

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 930 & 947
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation April 23, 2008 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 & 947 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4251L.05C

AN ACT

To repeal sections 144.030, 144.805, 155.010, 301.040, 301.130, 302.060, 302.171, 302.177, 302.720, 302.735, 304.015, 304.180, 304.230, 305.230, and 577.023, RSMo, and to enact in lieu thereof twenty-four new sections relating to transportation issues, with penalty provisions.

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

Section A. Sections 144.030, 144.805, 155.010, 301.040, 301.130, 302.060, 302.171, 2 302.177, 302.720, 302.735, 304.015, 304.180, 304.230, 305.230, and 577.023, RSMo, are 3 repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 144.030, 4 144.805, 155.010, 227.102, 227.103, 227.396, 227.400, 301.040, 301.130, 302.060, 302.063, 5 302.171, 302.177, 302.720, 302.735, 304.015, 304.180, 304.230, 304.232, 304.590, 305.230, 6 390.021, 390.372, and 577.023, to read as follows:

144.030. 1. There is hereby specifically exempted from the provisions of sections 2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to 3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and 4 any other state of the United States, or between this state and any foreign country, and any retail 5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws 6 of the United States of America, and such retail sales of tangible personal property which the

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

7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and
11 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to
12 the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections
13 144.010 to 144.525 and 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with
23 the growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation, slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Replacement machinery, equipment, and parts and the materials and supplies solely
39 required for the installation or construction of such replacement machinery, equipment, and
40 parts, used directly in manufacturing, mining, fabricating or producing a product which is
41 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
42 the materials and supplies required solely for the operation, installation or construction of such

43 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
44 material recovery processing plants in this state. For the purposes of this subdivision, a "material
45 recovery processing plant" means a facility that has as its primary purpose the recovery of
46 materials into a useable product or a different form which is used in producing a new product and
47 shall include a facility or equipment which are used exclusively for the collection of recovered
48 materials for delivery to a material recovery processing plant but shall not include motor vehicles
49 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
50 the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of
51 materials within a manufacturing process or the use of a product previously recovered. The
52 material recovery processing plant shall qualify under the provisions of this section regardless
53 of ownership of the material being recovered;

54 (5) Machinery and equipment, and parts and the materials and supplies solely required
55 for the installation or construction of such machinery and equipment, purchased and used to
56 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
57 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
58 which is intended to be sold ultimately for final use or consumption;

59 (6) Tangible personal property which is used exclusively in the manufacturing,
60 processing, modification or assembling of products sold to the United States government or to
61 any agency of the United States government;

62 (7) Animals or poultry used for breeding or feeding purposes;

63 (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
64 other machinery, equipment, replacement parts and supplies used in producing newspapers
65 published for dissemination of news to the general public;

66 (9) The rentals of films, records or any type of sound or picture transcriptions for public
67 commercial display;

68 (10) Pumping machinery and equipment used to propel products delivered by pipelines
69 engaged as common carriers;

70 (11) Railroad rolling stock for use in transporting persons or property in interstate
71 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
72 more or trailers used by common carriers, as defined in section 390.020, RSMo, in the
73 transportation of persons or property;

74 (12) Electrical energy used in the actual primary manufacture, processing, compounding,
75 mining or producing of a product, or electrical energy used in the actual secondary processing
76 or fabricating of the product, or a material recovery processing plant as defined in subdivision
77 (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
78 energy so used exceeds ten percent of the total cost of production, either primary or secondary,

79 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
80 contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo.
81 There shall be a rebuttable presumption that the raw materials used in the primary manufacture
82 of automobiles contain at least twenty-five percent recovered materials. For purposes of this
83 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
84 materials to transform and reduce them to a different state or thing, including treatment necessary
85 to maintain or preserve such processing by the producer at the production facility;

86 (13) Anodes which are used or consumed in manufacturing, processing, compounding,
87 mining, producing or fabricating and which have a useful life of less than one year;

88 (14) Machinery, equipment, appliances and devices purchased or leased and used solely
89 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
90 solely required for the installation, construction or reconstruction of such machinery, equipment,
91 appliances and devices, and so certified as such by the director of the department of natural
92 resources, except that any action by the director pursuant to this subdivision may be appealed to
93 the air conservation commission which may uphold or reverse such action;

94 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
95 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
96 solely required for the installation, construction or reconstruction of such machinery, equipment,
97 appliances and devices, and so certified as such by the director of the department of natural
98 resources, except that any action by the director pursuant to this subdivision may be appealed to
99 the Missouri clean water commission which may uphold or reverse such action;

100 (16) Tangible personal property purchased by a rural water district;

101 (17) All amounts paid or charged for admission or participation or other fees paid by or
102 other charges to individuals in or for any place of amusement, entertainment or recreation, games
103 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
104 municipality or other political subdivision where all the proceeds derived therefrom benefit the
105 municipality or other political subdivision and do not inure to any private person, firm, or
106 corporation;

107 (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
108 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
109 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
110 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
111 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
112 administer those items, including samples and materials used to manufacture samples which may
113 be dispensed by a practitioner authorized to dispense such samples and all sales of medical
114 oxygen, home respiratory equipment and accessories, hospital beds and accessories and

115 ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,
116 electronic Braille equipment and, if purchased by or on behalf of a person with one or more
117 physical or mental disabilities to enable them to function more independently, all sales of
118 scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and
119 augmentative communication devices, and items used solely to modify motor vehicles to permit
120 the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or
121 nonprescription drugs to individuals with disabilities;

122 (19) All sales made by or to religious and charitable organizations and institutions in
123 their religious, charitable or educational functions and activities and all sales made by or to all
124 elementary and secondary schools operated at public expense in their educational functions and
125 activities;

