollars for each offense.

19          307.172. 1. No person shall operate any passenger motor  
20    vehicle upon the public streets or highways of this state, the  
21    body of which has been altered in such a manner that the front or  
22    rear of the vehicle is raised at such an angle as to obstruct the  
23    vision of the operator of the street or highway in front or to  
24    the rear of the vehicle.

25          2. Every motor vehicle which is licensed in this state and  
26    operated upon the public streets or highways of this state shall  
27    be equipped with front and rear bumpers if such vehicle was  
28    equipped with bumpers as standard equipment. This subsection

shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR)		
4,500 lbs and under	24 inches	26 inches
4,501 lbs through 7,500 lbs	27 inches	29 inches
7,501 lbs through 9,000 lbs	28 inches	30 inches
9,001 lbs through		

1                   11,500 lbs                   29 inches                   31 inches

2           3. A motor vehicle in violation of this section shall not  
3 be approved during any motor vehicle safety inspection required  
4 pursuant to sections 307.350 to 307.390.

5           4. Any person knowingly violating the provisions of this  
6 section is guilty of ~~[a class C misdemeanor]~~ an infraction.

7           307.173. 1. Any person may operate a motor vehicle with  
8 front sidewing vents or windows located immediately to the left  
9 and right of the driver that have a sun screening device, in  
10 conjunction with safety glazing material, that has a light  
11 transmission of thirty-five percent or more plus or minus three  
12 percent and a luminous reflectance of thirty-five percent or less  
13 plus or minus three percent. Except as provided in subsection 5  
14 of this section, any sun screening device applied to front  
15 sidewing vents or windows located immediately to the left and  
16 right of the driver in excess of the requirements of this section  
17 shall be prohibited without a permit pursuant to a physician's  
18 prescription as described below. A permit to operate a motor  
19 vehicle with front sidewing vents or windows located immediately  
20 to the left and right of the driver that have a sun screening  
21 device, in conjunction with safety glazing material, which  
22 permits less light transmission and luminous reflectance than  
23 allowed under the requirements of this subsection, may be issued  
24 by the department of public safety to a person having a serious  
25 medical condition which requires the use of a sun screening  
26 device if the permittee's physician prescribes its use. The  
27 director of the department of public safety shall promulgate  
28 rules and regulations for the issuance of the permit. The permit

1 shall allow operation of the vehicle by any titleholder or  
2 relative within the second degree by consanguinity or affinity,  
3 which shall mean a spouse, each grandparent, parent, brother,  
4 sister, niece, nephew, aunt, uncle, child, and grandchild of a  
5 person, who resides in the household. Except as provided in  
6 subsection 2 of this section, all sun screening devices applied  
7 to the windshield of a motor vehicle are prohibited.

8       2. This section shall not prohibit labels, stickers,  
9 decalcomania, or informational signs on motor vehicles or the  
10 application of tinted or solar screening material to recreational  
11 vehicles as defined in section 700.010, RSMo, provided that such  
12 material does not interfere with the driver's normal view of the  
13 road. This section shall not prohibit factory-installed tinted  
14 glass, the equivalent replacement thereof or tinting material  
15 applied to the upper portion of the motor vehicle's windshield  
16 which is normally tinted by the manufacturer of motor vehicle  
17 safety glass.

18       3. Any rule or portion of a rule, as that term is defined  
19 in section 536.010, RSMo, that is created under the authority  
20 delegated in this section shall become effective only if it  
21 complies with and is subject to all of the provisions of chapter  
22 536, RSMo, and, if applicable, section 536.028, RSMo. This  
23 section and chapter 536, RSMo, are nonseverable and if any of the  
24 powers vested with the general assembly pursuant to chapter 536,  
25 RSMo, to review, to delay the effective date or to disapprove and  
26 annul a rule are subsequently held unconstitutional, then the  
27 grant of rulemaking authority and any rule proposed or adopted  
28 after August 28, 2001, shall be invalid and void.

1           4. Any person who violates the provisions of this section  
2 is guilty of [a class C misdemeanor] an infraction.

3           5. Any vehicle licensed with a historical license plate  
4 shall be exempt from the requirements of this section.

5           307.179. 1. As used in this section, the following terms  
6 shall mean:

7           (1) "Child booster seat", a seating system which meets the  
8 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.  
9 571.213, as amended, that is designed to elevate a child to  
10 properly sit in a federally approved safety belt system;

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

16           (3) "Driver", a person who is in actual physical control of  
17 a motor vehicle.

18           2. Every driver transporting a child under the age of  
19 sixteen years shall be responsible, when transporting such child  
20 in a motor vehicle operated by that driver on the streets or  
21 highways of this state, for providing for the protection of such  
22 child as follows:

23           (1) Children less than four years of age, regardless of  
24 weight, shall be secured in a child passenger restraint system  
25 appropriate for that child;

26           (2) Children weighing less than forty pounds, regardless of  
27 age, shall be secured in a child passenger restraint system  
28 appropriate for that child;

1           (3) Children at least four years of age but less than eight  
2 years of age, who also weigh at least forty pounds but less than  
3 eighty pounds, and who are also less than four feet, nine inches  
4 tall, shall be secured in a child passenger restraint system or  
5 booster seat appropriate for that child;

6           (4) Children at least eighty pounds or children more than  
7 four feet, nine inches in height shall be secured by a vehicle  
8 safety belt or booster seat appropriate for that child;

9           (5) A child who otherwise would be required to be secured  
10 in a booster seat may be transported in the back seat of a motor  
11 vehicle while wearing only a lap belt if the back seat of the  
12 motor vehicle is not equipped with a combination lap and shoulder  
13 belt for booster seat installation;

14           (6) When transporting children in the immediate family when  
15 there are more children than there are seating positions in the  
16 enclosed area of a motor vehicle, the children who are not able  
17 to be restrained by a child safety restraint device appropriate  
18 for the child shall sit in the area behind the front seat of the  
19 motor vehicle unless the motor vehicle is designed only for a  
20 front seat area. The driver transporting children referred to in  
21 this subsection is not in violation of this section.  
22 This subsection shall only apply to the use of a child passenger  
23 restraint system or vehicle safety belt for children less than  
24 sixteen years of age being transported in a motor vehicle.

25           3. Any driver who violates subdivision (1), (2), or (3) of  
26 subsection 2 of this section is guilty of an infraction and, upon  
27 conviction, may be punished by a fine of not more than fifty  
28 dollars and court costs. Any driver who violates subdivision (4)

1 of subsection 2 of this section shall be subject to the penalty  
2 in subsection 5 of section 307.178. If a driver receives a  
3 citation for violating subdivision (1), (2), or (3) of subsection  
4 2 of this section, the charges shall be dismissed or withdrawn if  
5 the driver prior to or at his or her hearing provides evidence of  
6 acquisition of a child passenger restraint system or child  
7 booster seat which is satisfactory to the court or the party  
8 responsible for prosecuting the driver's citation.

9 4. The provisions of this section shall not apply to any  
10 public carrier for hire.

11 5. The provisions of this section shall not apply to  
12 ~~[students]~~ children four years of age or older who are passengers  
13 on a school bus designed for carrying eleven passengers or more  
14 and which is manufactured or equipped pursuant to Missouri  
15 Minimum Standards for School Buses as ~~[school buses are defined~~  
16 ~~in section 301.010, RSMo]~~ required under section 304.060, RSMo.  
17 The exemption set forth in this subsection shall apply whether or  
18 not such bus is being operated by a school district or other  
19 entity and regardless whether such bus is being used for  
20 educational, religious, or other purposes.

21 [5.] 6. The highways and transportation commission shall  
22 initiate and develop a program of public information to develop  
23 understanding of, and ensure compliance with, the provisions of  
24 this section.

25 307.195. 1. No person shall operate a motorized bicycle on  
26 any highway or street in this state unless the person has a valid  
27 license to operate a motor vehicle.

28 2. No motorized bicycle may be operated on any public

1 thoroughfare located within this state which has been designated  
2 as part of the federal interstate highway system.

3 3. Violation of this section shall be deemed [a class C  
4 misdemeanor] an infraction.

5 307.198. 1. Every all-terrain vehicle, except those used  
6 in competitive events, shall have the following equipment:

7 (1) A lighted headlamp and tail lamp which shall be in  
8 operation at any time in which an all-terrain vehicle is being  
9 used on any street or highway in this state pursuant to section  
10 304.013, RSMo;

11 (2) An equilateral triangular emblem, to be mounted on the  
12 rear of such vehicle at least two feet above the roadway when  
13 such vehicle is operated upon any street or highway pursuant to  
14 section 300.348, RSMo, or 304.013, RSMo. The emblem shall be  
15 constructed of substantial material with a fluorescent  
16 yellow-orange finish and a reflective, red border at least one  
17 inch in width. Each side of the emblem shall measure at least  
18 ten inches;

19 (3) A braking system maintained in good operating  
20 condition;

21 (4) An adequate muffler system in good working condition,  
22 and a United States Forest Service qualified spark arrester.

23 2. A violation of this section shall be [a class C  
24 misdemeanor] an infraction.