126 (20) All sales of aircraft to common carriers for storage or for use in interstate commerce
127 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
128 including fraternal organizations which have been declared tax-exempt organizations pursuant
129 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
130 charitable functions and activities and all sales made to eleemosynary and penal institutions and
131 industries of the state, and all sales made to any private not-for-profit institution of higher
132 education not otherwise excluded pursuant to subdivision (19) of this subsection or any
133 institution of higher education supported by public funds, and all sales made to a state relief
134 agency in the exercise of relief functions and activities;

135 (21) All ticket sales made by benevolent, scientific and educational associations which
136 are formed to foster, encourage, and promote progress and improvement in the science of
137 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
138 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
139 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
140 fair conducted by a county agricultural and mechanical society organized and operated pursuant
141 to sections 262.290 to 262.530, RSMo;

142 (22) All sales made to any private not-for-profit elementary or secondary school, all sales
143 of feed additives, medications or vaccines administered to livestock or poultry in the production
144 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
145 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
146 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
147 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as
148 defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new
149 generation cooperative or an eligible new generation processing entity as defined in section
150 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor

151 vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible
152 personal property which, when mixed with feed for livestock or poultry, is to be used in the
153 feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes
154 adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used
155 to improve or enhance the effect of a pesticide and the foam used to mark the application of
156 pesticides and herbicides for the production of crops, livestock or poultry. As used in this
157 subdivision, the term "farm machinery and equipment" means new or used farm tractors and such
158 other new or used farm machinery and equipment and repair or replacement parts thereon, and
159 supplies and lubricants used exclusively, solely, and directly for producing crops, raising and
160 feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale
161 at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel
162 therefor which is:

- 163 (a) Used exclusively for agricultural purposes;
- 164 (b) Used on land owned or leased for the purpose of producing farm products; and
- 165 (c) Used directly in producing farm products to be sold ultimately in processed form or
166 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
167 ultimately in processed form at retail;

168 (23) Except as otherwise provided in section 144.032, all sales of metered water service,
169 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
170 for domestic use and in any city not within a county, all sales of metered or unmetered water
171 service for domestic use:

172 (a) "Domestic use" means that portion of metered water service, electricity, electrical
173 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
174 within a county, metered or unmetered water service, which an individual occupant of a
175 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
176 service through a single or master meter for residential apartments or condominiums, including
177 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
178 Each seller shall establish and maintain a system whereby individual purchases are determined
179 as exempt or nonexempt;

180 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
181 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
182 with and approved by the Missouri public service commission. Sales and purchases made
183 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
184 of the occupants of residential apartments or condominiums through a single or master meter,
185 including service for common areas and facilities and vacant units, shall be considered as sales
186 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales

187 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
188 service rate classification and the provision of service thereunder shall be conclusive as to
189 whether or not the utility must charge sales tax;

190 (c) Each person making domestic use purchases of services or property and who uses any
191 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
192 of the fourth month following the year of purchase, and without assessment, notice or demand,
193 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
194 nondomestic purchases of services or property and who uses any portion of the services or
195 property so purchased for domestic use, and each person making domestic purchases on behalf
196 of occupants of residential apartments or condominiums through a single or master meter,
197 including service for common areas and facilities and vacant units, under a nonresidential utility
198 service rate classification may, between the first day of the first month and the fifteenth day of
199 the fourth month following the year of purchase, apply for credit or refund to the director of
200 revenue and the director shall give credit or make refund for taxes paid on the domestic use
201 portion of the purchase. The person making such purchases on behalf of occupants of residential
202 apartments or condominiums shall have standing to apply to the director of revenue for such
203 credit or refund;

204 (24) All sales of handicraft items made by the seller or the seller's spouse if the seller or
205 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
206 sales do not constitute a majority of the annual gross income of the seller;

207 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
208 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
209 revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local
210 sales taxes on such excise taxes;

211 (26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
212 vessels which are used primarily in or for the transportation of property or cargo, or the
213 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
214 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
215 it is afloat upon such river;

216 (27) All sales made to an interstate compact agency created pursuant to sections 70.370
217 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and
218 activities of such agency as provided pursuant to the compact;

219 (28) Computers, computer software and computer security systems purchased for use
220 by architectural or engineering firms headquartered in this state. For the purposes of this
221 subdivision, "headquartered in this state" means the office for the administrative management
222 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

- 223 (29) All livestock sales when either the seller is engaged in the growing, producing or
224 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
225 or leasing of such livestock;
- 226 (30) All sales of barges which are to be used primarily in the transportation of property
227 or cargo on interstate waterways;
- 228 (31) Electrical energy or gas, whether natural, artificial or propane, water, or other
229 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
230 products or in any material recovery processing plant as defined in subdivision (4) of this
231 subsection;
- 232 (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
233 herbicides used in the production of crops, aquaculture, livestock or poultry;
- 234 (33) Tangible personal property and utilities purchased for use or consumption directly
235 or exclusively in the research and development of agricultural/biotechnology and plant genomics
236 products and prescription pharmaceuticals consumed by humans or animals;
- 237 (34) All sales of grain bins for storage of grain for resale;
- 238 (35) All sales of feed which are developed for and used in the feeding of pets owned by
239 a commercial breeder when such sales are made to a commercial breeder, as defined in section
240 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;
- 241 (36) All purchases by a contractor on behalf of an entity located in another state,
242 provided that the entity is authorized to issue a certificate of exemption for purchases to a
243 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
244 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
245 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
246 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
247 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
248 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
249 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
250 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
251 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
252 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
253 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
254 or remodeling facilities for the following:
- 255 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
256 project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, RSMo;

(40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories.

144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the

19 department of revenue any applicable sales and use taxes on such aviation jet fuel up to the
20 maximum aggregate amount of one million five hundred thousand dollars in each calendar year.
21 The director of revenue shall adopt appropriate rules and regulations to implement the provisions
22 of this section, and to permit appropriate claims for refunds of any excess sales and use taxes
23 collected in calendar year 1993 or any subsequent year with respect to any such common carrier
24 and aviation jet fuel.

25 3. The provisions of this section shall apply to all purchases and deliveries of aviation
26 jet fuel from and after May 10, 1993.

27 4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter,
28 less the amounts specifically designated pursuant to the constitution or pursuant to section
29 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established
30 pursuant to section [305.230] **155.090**, RSMo[; provided however, the amount of such state sales
31 and use tax revenues deposited to the credit of such aviation trust fund shall not exceed six
32 million dollars in each calendar year].

33 5. The provisions of this section and section 144.807 shall expire on December 31, 2013.
155.010. As used in this chapter, the following terms mean:

2 (1) "Aircraft", any contrivance now known, or hereafter invented, used or designed for
3 navigation of, or flight in, the air;

4 (2) "Airline company", any person, firm, partnership, corporation, trustee, receiver or
5 assignee, and all other persons, whether or not in a representative capacity, undertaking to engage
6 in the carriage of persons or cargo for hire by commercial aircraft pursuant to certificates of
7 convenience and necessity issued by the federal Civil Aeronautics Board, or successor thereof,
8 or any noncertificated air carrier authorized to engage in irregular and infrequent air
9 transportation by the federal Civil Aeronautics Board, or successor thereof;

10 (3) "Aviation fuel", any fuel specifically compounded for use in reciprocating aircraft
11 engines;

12 (4) "Commercial aircraft", aircraft fully equipped for flight and of more than [seven]
13 **three** thousand pounds maximum certified gross take-off weight.

227.102. 1. Notwithstanding any other provision of law to the contrary, the
2 **commission is authorized to receive bids and bid bonds for any contract for construction,**
3 **maintenance, repair, or improvement of any bridge or highway on the state highway**
4 **system electronically via the Internet. Such electronically submitted bids and bid bonds**
5 **shall contain digital signatures and seals, and all other required bid information and**
6 **certifications, in accordance with commission administrative rules, sections 432.200 to**
7 **432.295, RSMo, and with any applicable federal competitive bidding requirements. At its**

8 discretion, the commission may elect to receive both electronic and paper bids, or the
9 commission may specify electronic bidding exclusively for any proposed contract.

10 2. Any electronic bidding program or service implemented by the commission and
11 the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:

12 (1) Each bidder must be able to transmit an electronic bid and bid bond securely
13 and confidentially through bid encryption or other protection measures;

14 (2) Each bidder must receive prompt confirmation of the timely electronic filing of
15 the bidder's bid and bid bond;

16 (3) Each bidder must be able to withdraw or replace the bidder's filed electronic
17 bid and bid bond prior to the time bids are opened;

18 (4) Each bid filed electronically must be inaccessible or unreadable to all others
19 except for the bidder prior to the time bids are opened;

20 (5) The portal for filing bids must have a mechanism to block any additional bids
21 or modifications to bids when bids are scheduled to be opened; and

22 (6) Commission representatives and officials of the department of transportation
23 must have full and immediate access to the bids and bid bonds at the time bids are
24 designated to be opened, but not prior to that time.

25 3. The commission is authorized to promulgate administrative rules to administer
26 the provisions in this section. Any rule or portion of a rule, as that term is defined in
27 section 536.010, RSMo, that is created under the authority delegated in this section shall
28 become effective only if it complies with and is subject to all of the provisions of chapter
29 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
30 RSMo, are nonseverable and if any of the powers vested with the general assembly
31 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
32 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
33 authority and any rule proposed or adopted after August 28, 2008, shall be invalid and
34 void.

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

6 2. The commission is authorized to promulgate administrative rules to administer
7 the provisions of this section. Any rule or portion of a rule, as that term is defined in
8 section 536.010, RSMo, that is created under the authority delegated in this section shall
9 become effective only if it complies with and is subject to all of the provisions of chapter

10 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
11 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
12 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
13 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
14 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
15 **void.**

227.396. Notwithstanding any provision of section 227.299 to the contrary, the
2 **portion of Missouri Route WW located within Boone County, beginning with its**
3 **intersection with U.S. Highway 63 and proceeding east to its intersection with South Olivet**
4 **Road, shall be designated "Carl Edwards Drive".**

227.400. The portion of Interstate 44 from mile marker 280 to mile marker 282 in
2 **St. Louis County shall be designated the "Police Officer Robert Stanze Memorial**
3 **Highway". The department of transportation shall erect and maintain appropriate signs**
4 **designating such highway, with the costs to be paid for by private donation.**

301.040. The director of revenue shall notify each registered motor vehicle owner by
2 mail, at the last known address, within an appropriate period prior to the beginning of the
3 registration period to which he has been assigned, of the date for reregistration. Such notice shall
4 include an application blank for registration and shall specify the amount of license fees due and
5 the registration period covered by such license. **No commercial inserts or other forms of**
6 **advertising shall accompany the notice.** Application blanks shall also be furnished all branch
7 offices of the department of revenue and license fee offices designated by the director of revenue
8 under the provisions of section 136.055, RSMo, where they shall be made available to any
9 person upon request. Failure of the owner to receive such notice shall not relieve the owner of
10 the requirement to register pursuant to this chapter.

301.130. 1. The director of revenue, upon receipt of a proper application for registration,
2 required fees and any other information which may be required by law, shall issue to the
3 applicant a certificate of registration in such manner and form as the director of revenue may
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.
5 Each set of license plates shall bear the name or abbreviated name of this state, the words
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director
8 of revenue. The plates shall also contain fully reflective material with a common color scheme
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to

12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

14 2. The arrangement of letters and numbers of license plates shall be uniform throughout
15 each classification of registration. The director may provide for the arrangement of the numbers
16 in groups or otherwise, and for other distinguishing marks on the plates.