25 307.365. 1. No permit for an official inspection station  
26 shall be assigned or transferred or used at any location other  
27 than therein designated and every permit shall be posted in a  
28 conspicuous place at the location designated. The superintendent



1 of the Missouri state highway patrol shall design and furnish  
2 each official inspection station, at no cost, one official sign  
3 made of metal or other durable material to be displayed in a  
4 conspicuous location to designate the station as an official  
5 inspection station. Additional signs may be obtained by an  
6 official inspection station for a fee equal to the cost to the  
7 state. Each inspection station shall also be supplied with one  
8 or more posters which must be displayed in a conspicuous location  
9 at the place of inspection and which informs the public that  
10 required repairs or corrections need not be made at the  
11 inspection station.

12 2. No person operating an official inspection station  
13 pursuant to the provisions of sections 307.350 to 307.390 may  
14 issue a certificate of inspection and approval for any vehicle  
15 except upon an official form furnished by the superintendent of  
16 the Missouri state highway patrol for that purpose and only after  
17 inspecting the vehicle and determining that its brakes, lighting  
18 equipment, signaling devices, steering mechanisms, horns,  
19 mirrors, windshield wipers, tires, wheels, exhaust system,  
20 glazing, air pollution control devices, fuel system and any other  
21 safety equipment as required by the state are in proper condition  
22 and adjustment to be operated upon the public highways of this  
23 state with safety to the driver or operator, other occupants  
24 therein, as well as other persons and property upon the highways,  
25 as provided by sections 307.350 to 307.390 and the regulations  
26 prescribed by the superintendent of the Missouri state highway  
27 patrol. Brakes may be inspected for safety by means of visual  
28 inspection or computerized brake testing. No person operating an

1 official inspection station shall furnish, loan, give or sell a  
2 certificate of inspection and approval to any other person except  
3 those entitled to receive it under provisions of sections 307.350  
4 to 307.390. No person shall have in such person's possession any  
5 certificate of inspection and approval and/or inspection sticker  
6 with knowledge that the certificate and/or inspection sticker has  
7 been illegally purchased, stolen or counterfeited.

8 3. The superintendent of the Missouri state highway patrol  
9 may require officially designated stations to furnish reports  
10 upon forms furnished by the superintendent for that purpose as  
11 the superintendent considers reasonably necessary for the proper  
12 and efficient administration of sections 307.350 to 307.390.

13 4. If, upon inspection, defects or unsafe conditions are  
14 found, the owner may correct them or shall have them corrected at  
15 any place the owner chooses within twenty days after the defect  
16 or unsafe condition is found, and shall have the right to remove  
17 the vehicle to such place for correction, but before the vehicle  
18 is operated thereafter upon the public highways of this state, a  
19 certificate of inspection and approval must be obtained. The  
20 inspecting personnel of the official inspection station must  
21 inform the owner that the corrections need not be made at the  
22 inspection station.

23 5. A fee, not to exceed twelve dollars, as determined by  
24 each official inspection station, may be charged by an official  
25 inspection station for each official inspection including the  
26 issuance of the certificate of inspection and approval, sticker,  
27 seal or other device and a total fee, not to exceed ten dollars,  
28 as determined by each official inspection station, may be charged

1 for an official inspection of a trailer or motorcycle, which  
2 shall include the issuance of the certificate of inspection and  
3 approval, sticker, seal or other device. Such fee shall be  
4 conspicuously posted on the premises of each such official  
5 inspection station. No owner shall be charged an additional  
6 inspection fee upon having corrected defects or unsafe conditions  
7 found in an inspection completed within the previous twenty  
8 consecutive days, excluding Saturdays, Sundays and holidays, if  
9 such follow-up inspection is made by the station making the  
10 initial inspection. Every inspection for which a fee is charged  
11 shall be a complete inspection, and upon completion of the  
12 inspection, if any defects are found the owner of the vehicle  
13 shall be furnished a list of the defects and a receipt for the  
14 fee paid for the inspection. If the owner of a vehicle decides  
15 to have any necessary repairs or corrections made at the official  
16 inspection station, the owner shall be furnished a written  
17 estimate of the cost of such repairs before such repairs or  
18 corrections are made by the official inspection station. The  
19 written estimate shall have plainly written upon it that the  
20 owner understands that the corrections need not be made by the  
21 official inspection station and shall have a signature line for  
22 the owner. The owner must sign below the statement on the  
23 signature line before any repairs are made.

24 6. Certificates of inspection and approval, sticker, seal  
25 or other device shall be purchased by the official inspection  
26 stations from the superintendent of the Missouri state highway  
27 patrol. The superintendent of the Missouri state highway patrol  
28 shall collect a fee of one dollar and fifty cents for each

1 certificate of inspection, sticker, seal or other device issued  
2 to the official inspection stations, except that no charge shall  
3 be made for certificates of inspection, sticker, seal or other  
4 device issued to official inspection stations operated by  
5 governmental entities. All fees collected shall be deposited in  
6 the state treasury with one dollar of each fee collected credited  
7 to the state highway fund and, for the purpose of administering  
8 and enforcing the state motor vehicle laws and traffic  
9 regulations, fifty cents credited to the "Highway Patrol  
10 Inspection Fund" which is hereby created. The moneys collected  
11 and deposited in the highway patrol inspection fund shall be  
12 expended subject to appropriations by the general assembly for  
13 the administration and enforcement of sections 307.350 to 307.390  
14 by the Missouri state highway patrol. The unexpended balance in  
15 the fund at the end of each biennium exceeding the amount of the  
16 appropriations from the fund for the first two fiscal years shall  
17 be transferred to the state road fund, and the provisions of  
18 section 33.080, RSMo, relating to the transfer of funds to the  
19 general revenue fund at the end of the biennium, shall not apply  
20 to the fund.

21 7. The owner or operator of any inspection station who  
22 discontinues operation during the period that a station permit is  
23 valid or whose station permit is suspended or revoked shall  
24 return all official signs and posters and any current unused  
25 inspection stickers, seals or other devices to the superintendent  
26 of the Missouri state highway patrol and shall receive a full  
27 refund on request except for official signs and posters, provided  
28 the request is made during the calendar year or within sixty days

1 thereafter in the manner prescribed by the superintendent of the  
2 Missouri state highway patrol. Stations which have a valid  
3 permit shall exchange unused previous year issue inspection  
4 stickers and/or decals for an identical number of current year  
5 issue, provided the unused stickers and/or decals are submitted  
6 for exchange not later than April thirtieth of the current  
7 calendar year, in the manner prescribed by the superintendent of  
8 the Missouri state highway patrol.

9 8. Notwithstanding the provisions of section 307.390 to the  
10 contrary, a violation of this section shall be a class C  
11 misdemeanor.

12 307.375. 1. The owner of every bus used to transport  
13 children to or from school in addition to any other inspection  
14 required by law shall submit the vehicle to an official  
15 inspection station, and obtain a certificate of inspection,  
16 sticker, seal or other device annually, but the inspection of the  
17 vehicle shall not be made more than sixty days prior to operating  
18 the vehicle during the school year. The inspection shall, in  
19 addition to the inspection of the mechanism and equipment  
20 required for all motor vehicles under the provisions of sections  
21 307.350 to 307.390, include an inspection to ascertain that the  
22 following items are correctly fitted, adjusted, and in good  
23 working condition:

- 24 (1) All mirrors, including crossview, inside, and outside;
- 25 (2) The front and rear warning flashers;
- 26 (3) The stop signal arm;
- 27 (4) The crossing control arm on public school buses
- 28 required to have them pursuant to section 304.050, RSMo;

1           (5) The rear bumper to determine that it is flush with the  
2 bus so that hitching of rides cannot occur;

3           (6) The exhaust tailpipe shall be flush with or may extend  
4 not more than two inches beyond the perimeter of the body or  
5 bumper;

6           (7) The emergency doors and exits to determine them to be  
7 unlocked and easily opened as required;

8           (8) The lettering and signing on the front, side and rear  
9 of the bus;

10          (9) The service door;

11          (10) The step treads;

12          (11) The aisle mats or aisle runners;

13          (12) The emergency equipment which shall include as a  
14 minimum a first aid kit, flares or fuses, and a fire  
15 extinguisher;

16          (13) The seats, including a determination that they are  
17 securely fastened to the floor;

18          (14) The emergency door buzzer;

19          (15) All hand hold grips;

20          (16) The interior glazing of the bus.

21          2. In addition to the inspection required by subsection 1  
22 of this section, the Missouri state highway patrol shall conduct  
23 an inspection after February first of each school year of all  
24 vehicles required to be marked as school buses under section  
25 304.050, RSMo. This inspection shall be conducted by the  
26 Missouri highway patrol in cooperation with the department of  
27 elementary and secondary education and shall include, as a  
28 minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is guilty of [a misdemeanor] an infraction and upon [conviction] plea or finding of guilt shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers

1 to investigate and enforce motor vehicle safety inspection laws  
2 and regulations pursuant to sections 307.350 to 307.390 and  
3 sections 643.300 to 643.355, RSMo. A person assigned by the  
4 superintendent pursuant to the authority granted by this  
5 subsection shall be designated a motor vehicle inspector and  
6 shall have limited powers to issue a uniform complaint and  
7 summons for a violation of the motor vehicle inspection laws and  
8 regulations. A motor vehicle inspector shall not have authority  
9 to exercise the power granted in this subsection until such  
10 inspector successfully completes training provided by, and to the  
11 satisfaction of, the superintendent.