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
21 3 of section 301.030, or with the state highways and transportation commission as otherwise
22 provided in this chapter, but only one license plate shall be issued for each such vehicle [except
23 as provided in this subsection. The applicant for registration of any property-carrying
24 commercial motor vehicle may request and be issued two license plates for such vehicle, and if
25 such plates are issued the director of revenue may assess and collect an additional charge from
26 the applicant in an amount not to exceed the fee prescribed for personalized license plates in
27 subsection 1 of section 301.144].

28 4. The plates issued to manufacturers and dealers shall bear the letters and numbers as
29 prescribed by section 301.560, and the director may place upon the plates other letters or marks
30 to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

31 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
32 shall have displayed thereon the license plate or set of license plates issued by the director of
33 revenue or the state highways and transportation commission and authorized by section 301.140.
34 Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all
35 parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof
36 are not impaired. Each such plate may be encased in a transparent cover so long as the plate is
37 plainly visible and its reflective qualities are not impaired. License plates shall be fastened to
38 all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of
39 twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than
40 forty-eight inches above the ground, with the letters and numbers thereon right side up. The
41 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
42 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate
43 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
44 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
45 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon
46 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
47 displayed in the same manner on the front and rear of such vehicles. The license plate or plates

48 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
49 required fees have been paid.

50 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as
51 provided by law as evidence of the annual payment of registration fees and the current
52 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
53 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
54 positively correlate with the license plate or plates issued by the department of revenue for such
55 vehicle. Such tabs shall be produced in each license bureau office.

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

58 (3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in
59 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has
60 been paid.

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

63 (5) For those commercial motor vehicles and trailers registered pursuant to section
64 301.041, the plate issued by the highways and transportation commission shall be a permanent
65 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
66 the owner of any vehicle permanently registered pursuant to this section from the obligation to
67 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
68 be returned to the highways and transportation commission upon the sale or disposal of the
69 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
70 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
71 application with the Missouri highways and transportation commission for the registration of
72 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
73 highways and transportation commission shall issue a certificate of registration or other suitable
74 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
75 in the vehicle for which it is issued.

76 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
77 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
78 for such vehicle shall be returned to the highways and transportation commission and shall not
79 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
80 when the owner files a supplemental application with the Missouri highways and transportation
81 commission for the registration of such replacement vehicle. If a vehicle which is permanently
82 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,

83 the registrant shall be given credit for any unused portion of the annual registration fee when the
84 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

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

89 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
90 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
91 of eighteen thousand pounds gross weight may apply for special personalized license plates.
92 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
93 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

94 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
95 of new license plates of such design as directed by the director consistent with the terms,
96 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
97 section, in addition to all other fees required by law, applicants for registration of vehicles with
98 license plates that expire during the period of reissuance, applicants for registration of trailers
99 or semitrailers with license plates that expire during the period of reissuance and applicants for
100 registration of vehicles that are to be issued new license plates during the period of reissuance
101 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
102 subsection shall not be charged to persons receiving special license plates issued under section
103 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
104 and specialized license plates are exempt from the provisions of this subsection. **Except for**
105 **new, replacement, and transfer applications, permanent nonexpiring license plates issued**
106 **to commercial motor vehicles and trailers registered under section 301.041 are exempt**
107 **from the provisions of this subsection.**

302.060. The director shall not issue any license and shall immediately deny any driving
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, **or to any person who is under**
6 **eighteen years of age who fails to meet the qualifications of section 302.063**, except as
7 [hereinafter] provided **by this section**;

8 (3) To any person whose license has been suspended, during such suspension, or to any
9 person whose license has been revoked, until the expiration of one year after such license was
10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

- 12 (5) To any person who has previously been adjudged to be incapacitated and who at the
13 time of application has not been restored to partial capacity;
- 14 (6) To any person who, when required by this law to take an examination, has failed to
15 pass such examination;
- 16 (7) To any person who has an unsatisfied judgment against such person, as defined in
17 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such
18 person, as defined in section [303.120] **303.020**, RSMo, has been established;
- 19 (8) To any person whose application shows that the person has been convicted within
20 one year prior to such application of violating the laws of this state relating to failure to stop after
21 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
22 consent;
- 23 (9) To any person who has been convicted more than twice of violating state law, or a
24 county or municipal ordinance where the defendant was represented by or waived the right to an
25 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
26 years from the date of conviction of the last offense of violating such law or ordinance relating
27 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
28 county in which such last conviction was rendered and the court shall review the person's habits
29 and conduct since such conviction. If the court finds that the petitioner has not been convicted
30 of any offense related to alcohol, controlled substances or drugs during the preceding ten years
31 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
32 public safety of this state, the court may order the director to issue a license to the petitioner if
33 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.
34 No person may obtain a license pursuant to the provisions of this subdivision through court
35 action more than one time;
- 36 (10) To any person who has been convicted twice within a five-year period of violating
37 state law, or a county or municipal ordinance where the defendant was represented by or waived
38 the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the
39 crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition.
40 The director shall not issue a license to such person for five years from the date such person was
41 convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated
42 condition or for driving while intoxicated for the second time. Any person who has been denied
43 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the
44 person's license issued, upon application, unless the two convictions occurred within a five-year
45 period, in which case, no license shall be issued to the person for five years from the date of the
46 second conviction;

47 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
48 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

49 (12) To any person who is under the age of eighteen years, if such person's parents or
50 legal guardians file a certified document with the department of revenue stating that the director
51 shall not issue such person a driver's license. Each document filed by the person's parents or
52 legal guardians shall be made upon a form furnished by the director and shall include identifying
53 information of the person for whom the parents or legal guardians are denying the driver's
54 license. The document shall also contain identifying information of the person's parents or legal
55 guardians. The document shall be certified by the parents or legal guardians to be true and
56 correct. This provision shall not apply to any person who is legally emancipated. The parents
57 or legal guardians may later file an additional document with the department of revenue which
58 reinstates the person's ability to receive a driver's license.