12 307.400. 1. It is unlawful for any person to operate any  
13 commercial motor vehicle as defined in Title 49, Code of Federal  
14 Regulations, Part 390.5, either singly or in combination with a  
15 trailer, as both vehicles are defined in Title 49, Code of  
16 Federal Regulations, Part 390.5, unless such vehicles are  
17 equipped and operated as required by Parts 390 through 397, Title  
18 49, Code of Federal Regulations, as such regulations have been  
19 and may periodically be amended, whether intrastate  
20 transportation or interstate transportation. Members of the  
21 Missouri state highway patrol are authorized to enter the cargo  
22 area of a commercial motor vehicle or trailer to inspect the  
23 contents when reasonable grounds exist to cause belief that the  
24 vehicle is transporting hazardous materials as defined by Title  
25 49 of the Code of Federal Regulations. The director of the  
26 department of public safety is hereby authorized to further  
27 regulate the safety of commercial motor vehicles and trailers as  
28 he deems necessary to govern and control their operation on the



1 public highways of this state by promulgating and publishing  
2 rules and regulations consistent with this chapter. Any such  
3 rules shall, in addition to any other provisions deemed necessary  
4 by the director, require:

5 (1) Every commercial motor vehicle and trailer and all  
6 parts thereof to be maintained in a safe condition at all times;

7 (2) Accidents arising from or in connection with the  
8 operation of commercial motor vehicles and trailers to be  
9 reported to the department of public safety in such detail and in  
10 such manner as the director may require.

11  
12 Except for the provisions of subdivisions (1) and (2) of this  
13 subsection, the provisions of this section shall not apply to any  
14 commercial motor vehicle operated in intrastate commerce and  
15 licensed for a gross weight of sixty thousand pounds or less when  
16 used exclusively for the transportation of solid waste or  
17 forty-two thousand pounds or less when the license plate has been  
18 designated for farm use by the letter "F" as authorized by the  
19 Revised Statutes of Missouri, unless such vehicle is transporting  
20 hazardous materials as defined in Title 49, Code of Federal  
21 Regulations.

22 2. Notwithstanding the provisions of subsection 1 of this  
23 section to the contrary, Part 391, Subpart E, Title 49, Code of  
24 Federal Regulations, relating to the physical requirements of  
25 drivers shall not be applicable to drivers in intrastate  
26 commerce, provided such drivers were licensed by this state as  
27 chauffeurs to operate commercial motor vehicles on May 13, 1988.  
28 Persons who are otherwise qualified and licensed to operate a

1 commercial motor vehicle in this state may operate such vehicle  
2 intrastate at the age of eighteen years or older, except that any  
3 person transporting hazardous material must be at least  
4 twenty-one years of age.

5 3. Commercial motor vehicles and drivers of such vehicles  
6 may be placed out of service if the vehicles are not equipped and  
7 operated according to the requirements of this section. Criteria  
8 used for placing vehicles and drivers out of service are the  
9 North American Uniform Out-of-Service Criteria adopted by the  
10 Commercial Vehicle Safety Alliance and the United States  
11 Department of Transportation, as such criteria have been and may  
12 periodically be amended.

13 4. Notwithstanding the provisions of subsection 1 of this  
14 section to the contrary, Part 395, Title 49, Code of Federal  
15 Regulations, relating to the hours of drivers, shall not apply to  
16 any vehicle owned or operated by any public utility, rural  
17 electric cooperative or other public service organization, or to  
18 the driver of such vehicle, while providing restoration of  
19 essential utility services during emergencies and operating  
20 intrastate. For the purposes of this subsection, the term  
21 "essential utility services" means electric, gas, water,  
22 telephone and sewer services.

23 5. Part 395, Title 49, Code of Federal Regulations,  
24 relating to the hours of drivers, shall not apply to drivers  
25 transporting agricultural commodities or farm supplies for  
26 agricultural purposes in this state if such transportation:

27 (1) Is limited to an area within a one hundred air mile  
28 radius from the source of the commodities or the distribution

1 point for the farm supplies; and

2 (2) Is conducted during the planting and harvesting season  
3 within this state, as defined by the department of public safety  
4 by regulation.

5 6. The provisions of Part 395.8, Title 49, Code of Federal  
6 Regulations, relating to recording of a driver's duty status,  
7 shall not apply to drivers engaged in agricultural operations  
8 referred to in subsection 5 of this section, if the motor carrier  
9 who employs the driver maintains and retains for a period of six  
10 months accurate and true records showing:

11 (1) The total number of hours the driver is on duty each  
12 day; and

13 (2) The time at which the driver reports for, and is  
14 released from, duty each day.

15 7. Notwithstanding the provisions of subsection 1 of this  
16 section to the contrary, Parts 390 through 397, Title 49, Code of  
17 Federal Regulations shall not apply to commercial motor vehicles  
18 operated in intrastate commerce to transport property, which have  
19 a gross vehicle weight rating or gross combination weight rating  
20 of twenty-six thousand pounds or less. The exception provided by  
21 this subsection shall not apply to vehicles transporting  
22 hazardous materials or to vehicles designed to transport sixteen  
23 or more passengers including the driver as defined by Title 49 of  
24 the Code of Federal Regulations. Nothing in this subsection  
25 shall be construed to prohibit persons designated by the  
26 department of public safety from inspecting vehicles defined in  
27 this subsection.

28 8. Violation of any provision of this section or any rule

1 promulgated as authorized therein is [a class B misdemeanor] an  
2 infraction.

3 9. No rule or portion of a rule promulgated under the  
4 authority of this chapter shall become effective unless it has  
5 been promulgated pursuant to the provisions of section 536.024,  
6 RSMo.

7 311.326. After a period of not less than one year, or upon  
8 reaching the age of twenty-one, whichever occurs first, a person  
9 who has pleaded guilty to or has been found guilty of violating  
10 section 311.325 for the first time, and who since such conviction  
11 has not been convicted of any other alcohol-related offense, may  
12 apply to the court in which he or she was sentenced for an order  
13 to expunge all official records of his or her arrest, plea, trial  
14 and conviction. No records shall be expunged if the person who  
15 has plead guilty to or has been found guilty of violating section  
16 311.325 is licensed as a commercial motor vehicle driver or was  
17 operating a commercial motor vehicle as defined in section  
18 302.700, RSMo, at the time of the violation. If the court  
19 determines, upon review, that such person has not been convicted  
20 of any other alcohol-related offense at the time of the  
21 application for expungement, and the person has had no other  
22 alcohol-related enforcement contacts, as defined in section  
23 302.525, RSMo, the court shall enter an order of expungement.  
24 The effect of such an order shall be to restore such person to  
25 the status he or she occupied prior to such arrest, plea or  
26 conviction, as if such event had never happened. No person as to  
27 whom such order has been entered shall be held thereafter under  
28 any provision of any law to be guilty of perjury or otherwise

1 giving a false statement by reason of his or her failure to  
2 recite or acknowledge such arrest, plea, trial, conviction or  
3 expungement in response to any inquiry made of him or her for any  
4 purpose whatsoever. A person shall be entitled to only one  
5 expungement pursuant to this section. Nothing contained in this  
6 section shall prevent courts or other state officials from  
7 maintaining such records as are necessary to ensure that an  
8 individual receives only one expungement pursuant to this  
9 section.

10 379.130. 1. When investigating an accident or settling an  
11 automobile insurance policy claim, no insurer, agent, producer,  
12 or claims adjuster of an insurer shall assign a percentage of  
13 fault to a party based upon the type of vehicle a party was  
14 operating.

15 2. A violation of this section shall be unfair trade  
16 practice as defined by sections 375.930 to 375.948, RSMo, and  
17 shall be subject to all of the provisions and penalties provided  
18 by such sections.

19 3. As used in this section, the term "insurer" shall mean  
20 any insurance company, association or exchange authorized to  
21 issue policies of automobile insurance in the state of Missouri.  
22 The term "automobile insurance policy" shall mean a policy  
23 providing automobile liability coverage, uninsured motorists  
24 coverage, automobile medical payments coverage or automobile  
25 physical damage coverage insuring a private passenger automobile  
26 owned by an individual or partnership.

27 385.400. Sections 385.400 to 385.436 shall be known and may  
28 be cited as the "Missouri Vehicle Protection Product Act".