**302.063. 1. In addition to the requirement of section 302.171, the director of
2 revenue shall not accept any application by any applicant for an operator's license or a
3 temporary permit issued under section 302.130 who is fifteen to eighteen years of age and
4 whose name has been submitted to the department of revenue by a public school in
5 accordance with subsection 2 of this section.**

6 **2. Each public school district shall provide to the department of revenue, at least
7 one time for each semester of the school year, a list of the names of all students who are not
8 in compliance with the standards for eligibility developed under the provisions of this
9 section.**

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

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

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

38 **6. The department of elementary and secondary education, in cooperation with the**
39 **department of revenue, shall promulgate a model or models for compliance with this**
40 **section.**

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

43 **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
44 **that is created under the authority delegated in this section shall become effective only if**
45 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
46 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
47 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
48 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
49 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
50 **adopted after August 28, 2008, shall be invalid and void.**

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever

10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178. **An applicant who is less than**
29 **eighteen years of age and is not an emancipated minor shall meet the requirements of**
30 **section 302.063 in order to receive a license issued under this chapter. As used in this**
31 **section, the term "emancipated minor" is a person who is at least sixteen years of age, but**
32 **less than eighteen years of age, who marries, enters active duty in the armed forces, or who**
33 **the custodial parent or legal guardian has relinquished from parental control by express**
34 **or implied consent, and who through employment or other means provides for such**
35 **person's own food, shelter, and other cost-of-living expenses.** For persons mobilized and
36 deployed with the United States Armed Forces, an application under this subsection shall be
37 considered satisfactory by the department of revenue if it is signed by a person who holds general
38 power of attorney executed by the person deployed, provided the applicant meets all other
39 requirements set by the director.

40 2. An applicant for a license may make a donation of one dollar to promote an organ
41 donor program. The director of revenue shall collect the donations and deposit all such
42 donations in the state treasury to the credit of the organ donor program fund established in
43 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
44 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
45 department of revenue shall retain no more than one percent for its administrative costs. The

46 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
47 license at the time of issuance or renewal of the license. The director shall make available an
48 informational booklet or other informational sources on the importance of organ donations to
49 applicants for licensure as designed by the organ donation advisory committee established in
50 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
51 licensee presents the completed application to the director whether the applicant is interested in
52 making the one dollar donation prescribed in this subsection and whether the applicant is
53 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
54 of the ability to consent to organ donation by completing the form on the reverse of the license
55 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
56 RSMo. The director shall notify the department of health and senior services of information
57 obtained from applicants who indicate to the director that they are interested in registry
58 participation, and the department of health and senior services shall enter the complete name,
59 address, date of birth, race, gender and a unique personal identifier in the registry established in
60 subsection 1 of section 194.304, RSMo.

61 3. An applicant for a license may make a donation of one dollar to promote a blindness
62 education, screening and treatment program. The director of revenue shall collect the donations
63 and deposit all such donations in the state treasury to the credit of the blindness education,
64 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
65 blindness education, screening and treatment program fund shall be used solely for the purposes
66 established in section 192.935, RSMo, except that the department of revenue shall retain no more
67 than one percent for its administrative costs. The donation prescribed in this subsection is
68 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
69 of the license. The director shall inquire of each applicant at the time the licensee presents the
70 completed application to the director whether the applicant is interested in making the one dollar
71 donation prescribed in this subsection.

72 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
73 commits fraud or deception during the examination process or who makes application for an
74 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
75 false or fraudulent information or documentation, or who knowingly conceals a material fact or
76 otherwise commits a fraud in any such application. The period of denial shall be one year from
77 the effective date of the denial notice sent by the director. The denial shall become effective ten
78 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
79 person at the last known address shown on the person's driving record. The notice shall be
80 deemed received three days after mailing unless returned by the postal authorities. No such
81 individual shall reapply for a driver's examination, instruction permit, driver's license, or

82 nondriver's license until the period of denial is completed. No individual who is denied the
83 driving privilege under this section shall be eligible for a limited driving privilege issued under
84 section 302.309.

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

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

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

91 8. Notwithstanding any provisions of this chapter that requires an applicant to provide
92 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial
93 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
94 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
95 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

96 9. Notwithstanding any other provision of this chapter, if an applicant does not meet the
97 requirements of subsection 8 of this section and does not have the required documents to prove
98 lawful presence, the department may issue a one-year driver's license renewal. This one-time
99 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial
100 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen
101 years or more and who does not have the required documents to prove lawful presence. After
102 the expiration of the one-year period, no further renewal shall be provided without the applicant
103 producing proof of lawful presence.

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

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in

15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under
19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

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

30 4. To all other applicants for a license or renewal of a license who are less than
31 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
32 application and meet the requirements of sections 302.010 to 302.605, the director shall issue
33 or renew such license; except that no license shall be issued if an applicant's license is currently
34 suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire
35 on the applicant's birthday in the third year of issuance, unless the license must be issued for a
36 shorter period due to other requirements of law or for transition or staggering of work as
37 determined by the director. The license must be renewed on or before the date of expiration,
38 which date shall be shown on the license.

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

41 6. The fee for a license issued for a period of three years or less under subsection 2 of
42 this section shall be fifteen dollars, except that the fee for a license issued for one year or less
43 which contains a school bus endorsement shall be five dollars, **except renewal fees shall be**
44 **waived for applicants seventy years of age or older seeking school bus endorsements.**

45 7. The fee for a license issued for a period which exceeds three years under subsection
46 3 of this section shall be fifteen dollars.

47 8. The fee for a license issued for a period of three years or less under subsection 4 of
48 this section shall be seven dollars and fifty cents.

49 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that
50 exceeds an applicant's lawful presence in the United States. The director may establish

51 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
52 license issued under this section.

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

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

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the

31 applicant upon completion of any written or driving test, **except the examination fee shall be**
32 **waived for applicants seventy years of age or older renewing a license with a school bus**
33 **endorsement.** The director shall delegate the power to conduct the examinations required under
34 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by
35 the highway patrol qualified to give driving examinations.

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

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

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

58 (5) The director shall have the authority to waive the driving skills test for any qualified
59 military applicant for a commercial driver's license who is currently licensed at the time of
60 application for a commercial driver's license. The director shall impose conditions and
61 limitations to restrict the applicants from whom the department may accept alternative
62 requirements for the skills test described in federal regulation 49 C.F.R. 383.77. An applicant
63 must certify that, during the two-year period immediately preceding application for a commercial
64 driver's license, all of the following apply:

- 65 (a) The applicant has not had more than one license;
66 (b) The applicant has not had any license suspended, revoked, or cancelled;

67 (c) The applicant has not had any convictions for any type of motor vehicle for the
68 disqualifying offenses contained in this chapter or federal rule 49 C.F.R. 383.51(b);

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

71 (e) The applicant has not had any conviction for a violation of state or local law relating
72 to motor vehicle traffic control, but not including any parking violation, arising in connection
73 with any traffic accident, and has no record of an accident in which he or she was at fault;

74 (f) The applicant is regularly employed in a job requiring operation of a commercial
75 motor vehicle and has operated the vehicle for at least sixty days during the two years
76 immediately preceding application for a commercial driver's license. The vehicle must be
77 representative of the commercial motor vehicle the driver applicant operates or expects to
78 operate;

79 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a
80 commanding officer as proof of driving experience as indicated in paragraph (f) of this
81 subdivision;

82 (h) The applicant, if honorably discharged from military service, must provide a
83 form-DD214 or other proof of military occupational specialty;

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

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

87 3. A commercial driver's license may not be issued to a person while the person is
88 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any
89 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
90 may a commercial driver's license be issued unless the person first surrenders in a manner
91 prescribed by the director any commercial driver's license issued by another state, which license
92 shall be returned to the issuing state for cancellation.

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

302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The application for a commercial driver's license shall include, but not be limited to, the
3 applicant's legal name, mailing and residence address, if different, a physical description of the
4 person, including sex, height, weight and eye color, the person's Social Security number, date

5 of birth and any other information deemed appropriate by the director. The application shall also
6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year
10 after issuance, unless the license must be issued for a shorter period due to other requirements
11 of law or for transition or staggering of work as determined by the director, and must be renewed
12 on or before the date of expiration. When a person changes such person's name an application
13 for a duplicate license shall be made to the director of revenue. When a person changes such
14 person's mailing address or residence the applicant shall notify the director of revenue of said
15 change, however, no application for a duplicate license is required. A commercial license issued
16 pursuant to this section to an applicant less than twenty-one years of age and seventy years of age
17 and older shall expire on the applicant's birthday in the third year after issuance, unless the
18 license must be issued for a shorter period as determined by the director.

19 3. A commercial driver's license containing a hazardous materials endorsement issued
20 to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a
21 period exceeding five years from the approval date of the security threat assessment as
22 determined by the Transportation Security Administration.

23 4. The director shall issue an annual commercial driver's license containing a school bus
24 endorsement to an applicant who is seventy years of age or older. The fee for such license shall
25 be seven dollars and fifty cents; **except renewal fees shall be waived for applicants seventy**
26 **years of age or older seeking school bus endorsements.**

27 5. A commercial driver's license containing a hazardous materials endorsement issued
28 to an applicant who is seventy years of age or older shall not be issued for a period exceeding
29 three years. The director shall not require such drivers to obtain a security threat assessment
30 more frequently than such assessment is required by the Transportation Security Administration
31 under the Uniting and Strengthening America by Providing Appropriate Tools Required to
32 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

33 6. The fee for a commercial driver's license or renewal commercial driver's license issued
34 for a period greater than three years shall be forty dollars.

35 7. The fee for a commercial driver's license or renewal commercial driver's license issued
36 for a period of three years or less shall be twenty dollars.

37 8. The fee for a duplicate commercial driver's license shall be twenty dollars.

38 9. In order for the director to properly transition driver's license requirements under the
39 Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by
40 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT

41 ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for
42 any fees, including driver examination fees that are incurred by the driver as a result of the initial
43 issuance of a transitional license required to comply with such acts.

44 10. Within thirty days after moving to this state, the holder of a commercial driver's
45 license shall apply for a commercial driver's license in this state. The applicant shall meet all
46 other requirements of sections 302.700 to 302.780, except that the director may waive the driving
47 test for a commercial driver's license as required in section 302.720 if the applicant for a
48 commercial driver's license has a valid commercial driver's license from a state which has
49 requirements for issuance of such license comparable to those in this state.

50 11. Any person who falsifies any information in an application or test for a commercial
51 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's
52 commercial driver's license shall be canceled, for a period of one year after the director discovers
53 such falsification.

54 12. Beginning July 1, 2005, the director shall not issue a commercial driver's license
55 under this section unless the director verifies that the applicant is lawfully present in the United
56 States before accepting the application. If lawful presence is granted for a temporary period, no
57 commercial driver's license shall be issued. The director may, by rule or regulation, establish
58 procedures to verify the lawful presence of the applicant and establish the duration of any
59 commercial driver's license issued under this section. No rule or portion of a rule promulgated
60 pursuant to the authority of this section shall become effective unless it has been promulgated
61 pursuant to chapter 536, RSMo.

62 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1
63 and 5 of this section to the contrary, the director may issue a nonresident commercial driver's
64 license to a resident of a foreign jurisdiction if the United States Secretary of Transportation has
65 determined that the commercial motor vehicle testing and licensing standards in the foreign
66 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

67 (2) Any applicant for a nonresident commercial driver's license must present evidence
68 satisfactory to the director that the applicant currently has employment with an employer in this
69 state. The nonresident applicant must meet the same testing, driver record requirements,
70 conditions, and is subject to the same disqualification and conviction reporting requirements
71 applicable to resident commercial drivers.