1       385.403. As used in sections 385.400 to 385.436, the  
2 following terms shall mean:

3       (1) "Administrator", a third party other than the warrantor  
4 who is designated by the warrantor to be responsible for the  
5 administration of vehicle protection product warranties;

6       (2) "Department", the department of insurance, financial  
7 and professional regulation;

8       (3) "Director", the director of the department of  
9 insurance, financial institutions, and professional regulation;

10       (4) "Incidental costs", expenses specified in the warranty  
11 incurred by the warranty holder related to the failure of the  
12 vehicle protection product to perform as provided in the  
13 warranty. Incidental costs may include, without limitation,  
14 insurance policy deductibles, rental vehicle charges, the  
15 difference between the actual value of the stolen vehicle at the  
16 time of theft and the cost of a replacement vehicle, sales taxes,  
17 registration fees, transaction fees, and mechanical inspection  
18 fees;

19       (5) "Premium", the consideration paid to an insurer for a  
20 reimbursement insurance policy;

21       (6) "Service contract", a contract or agreement for a  
22 separately stated consideration or for a specific duration to  
23 perform the repair, replacement, or maintenance of a motor  
24 vehicle or indemnification for repair, replacement, or  
25 maintenance, for the operational or structural failure due to a  
26 defect in materials, workmanship, or normal wear and tear, with  
27 or without additional provision for incidental payment of  
28 indemnity under limited circumstances, including but not limited

1 to towing, rental, and emergency road service, but does not  
2 include mechanical breakdown insurance or maintenance agreements;

3 (7) "Vehicle protection product", a vehicle protection  
4 device, system, or service that:

5 (a) Is installed on or applied to a vehicle;

6 (b) Is designed to prevent loss or damage to a vehicle from  
7 a specific cause; and

8 (c) Includes a written warranty.

9 For purposes of sections 385.400 to 385.436, the term "vehicle  
10 protection product" shall include, without limitation, alarm  
11 systems, body part marking products, steering locks, window etch  
12 products, pedal and ignition locks, fuel and ignition kill  
13 switches, and electronic, radio, and satellite tracking devices;

14 (8) "Vehicle protection product warranty" or "warranty", a  
15 written agreement by a warrantor that provides that if the  
16 vehicle protection product fails to prevent loss or damage to a  
17 vehicle from a specific cause, then the warranty holder shall be  
18 paid specified incidental costs by the warrantor as a result of  
19 the failure of the vehicle protection product to perform pursuant  
20 to the terms of the warranty. Incidental costs may be reimbursed  
21 under the provisions of the warranty in either a fixed amount  
22 specified in the warranty or sales agreement or by the use of a  
23 formula itemizing specific incidental costs incurred by the  
24 warranty holder;

25 (9) "Vehicle protection product warrantor" or "warrantor",  
26 a person who is contractually obligated to the warranty holder  
27 under the terms of the vehicle protection product warranty  
28 agreement. "Warrantor" does not include an authorized insurer

1 providing a warranty reimbursement insurance policy;

2 (10) "Warranty holder", the person who purchases a vehicle  
3 protection product or who is a permitted transferee;

4 (11) "Warranty reimbursement insurance policy", a policy of  
5 insurance that is issued to the vehicle protection product  
6 warrantor to provide reimbursement to the warrantor or to pay on  
7 behalf of the warrantor all covered contractual obligations  
8 incurred by the warrantor under the terms and conditions of the  
9 insured vehicle protection product warranties sold by the  
10 warrantor.

11 385.406. 1. No vehicle protection product may be sold or  
12 offered for sale in this state unless the seller, warrantor, and  
13 administrator, if any, comply with the provisions of sections  
14 385.400 to 385.436.

15 2. Vehicle protection product warrantors and related  
16 vehicle protection product sellers and warranty administrators  
17 complying with sections 385.400 to 385.436 are not required to  
18 comply with and are not subject to any other provisions of the  
19 state insurance code.

20 3. Service contract providers who do not sell vehicle  
21 protection products are not subject to the requirements of  
22 sections 385.400 to 385.436 and sales of vehicle protection  
23 products are exempt from the requirements of sections 407.1200 to  
24 407.1227, RSMo.

25 4. Warranties, indemnity agreements, and guarantees that  
26 are not provided as a part of a vehicle protection product are  
27 not subject to the provisions of sections 385.400 to 385.436.

28 5. Notwithstanding the provisions of sections 408.140 and



1 408.233, RSMo, a business which is licensed and regulated under  
2 sections 367.100 to 367.215, RSMo, or under sections 367.500 to  
3 367.533, RSMo, may offer and sell service contracts, as defined  
4 in section 384.403, in conjunction with other transactions.

5 385.409. 1. A person may not operate as a warrantor or  
6 represent to the public that the person is a warrantor unless the  
7 person is registered with the department on a form prescribed by  
8 the director.

9 2. Warrantor registration records shall be filed annually  
10 and shall be updated within thirty days of any change. The  
11 registration records shall contain the following information:

12 (1) The warrantor's name, any fictitious names under which  
13 the warrantor does business in the state, principal office  
14 address, and telephone number;

15 (2) The name and address of the warrantor's agent for  
16 service of process in the state if other than the warrantor;

17 (3) The names of the warrantor's executive officer or  
18 officers directly responsible for the warrantor's vehicle  
19 protection product business;

20 (4) The name, address, and telephone number of any  
21 administrators designated by the warrantor to be responsible for  
22 the administration of vehicle protection product warranties in  
23 this state;

24 (5) A copy of the warranty reimbursement insurance policy  
25 or policies or other financial information required by section  
26 385.412;

27 (6) A copy of each warranty the warrantor proposes to use  
28 in this state; and

1       (7) A statement indicating under which provision of section  
2 385.412 the warrantor qualifies to do business in this state as a  
3 warrantor.

4       3. The director may charge each registrant a reasonable fee  
5 to offset the cost of processing the registration and maintaining  
6 the records in an amount not to exceed five hundred dollars  
7 annually or as set by regulation. The information in  
8 subdivisions (1) and (2) of subsection 2 of this section shall be  
9 made available to the public.

10       4. If a registrant fails to register by the renewal  
11 deadline, the director shall give him or her written notice of  
12 the failure and the registrant will have thirty days to complete  
13 the renewal of his or her registration before he or she is  
14 suspended from being registered in this state.

15       5. An administrator or person who sells or solicits a sale  
16 of a vehicle protection product but who is not a warrantor shall  
17 not be required to register as a warrantor or be licensed under  
18 the insurance laws of this state to sell vehicle protection  
19 products.

20       385.412. No vehicle protection product shall be sold or  
21 offered for sale in this state unless the warrantor conforms to  
22 either subdivision (1) or (2) of this section in order to ensure  
23 adequate performance under the warranty. No other financial  
24 security requirements or financial standards for warrantors shall  
25 be required. The vehicle protection product's warrantor may meet  
26 the requirements of this section by:

27       (1) Obtaining a warranty reimbursement insurance policy  
28 issued by an insurer authorized to do business within this state

1 which provides that the insurer will pay to, or on behalf of, the  
2 warrantor one hundred percent of all sums that the warrantor is  
3 legally obligated to pay according to the warrantor's contractual  
4 obligations under the warrantor's vehicle protection product  
5 warranty. The warrantor shall file a true and correct copy of  
6 the warranty reimbursement insurance policy with the director.  
7 The policy shall contain the provisions required in section  
8 385.415; or

9 (2) Maintaining a net worth or stockholder's equity of  
10 fifty million dollars. The warrantor shall provide the director  
11 with a copy of the warrantor's or warrantor's parent company's  
12 most recent Form 10-K or Form 20-F filed with the Securities and  
13 Exchange Commission within the last calendar year, or if the  
14 warrantor does not file with the Securities and Exchange  
15 Commission, a copy of the warrantor or the warrantor's parent  
16 company's audited financial statements that shows a net worth of  
17 the warrantor or its parent company of at least fifty million  
18 dollars. If the warrantor's parent company's Form 10-K, Form 20-  
19 F, or audited financial statements are filed to meet the  
20 warrantor's financial stability requirement, then the parent  
21 company shall agree to guarantee the obligations of the warrantor  
22 relating to warranties issued by the warrantor in this state.  
23 The financial information filed under this subdivision shall be  
24 confidential as a trade secret of the entity filing the  
25 information and not subject to public disclosure if the entity is  
26 not required to file with the Securities and Exchange Commission.  
27 385.415. No warranty reimbursement insurance policy shall  
28 be issued, sold, or offered for sale in this state unless the

1 policy meets the following conditions:

2 (1) The policy states that the issuer of the policy will  
3 reimburse or pay on behalf of the vehicle protection product  
4 warrantor all covered sums which the warrantor is legally  
5 obligated to pay or will provide that all service that the  
6 warrantor is legally obligated to perform according to the  
7 warrantor's contractual obligations under the provisions of the  
8 insured warranties sold by the warrantor;

9 (2) The policy states that in the event payment due under  
10 the terms of the warranty is not provided by the warrantor within  
11 sixty days after proof of loss has been filed according to the  
12 terms of the warranty by the warranty holder, the warranty holder  
13 may file directly with the warranty reimbursement insurance  
14 company for reimbursement;

15 (3) The policy provides that a warranty reimbursement  
16 insurance company that insures a warranty shall be deemed to have  
17 received payment of the premium if the warranty holder paid for  
18 the vehicle protection product and insurer's liability under the  
19 policy shall not be reduced or relieved by a failure of the  
20 warrantor, for any reason, to report the issuance of a warranty  
21 to the insurer; and

22 (4) The policy has the following provisions regarding  
23 cancellation of the policy:

24 (a) The issuer of a reimbursement insurance policy shall  
25 not cancel such policy until a notice of cancellation in writing  
26 has been mailed or delivered to the director and each insured  
27 warrantor sixty days prior to cancellation of the policy;

28 (b) The cancellation of a reimbursement insurance policy

1 shall not reduce the issuer's responsibility for vehicle  
2 protection products sold prior to the date of cancellation; and

3 (c) In the event an insurer cancels a policy that a  
4 warrantor has filed with the director, the warrantor shall do  
5 either of the following:

6 a. File a copy of a new policy with the director, before  
7 the termination of the prior policy; or

8 b. Discontinue offering warranties as of the termination  
9 date of the policy until a new policy becomes effective and is  
10 accepted by the director.