72 (3) The nonresident commercial driver's license will expire on the same date that the
73 documents establishing lawful presence for employment expire. The word "nonresident" shall
74 appear on the face of the nonresident commercial driver's license. Any applicant for a Missouri
75 nonresident commercial driver's license must first surrender any nonresident commercial driver's
76 license issued by another state.

77 (4) The nonresident commercial driver's license applicant must pay the same fees as
78 required for the issuance of a resident commercial driver's license.

79 14. Foreign jurisdiction for purposes of issuing a nonresident commercial driver's license
80 under this section shall not include any of the fifty states of the United States or Canada or
81 Mexico.

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

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

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

8 (2) When placing a vehicle in position for and when such vehicle is lawfully making a
9 left turn in compliance with the provisions of sections 304.014 to [304.026] **304.025** or traffic
10 regulations thereunder or of municipalities;

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

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

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

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

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

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

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

39 (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to [304.026] **304.025**;

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

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

49 6. All vehicles in motion upon a highway having [two] **three** or more lanes of traffic
50 proceeding in the same direction shall be driven in the right-hand lane except when overtaking
51 and passing another vehicle or when preparing to make a proper left turn or when otherwise
52 directed by traffic markings, signs or signals.

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

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

59 (2) **The right half of a roadway is closed to traffic while under construction or**
60 **repair.**

61 8. **As used in subsection 7 of this section, "truck" means any vehicle, machine,**
62 **tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by**
63 **mechanical power and designed for or used in the transportation of property upon the**
64 **highways. The term "truck" also includes a commercial motor vehicle as defined in section**
65 **301.010, RSMo.**

66 **9.** Violation of this section shall be deemed an infraction unless such violation causes
 67 an immediate threat of an accident, in which case such violation shall be deemed a class C
 68 misdemeanor, or unless an accident results from such violation, in which case such violation
 69 shall be deemed a class A misdemeanor.

 304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any
 2 highway in this state having a greater weight than twenty thousand pounds on one axle, no
 3 combination of vehicles operated by transporters of general freight over regular routes as defined
 4 in section 390.020, RSMo, shall be moved or operated on any highway of this state having a
 5 greater weight than the vehicle manufacturer's rating on a steering axle with the maximum
 6 weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved
 7 or operated on any state highway of this state having a greater weight than thirty-four thousand
 8 pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles,
 9 arranged one behind another, the distance between the extremes of which is more than forty
 10 inches and not more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending
 13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
 17 maximum load in pounds as set forth in the
 18 following table:

19

20 Distance in feet
 21 between the extremes
 22 of any group of two or
 23 more consecutive axles,
 24 measured to the nearest
 25 foot, except where

26 indicated otherwise

Maximum load in pounds

27 feet	2 axles	3 axles	4 axles	5 axles	6 axles
28 4	34,000				
29 5	34,000				
30 6	34,000				
31 7	34,000				

32	8	34,000	34,000			
33	More than 8	38,000	42,000			
34	9	39,000	42,500			
35	10	40,000	43,500			
36	11	40,000	44,000			
37	12	40,000	45,000	50,000		
38	13	40,000	45,500	50,500		
39	14	40,000	46,500	51,500		
40	15	40,000	47,000	52,000		
41	16	40,000	48,000	52,500	58,000	
42	17	40,000	48,500	53,500	58,500	
43	18	40,000	49,500	54,000	59,000	
44	19	40,000	50,000	54,500	60,000	
45	20	40,000	51,000	55,500	60,500	66,000
46	21	40,000	51,500	56,000	61,000	66,500
47	22	40,000	52,500	56,500	61,500	67,000
48	23	40,000	53,000	57,500	62,500	68,000
49	24	40,000	54,000	58,000	63,000	68,500
50	25	40,000	54,500	58,500	63,500	69,000
51	26	40,000	55,500	59,500	64,000	69,500
52	27	40,000	56,000	60,000	65,000	70,000
53	28	40,000	57,000	60,500	65,500	71,000
54	29	40,000	57,500	61,500	66,000	71,500
55	30	40,000	58,500	62,000	66,500	72,000
56	31	40,000	59,000	62,500	67,500	72,500
57	32	40,000	60,000	63,500	68,000	73,000
58	33	40,000	60,000	64,000	68,500	74,000
59	34	40,000	60,000	64,500	69,000	74,500
60	35	40,000	60,000	65,500	70,000	75,000
61	36		60,000	66,000	70,500	75,500

62	37	60,000	66,500	71,000	76,000
63	38	60,000	67,500	72,000	77,000
64	39	60,000	68,000	72,500	77,500
65	40	60,000	68,500	73,000	78,000
66	41	60,000	69,500	73,500	78,500
67	42	60,000	70,000	74,000	79,000
68	43	60,000	70,500	75,000	80,000
69	44	60,000	71,500	75,500	80,000
70	45	60,000	72,000	76,000	80,000
71	46	60,000	72,500	76,500	80,000
72	47	60,000	73,500	77,500	80,000
73	48	60,000	74,000	78,000	80,000
74	49	60,000	74,500	78,500	80,000
75	50	60,000	75,500	79,000	80,000
76	51	60,000	76,000	80,000	80,000
77	52	60,000	76,500	80,000	80,000
78	53	60,000	77,500	80,000	80,000
79	54	60,000	78,000	80,000	80,000
80	55	60,000	78,500	80,000	80,000
81	56	60,000	79,500	80,000	80,000
82	57	60,000	80,000	80,000	80,000

83

84 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load
85 of thirty-four thousand pounds each if the overall distance between the first and last axles of such
86 consecutive sets of tandem axles is thirty-six feet or more.