11 385.418. 1. Every vehicle protection product warranty  
12 shall be written in clear, understandable language and shall be  
13 printed or typed in an easy-to-read point size and font and shall  
14 not be issued, sold, or offered for sale in the state unless the  
15 warranty:

16 (1) States that the obligations of the warrantor to the  
17 warranty holder are guaranteed under a warranty reimbursement  
18 insurance policy if the warrantor elects to meet its financial  
19 responsibility obligations under subdivision (1) of section  
20 385.412, or states the obligations of the warrantor under this  
21 warranty are backed by the full faith and credit of the warrantor  
22 if the warrantor elects to meet its financial responsibility  
23 under subdivision (2) of section 385.412;

24 (2) States that in the event a warranty holder must make a  
25 claim against a party other than the warrantor, the warranty  
26 holder is entitled to make a direct claim against the warranty  
27 reimbursement insurer upon the failure of the warrantor to pay  
28 any claim or meet any obligation under the terms of the warranty

1 within sixty days after proof of loss has been filed with the  
2 warrantor, if the warrantor elects to meet its financial  
3 responsibility obligations under subdivision (1) of section  
4 385.412;

5       (3) States the name and address of the insurer of the  
6 warranty reimbursement insurance policy, and this information  
7 need not be preprinted on the warranty form but may be stamped on  
8 the warranty, if the warrantor elects to meet its financial  
9 responsibility obligations under subdivision (1) of section  
10 385.412;

11       (4) Identifies the warrantor, the seller, and the warranty  
12 holder;

13       (5) Sets forth the total purchase price of the vehicle  
14 protection product and the terms under which it is to be paid;  
15 however, the purchase price is not required to be preprinted on  
16 the vehicle protection product warranty and may be negotiated  
17 with the consumer at the time of sale;

18       (6) Sets forth the procedure for making a claim, including  
19 a telephone number;

20       (7) States the existence of a deductible amount, if any;

21       (8) Specifies the payments or performance to be provided  
22 under the warranty including payments for incidental costs, the  
23 manner of calculation or determination of payments or  
24 performance, and any limitations, exceptions, or exclusions;

25       (9) Sets forth all of the obligations and duties of the  
26 warranty holder such as the duty to protect against further  
27 damage to the vehicle, the obligation to notify the warrantor in  
28 advance of any repair, or other similar requirements, if any;

1       (10) Sets forth any terms, restrictions, or conditions  
2 governing transferability of the warranty, if any; and

3       (11) Contains a disclosure that reads substantially as  
4 follows: "This agreement is a product warranty and is not  
5 insurance".

6       2. At the time of sale, the seller or warrantor shall  
7 provide to the purchaser:

8       (1) A copy of the vehicle protection product warranty; or

9       (2) A receipt or other written evidence of the purchase of  
10 the vehicle protection product and a copy of the warranty within  
11 thirty days of the date of purchase.

12       385.421. 1. No vehicle protection product may be sold or  
13 offered for sale in this state unless the vehicle protection  
14 product warranty states the terms and conditions governing the  
15 cancellation of the sale and warranty, if any.

16       2. The warrantor may only cancel the warranty if the  
17 warranty holder does any of the following:

18       (1) Fails to pay for the vehicle protection product;

19       (2) Makes a material misrepresentation to the seller or  
20 warrantor;

21       (3) Commits fraud; or

22       (4) Substantially breaches the warranty holder's duties  
23 under the warranty.

24       3. A warrantor canceling a warranty shall mail written  
25 notice of cancellation to the warranty holder at the last known  
26 address of the warranty holder in the warrantor's records at  
27 least thirty days prior to the effective date of the  
28 cancellation. The notice shall state the effective date of the

1 cancellation and the reason for the cancellation.

2 385.424. 1. Unless licensed as an insurance company, a  
3 vehicle protection product warrantor shall not use in its name,  
4 contracts, or literature the words "insurance", "casualty",  
5 "surety", "mutual", or any other word that is descriptive of the  
6 insurance, casualty, or surety business or that is deceptively  
7 similar to the name or description of any insurance or surety  
8 corporation or any other vehicle protection product warrantor. A  
9 warrantor may use the term "guaranty" or a similar word in the  
10 warrantor's name. A warrantor or its representative shall not in  
11 its vehicle protection product warranties or literature make,  
12 permit, or cause to be made any false or misleading statement, or  
13 deliberately omit any material statement that would be considered  
14 misleading if omitted, in connection with the sale, offer to  
15 sell, or advertisement of a vehicle protection product warranty.

16 2. A vehicle protection product seller or warrantor may not  
17 require as a condition of financing that a retail purchaser of a  
18 motor vehicle purchase a vehicle protection product.

19 385.427. 1. All vehicle protection product warrantors  
20 shall keep accurate accounts, books, and records concerning  
21 transactions regulated under sections 385.400 to 385.436.

22 2. A vehicle protection product warrantor's accounts,  
23 books, and records shall include:

24 (1) Copies of all vehicle protection product warranties;

25 (2) The name and address of each warranty holder; and

26 (3) Claims files which shall contain at least the dates,  
27 amounts, and descriptions of all receipts, claims, and  
28 expenditures.



1       3. A vehicle protection product warrantor shall retain all  
2 required accounts, books, and records pertaining to each warranty  
3 holder for at least three years after the specified period of  
4 coverage has expired. A warrantor discontinuing business in the  
5 state shall maintain its records until it furnishes the director  
6 satisfactory proof that it has discharged all obligations to  
7 warranty holders in this state.

8       4. Vehicle protection product warrantors shall make all  
9 accounts, books, and records concerning transactions regulated  
10 under sections 385.400 to 385.436 available to the director for  
11 examination.

12       385.430. 1. The director may conduct examinations of  
13 warrantors, administrators, or other persons to enforce sections  
14 385.400 to 385.436 and protect warranty holders in this state.  
15 Upon request of the director, a warrantor shall make available to  
16 the director all accounts, books, and records concerning vehicle  
17 protection products provided by the warrantor that are necessary  
18 to enable the director to reasonably determine compliance or  
19 noncompliance with sections 385.400 to 385.436.

20       2. If the director determines that a person has engaged, is  
21 engaging in, or has taken a substantial step toward engaging in  
22 an act, practice, or course of business constituting a violation  
23 of sections 385.400 to 385.436 or a rule adopted or order issued  
24 pursuant thereto, or a person has materially aided or is  
25 materially aiding an act, practice, omission, or course of  
26 business constituting a violation of sections 385.400 to 385.436  
27 or a rule adopted or order issued pursuant thereto, the director  
28 may issue such administrative orders as authorized under section

1 374.046, RSMo. A violation of these sections is a level two  
2 violation under section 374.049, RSMo.

3 3. If the director believes that a person has engaged, is  
4 engaging in, or has taken a substantial step toward engaging in  
5 an act, practice, or course of business constituting a violation  
6 of sections 385.400 to 385.436 or a rule adopted or order issued  
7 pursuant thereto, or that a person has materially aided or is  
8 materially aiding an act, practice, omission, or course of  
9 business constituting a violation of sections 385.400 to 385.436  
10 or a rule adopted or order issued pursuant thereto, the director  
11 may maintain a civil action for relief authorized under section  
12 374.048, RSMo. A violation of these sections is a level two  
13 violation under section 374.049, RSMo.

14 385.433. The director may promulgate rules and regulations  
15 to implement the provisions of sections 385.400 to 385.436. Such  
16 rules and regulations shall include disclosures for the benefit  
17 of the warranty holder, record keeping, and procedures for public  
18 complaints. Any rule or portion of a rule, as that term is  
19 defined in section 536.010, RSMo, that is created under the  
20 authority delegated in this section shall become effective only  
21 if it complies with and is subject to all of the provisions of  
22 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
23 This section and chapter 536, RSMo, are nonseverable and if any  
24 of the powers vested with the general assembly pursuant to  
25 chapter 536, RSMo, to review, to delay the effective date, or to  
26 disapprove and annul a rule are subsequently held  
27 unconstitutional, then the grant of rulemaking authority and any  
28 rule proposed or adopted after August 28, 2007, shall be invalid

1 and void.

2 385.436. Sections 385.400 to 385.436 applies to all vehicle  
3 protection products sold or offered for sale on or after January  
4 1, 2008. The failure of any person to comply with sections  
5 385.400 to 385.436 prior to January 1, 2008, shall not be  
6 admissible in any court proceeding, administrative proceeding,  
7 arbitration, or alternative dispute resolution proceeding and may  
8 not otherwise be used to prove that the action of any person or  
9 the affected vehicle protection product was unlawful or otherwise  
10 improper. The adoption of sections 385.400 to 385.436 does not  
11 imply that a vehicle protection product warranty was insurance  
12 prior to January 1, 2008. The penalty provision of sections  
13 385.400 to 385.436 do not apply to any violation of sections  
14 385.400 to 385.436 relating to or in connection with the sale or  
15 failure to disclose in a retail installment contract or lease, or  
16 contract or agreement that provides for payments under a vehicle  
17 protection product warranty so long as the sale of such product,  
18 contract, or agreement was otherwise disclosed to the purchaser  
19 in writing at the time of the purchase or lease.

20 387.075. 1. Notwithstanding any provision of chapter 390,  
21 RSMo, chapter 622, RSMo, or this chapter to the contrary, any  
22 common carrier that is authorized to transport household goods by  
23 a certificate issued under section 390.051, RSMo, may file one or  
24 more applications to the state highways and transportation  
25 commission for approval of rate schedules, applicable to that  
26 carrier's intrastate transportation of household goods, that  
27 authorize periodic rate adjustments outside of general rate  
28 proceedings to reflect increases and decreases in the carrier's

1 prudently incurred costs of providing transportation of property  
2 by motor vehicle. The filing of applications by common carriers  
3 under this section shall be authorized upon the same terms and  
4 conditions as provided in section 386.266, RSMo, with reference  
5 to the filing of applications to the public service commission by  
6 an electrical, gas, or water corporation. These applications  
7 shall be made in such form, and shall contain such information,  
8 as the state highways and transportation commission reasonably  
9 may require.

10 2. Notwithstanding any provision of chapter 390, RSMo,  
11 chapter 622, RSMo, or this chapter to the contrary, the state  
12 highways and transportation commission shall consider and  
13 determine every application filed under subsection 1 of this  
14 section, upon the same terms and conditions as provided in  
15 section 386.266, RSMo, with reference to the public service  
16 commission's consideration and determination of applications by  
17 an electrical, gas, or water corporation under that section.

18 3. In proceedings under this section, common carriers and  
19 the state highways and transportation commission shall be  
20 governed by the statutes and rules of practice and procedure that  
21 are applicable in motor carrier proceedings under chapters 387,  
22 390, and 622, RSMo, except to the extent they are inconsistent  
23 with the requirements of this section. The statutes and rules  
24 that generally govern public service commission proceedings  
25 relating to electrical, gas, and water corporations shall not  
26 apply in proceedings under this section.

27 390.021. 1. The provisions of this section shall be  
28 applicable, notwithstanding any provisions of section 390.030 to

1 the contrary.

2 2. As used in chapter 622, RSMo, and in this section,  
3 except when the context clearly requires otherwise, the following  
4 terms shall mean:

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

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

18 3. Except when the context clearly requires otherwise, the  
19 definitions of words in 49 U.S.C. Sections 13102, 13908, and  
20 14504a shall apply to and determine the meaning of those words as  
21 used in this section.

22 4. In carrying out and being subject to the provisions of  
23 the UCR Act, the Unified Carrier Registration (UCR) agreement,  
24 the UCR implementing regulations, and this section, but  
25 notwithstanding any other provisions of law to the contrary, the  
26 state highways and transportation commission may:

27 (1) Submit to the proper federal authorities, amend and  
28 carry out a state plan to qualify as a base-state and to

1 participate in the UCR plan and administer the UCR agreement, and  
2 take other necessary actions as the designated representative of  
3 the state of Missouri so that:

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

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

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

12 (2) Administer the UCR registration of Missouri domiciled  
13 motor carriers, motor private carriers, brokers, freight  
14 forwarders and leasing companies, and such persons domiciled in  
15 non-participating states who have designated this state as their  
16 base-state under the UCR Act;

17 (3) Receive, collect, process, deposit, transfer,  
18 distribute, and refund UCR registration fees relating to any of  
19 the persons and activities described in this section.

20 Notwithstanding any provisions of law to the contrary, these UCR  
21 registration fees collected by the commission are hereby  
22 designated as "nonstate funds" within the meaning of section 15,  
23 article IV, Constitution of Missouri, and the commission shall  
24 transmit these funds to the state department of revenue for  
25 deposit to the credit of the state highways and transportation  
26 department fund. The commission shall, from time to time, direct  
27 the payment of, and the director of revenue shall pay, the fees  
28 so deposited, in accordance with the provisions of the UCR Act,

1 the UCR agreement, and the UCR implementing regulations. The  
2 director of revenue shall credit all income derived from the  
3 investment of these funds to the state highways and  
4 transportation department fund;

5 (4) Exercise all other powers, duties, and functions the  
6 UCR Act requires of or allows a participating state or base-  
7 state;

8 (5) Promulgate administrative rules and issue specific  
9 orders relating to any of the persons and activities described in  
10 this section. Any rule or portion of a rule, as that term is  
11 defined in section 536.010, RSMo, that is created under the  
12 authority delegated in this section shall become effective only  
13 if it complies with and is subject to all of the provisions of  
14 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
15 This section and chapter 536, RSMo, are nonseverable and if any  
16 of the powers vested with the general assembly pursuant to  
17 chapter 536, RSMo, to review, to delay the effective date, or to  
18 disapprove and annul a rule are subsequently held  
19 unconstitutional, then the grant of rulemaking authority and any  
20 rule proposed or adopted after August 28, 2007, shall be invalid  
21 and void;

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

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

28 5. After the commission has entered into the UCR plan on

1 behalf of this state, the requirements in the UCR agreement shall  
2 take precedence over any conflicting requirements under chapter  
3 622, RSMo, or this chapter.

4 6. Notwithstanding any other provisions of law to the  
5 contrary, every motor carrier, motor private carrier, broker,  
6 freight forwarder, and leasing company that has its principal  
7 place of business within this state, and every such person who  
8 has designated this state as the person's base-state under the  
9 provisions of the UCR Act, shall timely complete and file with  
10 the state highways and transportation commission all the forms  
11 required by the UCR agreement and the UCR implementing  
12 regulations, and shall pay the required UCR registration fees to  
13 the commission.

14 7. All powers of the commission under section 226.008,  
15 RSMo, are hereby made applicable to the enforcement of this  
16 section with reference to any person subject to any provision of  
17 this section. The chief counsel shall not be required to exhaust  
18 any administrative remedies before commencing any enforcement  
19 actions under this section. The provisions of chapter 622, RSMo,  
20 shall apply to and govern the practice and procedures before the  
21 courts in those actions.

22 8. Except as required by the UCR Act, the UCR agreement, or  
23 the UCR implementing regulations, the provisions of this section  
24 and the rules adopted by the commission under this section shall  
25 not be construed as exempting any motor carrier, or any person  
26 controlled by a motor carrier, from any of the requirements of  
27 chapter 622, RSMo, or this chapter, relating to the  
28 transportation of passengers or property in intrastate commerce.



390.030. 1. The provisions of this chapter shall not apply  
to:

(1) School buses;

(2) Taxicabs;

(3) Motor vehicles while being used exclusively to  
transport;

(a) Stocker and feeder livestock from farm to farm, or from  
market to farm,

(b) Farm or dairy products including livestock from a farm  
or dairy,

(c) Agricultural limestone or fertilizer to farms,

(d) Property from farm to farm,

(e) Raw forest products from farm, or

(f) Cotton, cottonseed, and cottonseed hulls;

(4) Motor vehicles when operated under contract with the  
federal government for carrying the United States mail and when  
on a trip provided in the contract;

(5) Motor vehicles used solely in the distribution of  
newspapers from the publisher to subscribers or distributors;

(6) The transportation of passengers or property performed  
by a carrier pursuant to a contract between the carrier and the  
state of Missouri or any civil subdivision thereof, where the  
transportation services are paid directly to the carrier by the  
state of Missouri or civil subdivision;

(7) Freight-carrying motor vehicles duly registered and  
licensed in conformity with the provisions of chapter 301, RSMo,  
for a gross weight of six thousand pounds or less;

(8) The transportation of passengers or property wholly

1 within a municipality, or between contiguous municipalities, or  
2 within a commercial zone as defined in section 390.020, or within  
3 a commercial zone established by the division of motor carrier  
4 and railroad safety pursuant to the provisions of subdivision (4)  
5 of section 390.041; provided, the exemption in this subdivision  
6 shall not apply to motor carriers of persons operating to, from  
7 or between points located wholly or in part in counties now or  
8 hereafter having a population of more than three hundred thousand  
9 persons, where such points are not within the same municipality  
10 and to motor carriers of commodities in bulk to include liquids,  
11 in tank or hopper type vehicles, and in a commercial zone as  
12 defined herein or by the division;

13 (9) Street railroads and public utilities other than common  
14 carriers as defined in section 386.020, RSMo;

15 (10) Motor vehicles whose operations in the state of  
16 Missouri are interstate in character and are limited exclusively  
17 to a municipality and its commercial zone;

18 (11) Motor vehicles, commonly known as tow trucks or  
19 wreckers, designed and exclusively used in the business of towing  
20 or otherwise rendering assistance to abandoned, disabled or  
21 wrecked vehicles;

22 (12) Motor vehicles while being used solely by a group of  
23 employees to commute to and from their place or places of  
24 employment, except that the motor vehicle must be driven by a  
25 member of the group.

26 2. Nothing contained in this section shall be deemed to  
27 exempt the vehicles of driveaway operators.

28 3. Except for the provisions of subdivision (5) of section

1 390.041, the provisions of this chapter shall not apply to  
2 private carriers.

3 4. No agency of state government nor any county or  
4 municipality or their agencies shall discriminate against any  
5 motor carrier or private carrier or deny any such carrier  
6 operating a motor vehicle public access to any building, facility  
7 or area owned by or operated for the public unless such  
8 discrimination or denial is based solely on reasonable vehicle  
9 size or weight considerations. The provisions of this subsection  
10 shall only apply in cities not within a county and first class  
11 counties with a charter form of government which adjoin any city  
12 not within a county.

13 5. Beginning January 1, 2008, the exemptions in  
14 subdivisions (8) and (10) of subsection 1 of this section shall  
15 not apply to intrastate motor carriers that transport household  
16 goods.

17 390.136. 1. No motor carrier, except as provided in  
18 section 390.030, shall operate any motor vehicle unless such  
19 vehicle shall be accompanied by an annual or seventy-two-hour  
20 regulatory license issued by the state highways and  
21 transportation commission; provided that when a motor carrier  
22 uses a truck-tractor for pulling trailers or semitrailers, such  
23 motor carrier may elect to license either the truck-tractor,  
24 trailer or semitrailer. The fee for each such regulatory license  
25 shall be ten dollars per year and shall be due and payable as  
26 provided in this section. Such license shall be issued in such  
27 form and shall be used pursuant to such reasonable rules and  
28 regulations as may be prescribed by the commission.

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

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

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

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

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

7           7. The commission shall prescribe, for every regulatory  
8 license issued pursuant to this section, an effective date and an  
9 expiration date. Notwithstanding any provision of law to the  
10 contrary, the commission may stagger the issuance of licenses  
11 pursuant to this section to begin at quarterly intervals during  
12 any calendar year. Not later than the expiration date of the  
13 current license, or as otherwise prescribed, each motor carrier  
14 shall pay the regulatory license fee for each vehicle that the  
15 carrier will operate during the next yearly period. The  
16 commission may issue partial or over one-year licenses during the  
17 transition from an annual license, to accommodate motor carriers  
18 in adding vehicles to their operations during the year, to  
19 coordinate the dates for a single carrier's licensing of multiple  
20 licenses, or for such other reasons as approved by the  
21 commission.

22       390.372. 1. Notwithstanding any provision of law to the  
23 contrary, a provision, clause, covenant, or agreement contained  
24 in, collateral to, or affecting a motor carrier transportation  
25 contract that purports to indemnify, defend, or hold harmless, or  
26 has the effect of indemnifying, defending, or holding harmless,  
27 the promisee from or against any liability for loss or damage  
28 resulting from the negligence or intentional acts or omissions of

1 the promisee is against the public policy of this state and is  
2 void and unenforceable.

3 2. For the purposes of this section, the following terms  
4 shall mean:

5 (1) "Motor carrier transportation contract", a contract,  
6 agreement, or understanding covering:

7 (a) The transportation of property for compensation or hire  
8 by the motor carrier;

9 (b) The entrance on property by the motor carrier for the  
10 purpose of loading, unloading, or transporting property for  
11 compensation or hire; or

12 (c) A service incidental to activity described in  
13 paragraphs (a) and (b) of this subdivision, including but not  
14 limited to, storage of property;

15 "Motor carrier transportation contract" shall not include the  
16 Uniform Intermodal Interchange and Facilities Access Agreement  
17 administered by the Intermodal Association of North America or  
18 other agreements providing for the interchange, use or possession  
19 of intermodal chassis, or other intermodal equipment;

20 (2) "Promisee", the promisee and any agents, employees,  
21 servants, or independent contractors who are directly responsible  
22 to the promisee except for motor carriers party to a motor  
23 carrier transportation contract with a promisee, and such motor  
24 carrier's agents, employees, servants, or independent contractors  
25 directly responsible to such motor carrier.

26 407.815. As used in sections 407.810 to 407.835, unless the  
27 context otherwise requires, the following terms mean:

28 (1) "Administrative hearing commission", the body

1 established in chapter 621, RSMo, to conduct administrative  
2 hearings;

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

9 (3) "Coerce", to force a person to act in a given manner or  
10 to compel by pressure or threat but shall not be construed to  
11 include the following:

12 (a) Good faith recommendations, exposition, argument,  
13 persuasion or attempts at persuasion;

14 (b) Notice given in good faith to any franchisee of such  
15 franchisee's violation of terms or provisions of such franchise  
16 or contractual agreement;

17 (c) Any other conduct set forth in section 407.830 as a  
18 defense to an action brought pursuant to sections 407.810 to  
19 407.835; or

20 (d) Any other conduct set forth in sections 407.810 to  
21 407.835 that is permitted of the franchisor or is expressly  
22 excluded from coercion or a violation of sections 407.810 to  
23 407.835;

24 (4) "Franchise" or "franchise agreement", a written  
25 arrangement or contract for a definite or indefinite period, in  
26 which a person grants to another person a license to use, or the  
27 right to grant to others a license to use, a trade name,  
28 trademark, service mark, or related characteristics, in which

1     there is a community of interest in the marketing of goods or  
2     services, or both, at wholesale or retail, by agreement, lease or  
3     otherwise, and in which the operation of the franchisee's  
4     business with respect to such franchise is substantially reliant  
5     on the franchisor for the continued supply of franchised new  
6     motor vehicles, parts and accessories for sale at wholesale or  
7     retail;

8           (5) "Franchisee", a person to whom a franchise is granted;

9           (6) "Franchisor", a person who grants a franchise to  
10     another person;

11          (7) "Motor vehicle", for the purposes of sections 407.810  
12     to 407.835, any motor-driven vehicle required to be registered  
13     pursuant to the provisions of chapter 301, RSMo, or any engine,  
14     transmission, or rear axle, regardless of whether attached to a  
15     vehicle, chassis, manufactured for installation in any motor-  
16     driven vehicle required to be registered under the provisions of  
17     chapter 301, RSMo, that has the transport of a person or persons,  
18     or property, on a public highway as its primary purpose and a  
19     gross vehicle weight rating of more than sixteen thousand pounds,  
20     except that, motorcycles and all-terrain vehicles as defined in  
21     section 301.010, RSMo, shall not be included;

22          (8) "New", when referring to motor vehicles or parts, means  
23     those motor vehicles or parts which have not been held except as  
24     inventory, as that term is defined in subdivision (4) of section  
25     400.9-109, RSMo;

26          (9) "Person", a natural person, sole proprietor,  
27     partnership, corporation, or any other form of business entity or  
28     organization.



1       488.006. For any infraction, unless otherwise provided by  
2 law, all court costs, fees, surcharges, and other miscellaneous  
3 charges shall be assessed in the same manner and amount as a  
4 misdemeanor.

5       537.055. In any action to recover damages arising out of  
6 the ownership, common maintenance, or operation of a motor  
7 vehicle, the type of vehicle a party was operating shall not, in  
8 and of itself, be considered evidence of comparative negligence.

9       556.021. 1. An offense defined by this code or by any  
10 other statute of this state constitutes an "infraction" if it is  
11 so designated or if [no other sentence than a fine, or fine and  
12 forfeiture or other civil penalty is authorized upon conviction]  
13 a violation of the statute can result only in a fine, forfeiture,  
14 or other civil penalty, or any combination thereof.

15       2. [An infraction does not constitute a crime and  
16 conviction of an infraction shall not give rise to any disability  
17 or legal disadvantage based on conviction of a crime.] A  
18 determination of whether an infraction has occurred shall be made  
19 by the filing of a civil action. The action shall be filed by a  
20 person who is authorized to bring a criminal action or an action  
21 to enforce an ordinance if the conduct constituted a crime or  
22 ordinance violation. The action shall be brought in the name of  
23 the state of Missouri or appropriate political subdivision. An  
24 infraction violation shall be proven by a preponderance of the  
25 evidence but shall not be tried to a jury. If an infraction  
26 violation is proven, judgment shall be entered for the plaintiff.

27       3. Notwithstanding any other provision of law to the  
28 contrary, it shall be the duty of the operator or driver of any

1 vehicle or the rider of any animal traveling on the roads of this  
2 state to stop on signal of any law enforcement officer and to  
3 obey any other reasonable signal or direction of such law  
4 enforcement officer given in the course of enforcing any  
5 infraction. Any person who willfully fails or refuses to obey  
6 any signal or direction of a law enforcement officer given in the  
7 course of enforcing any infraction, or who willfully resists or  
8 opposes a law enforcement officer in the proper discharge of his  
9 or her duties in the course of enforcing any infraction, shall be  
10 guilty of a class A misdemeanor and on plea or finding of guilt  
11 thereof shall be punished as provided by law for such offenses.

12 4. The supreme court of Missouri may promulgate rules for  
13 the enforcement of this section.

14 577.029. A licensed physician, registered nurse, or trained  
15 medical technician at the place of his employment, acting at the  
16 request and direction of the law enforcement officer, shall  
17 withdraw blood for the purpose of determining the alcohol content  
18 of the blood, unless such medical personnel, in his good faith  
19 medical judgment, believes such procedure would endanger the life  
20 or health of the person in custody. Blood may be withdrawn only  
21 by such medical personnel, but such restriction shall not apply  
22 to the taking of a breath test, a saliva specimen, or a urine  
23 specimen. In withdrawing blood for the purpose of determining  
24 the alcohol content thereof, only a previously unused and sterile  
25 needle and sterile vessel shall be utilized and the withdrawal  
26 shall otherwise be in strict accord with accepted medical  
27 practices. [A nonalcoholic antiseptic shall be used for  
28 cleansing the skin prior to venapuncture.] Upon the request of

1 the person who is tested, full information concerning the test  
2 taken at the direction of the law enforcement officer shall be  
3 made available to him.

4 577.039. An arrest without a warrant by a law enforcement  
5 officer, including a uniformed member of the state highway  
6 patrol, for a violation of section 577.010 or 577.012 is lawful  
7 whenever the arresting officer has reasonable grounds to believe  
8 that the person to be arrested has violated the section, whether  
9 or not the violation occurred in the presence of the arresting  
10 officer [and when such arrest without warrant is made within one  
11 and one-half hours after such claimed violation occurred, unless  
12 the person to be arrested has left the scene of an accident or  
13 has been removed from the scene to receive medical treatment, in  
14 which case such arrest without warrant may be made more than one  
15 and one-half hours after such violation occurred].

16 Section 1. Notwithstanding section 304.180, RSMo, or any  
17 other provision of the law to the contrary, any commercial motor  
18 vehicle originating within this state traversing to a neighboring  
19 state may operate or move such motor vehicle on a state highway  
20 within this state with a weight limit that meets but does not  
21 exceed the weight limits of the destination state. If the weight  
22 limits of the destination state are less than the weight limits  
23 of this state, then the weight limits of this state shall apply.

24  
25 [301.170. 1. Motor vehicles and trailers in the  
26 course of delivery from a manufacturer to a dealer, or  
27 from one dealer to another, may be operated on the  
28 highways without number plates being attached thereto,  
29 provided they bear on the front and on the rear,  
30 substantially as provided for number plates, a placard  
31 displaying the words "In Transit" and the number of the  
32 certificate issued as herein provided in letters and

1 figures not less than three inches high with a stroke  
2 not less than three-eighths of an inch wide; and  
3 provided further, that the operator of each motor  
4 vehicle shall carry, and exhibit on request, a  
5 certificate bearing the seal of the director of revenue  
6 and his facsimile signature, countersigned with the  
7 genuine signature of the manufacturer or dealer selling  
8 such motor vehicle, or his authorized agent. Such  
9 certificate shall bear a number and shall show the date  
10 and place of issue and the destination of the motor  
11 vehicle, and shall be of such form as the director of  
12 revenue shall determine.

13 2. The manufacturer, dealer or authorized agent  
14 shall insert the correct date, place of issue and  
15 destination, and mail a duplicate copy of such  
16 certificate to the director of revenue at the time the  
17 original is issued; original and duplicate forms of  
18 certificates shall be furnished to manufacturers and  
19 dealers, and to no others, in books of ten sets of  
20 certificates each for a fee of five dollars, and in  
21 books of fifty sets of certificates each for a fee of  
22 twenty-five dollars. It shall be unlawful for any  
23 person to display such placard or to use such  
24 certificate except as herein provided.】

25  
26 【301.177. 1. The director shall issue a  
27 temporary permit authorizing the operation of a motor  
28 vehicle or trailer by a nonresident buyer for not more  
29 than fifteen days from the date of purchase. Proof of  
30 ownership must be presented to the director and  
31 application for such permit shall be made upon a blank  
32 form furnished by the director of revenue and shall  
33 contain a full description of the motor vehicle,  
34 including manufacturer's or other identifying number.

35 2. The director of revenue shall use reasonable  
36 diligence in ascertaining whether the facts stated in  
37 such application are true, and, if satisfied that the  
38 applicant is the lawful owner of such motor vehicle,  
39 issuance of such permit shall be granted and the  
40 director shall furnish an appropriate placard  
41 evidencing the issuance thereof to be displayed on the  
42 vehicle. A fee of ten dollars shall be collected upon  
43 the issuance of each such permit.】

44  
45 【390.071. 1. No person shall engage in the  
46 business of a motor carrier in interstate commerce on  
47 any public highway in this state unless there is in  
48 force with respect to such carrier a permit issued by  
49 the division of motor carrier and railroad safety  
50 authorizing such operations.

51 2. Upon application to the division in writing,

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

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

28 (1) Delegate to other participating jurisdictions  
29 the authority and responsibility to collect and pay  
30 over statutory registration, administration or license  
31 fees; to receive, approve and maintain the required  
32 proof of public liability insurance coverage; to  
33 receive, process, maintain and transmit registration  
34 information and documentation; to issue evidence of  
35 proper registration in lieu of certificates, licenses,  
36 or permits which the commission may issue motor vehicle  
37 licenses or identifiers in lieu of regulatory licenses  
38 under section 390.136, RSMo; and to suspend or revoke  
39 any credential, approval, registration, certificate,  
40 permit, license, or identifier referred to in this  
41 section, as agents on behalf of the commission with  
42 regard to motor vehicle operations by persons having a  
43 base jurisdiction other than this state;

44 (2) Assume the authority and responsibility on  
45 behalf of other jurisdictions participating in such  
46 agreements or contracts to collect and direct the  
47 department of revenue to pay over to the appropriate  
48 jurisdictions statutory registration, administration or  
49 license fees, and to perform all other activities  
50 described in subdivision (1) of this subsection, on its  
51 own behalf or as an agent on behalf of other

1 participating jurisdictions, with regard to motor  
2 vehicle operations in interstate commerce by persons  
3 having this state as their base jurisdiction;

4 (3) Establish or modify dates for the payment of  
5 fees and the issuance of annual motor vehicle licenses  
6 or identifiers in conformity with such agreements or  
7 contracts, notwithstanding any provisions of section  
8 390.136, RSMo, to the contrary; and

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

11 2. Notwithstanding the provisions of section  
12 390.136, RSMo, statutory registration, administration  
13 or license fees collected by the commission on behalf  
14 of other jurisdictions under such agreements or  
15 contracts are hereby designated as "nonstate funds"  
16 within the meaning of section 15, article IV,  
17 Constitution of Missouri, and shall be immediately  
18 transmitted to the department of revenue of the state  
19 for deposit to the credit of a special fund which is  
20 hereby created and designated as the "Base State  
21 Registration Fund". The commission shall direct the  
22 payment of, and the director of revenue shall pay, the  
23 fees so collected to the appropriate other  
24 jurisdictions. All income derived from the investment  
25 of the base state registration fund by the director of  
26 revenue shall be credited to the state highways and  
27 transportation department fund.

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

32 4. Every person who has properly registered his  
33 or her interstate operating authority or exempt  
34 operations with his or her base jurisdiction and  
35 maintains such registration in force in accordance with  
36 such agreements or contracts is authorized to operate  
37 in interstate commerce within this state any motor  
38 vehicle which is accompanied by a valid annual license  
39 or identifier issued by his base jurisdiction in  
40 accordance with such agreements or contracts,  
41 notwithstanding any provision of section 390.071,  
42 390.126 or 390.136, RSMo, or rules of the commission to  
43 the contrary.

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

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

51 (2) Complying with any federal law or

1 regulation.]

2  
3 Section B. The repeal and reenactment of sections 301.142,  
4 302.272, 302.275, and 302.321 and the enactment of sections  
5 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418,  
6 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436 of this  
7 act shall become effective January 1, 2008.

8 Section C. Because of the need to ensure that private  
9 organizations are not financially restrained from providing  
10 transportation services to children in buses that otherwise  
11 address the safety concerns of the child passenger restraint law,  
12 because of the need to provide Missouri motorists with a method  
13 to replace stolen license plate tabs without administrative red  
14 tape and because of the need to verify the payment of  
15 registration fees, and because of the necessity to protect the  
16 citizens of this state from uninsured motorists, the repeal and  
17 reenactment of sections 301.301, 303.415, and 307.179 of this act  
18 is deemed necessary for the immediate preservation of the public  
19 health, welfare, peace, and safety, and is hereby declared to be  
20 an emergency within the meaning of the constitution, and the  
21 repeal and reenactment of sections 301.301, 303.415, and 307.179  
22 of this act shall be in full force and effect upon its passage  
23 and approval.

24 Section D. The provisions of sections 385.400, 385.403,  
25 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424,  
26 385.427, 385.430, 385.433, and 385.436 are severable. If any  
27 part of sections 385.400, 385.403, 385.406, 385.409, 385.412,  
28 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433,  
29 and 385.436 is declared invalid or unconstitutional, it is the

1 intent of the legislature that the remaining portions of sections  
2 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418,  
3 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436 shall  
4 remain and be in full force and effect.