87 4. Whenever the state highways and transportation commission finds that any state
88 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
89 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
90 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
91 such bridge. The governing body of any city or county may grant authority by act or ordinance
92 to the state highways and transportation commission to enact the limitations established in this
93 section on those roadways within the purview of such city or county. Notice of the weight limits

94 and speed limits established by the commission shall be given by posting signs at a conspicuous
95 place at each end of any such bridge.

96 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
97 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23
98 of the United States Code.

99 6. Notwithstanding the weight limitations contained in this section, any vehicle or
100 combination of vehicles operating on highways other than the interstate highway system may
101 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
102 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

103 7. Notwithstanding any provision of this section to the contrary, the department of
104 transportation shall issue a single-use special permit, or upon request of the owner of the truck
105 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
106 well-drillers' equipment. The department of transportation shall set fees for the issuance of
107 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo,
108 concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and
109 highways at any time on any day.

110 **8. Notwithstanding the provision of this section to the contrary, the maximum gross**
111 **vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with**
112 **an idle reduction technology may be increased by a quantity necessary to compensate for**
113 **the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127,**
114 **as amended. In no case shall the additional weight increase allowed by this subsection be**
115 **greater than four hundred pounds. Upon request by an appropriate law enforcement**
116 **officer, the vehicle operator shall provide proof that the idle reduction technology is fully**
117 **functional at all times and that the gross weight increase is not used for any purpose other**
118 **than for the use of idle reduction technology.**

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the
2 provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer
3 of any county or city or any highway patrol officer shall have the power to arrest on sight or upon
4 a warrant any person found violating or having violated the provisions of such sections.
5 **Beginning January 1, 2009, only law enforcement officers that have been approved by the**
6 **Missouri state highway patrol under section 304.232, members of the Missouri state**
7 **highway patrol, commercial vehicle enforcement officers, and commercial vehicle**
8 **inspectors appointed under subsection 4 of this section shall have the authority to conduct**
9 **random roadside examinations or inspections to determine compliance with sections**
10 **304.170 to 304.230, and only such officers shall have the authority, with or without**
11 **probable cause to believe that the size or weight is in excess of that permitted by sections**

12 **304.170 to 304.230, to require the driver, operator, owner, lessee, or bailee, to stop, drive,**
13 **or otherwise move to a location to determine compliance with sections 304.170 to 304.230.**
14 **Notwithstanding the provisions of this subsection, a law enforcement officer not certified**
15 **under section 304.232, may stop a vehicle that has a visible external safety defect relating**
16 **to the enforcement of the provisions of sections 304.170 to 304.230 that could cause**
17 **immediate harm to the traveling public. Nothing in this section shall be construed as**
18 **preventing a law enforcement officer not certified under section 304.232 from stopping and**
19 **detaining a commercial motor vehicle when such officer has probable cause to believe that**
20 **the commercial motor vehicle is being used to conduct illegal or criminal activities**
21 **unrelated to violations of sections 304.170 to 304.230. In the course of a stop, the law**
22 **enforcement officer shall identify to the driver the defect that caused the stop. If the**
23 **vehicle passes a comprehensive roadside inspection, the law enforcement officer, state**
24 **highway patrolman, or other authorized person shall issue such vehicle a Commercial**
25 **Vehicle Safety Alliance inspection decal to be affixed to the vehicle in a manner prescribed**
26 **by the Commercial Vehicle Safety Alliance. Once issued, the Commercial Vehicle Safety**
27 **Alliance decal shall be valid for a period, in accordance with Commercial Vehicle Safety**
28 **Alliance guidelines, and shall exempt such vehicle from a standard vehicle equipment**
29 **inspection during such period. However, nothing shall exempt the operator from**
30 **subjecting such vehicle to an examination or inspection if the vehicle has a visible external**
31 **safety defect relating to the enforcement of sections 304.170 to 304.230, or the law**
32 **enforcement officer stopping such vehicle has probable cause to believe that the size or**
33 **weight of the vehicle is in excess of that permitted by sections 304.170 to 304.230. The**
34 **superintendent of the Missouri state highway patrol shall promulgate rules and regulations**
35 **relating to the implementation of the provisions of this section. Any rule or portion of a**
36 **rule, as that term is defined in section 536.010, RSMo, that is created under the authority**
37 **delegated in this section shall become effective only if it complies with and is subject to all**
38 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
39 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**
40 **general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or**
41 **to disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
42 **rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be**
43 **invalid and void.**

44 2. [The sheriff or] Any peace officer **approved under section 304.232** or any highway
45 patrol officer is hereby given the power to stop any such conveyance or vehicle as above
46 described upon the public highway for the purpose of determining whether such vehicle is loaded
47 in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle

48 loaded in violation of the provisions thereof he or she shall have a right at that time and place
49 to cause the excess load to be removed from such vehicle; and provided further, that any
50 regularly employed maintenance man of the department of transportation shall have the right and
51 authority in any part of this state to stop any such conveyance or vehicle upon the public highway
52 for the purpose of determining whether such vehicle is loaded in excess of the provisions of
53 sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the
54 provisions thereof, he or she shall have the right at that time and place to cause the excess load
55 to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is
56 overloaded, the operator shall be permitted to shift the load, if this will not overload some other
57 axle or axles, without being charged with a violation; provided, however, the privilege of shifting
58 the weight without being charged with a violation shall not extend to or include vehicles while
59 traveling on the federal interstate system of highways. When only an axle or tandem axle group
60 of the vehicle traveling on the federal interstate system of highways is overloaded and a court
61 authorized to enforce the provisions of sections 304.170 to 304.230 finds that the overloading
62 was due to the inadvertent shifting of the load changing axle weights in transit through no fault
63 of the operator of the vehicle and that the load thereafter had been shifted so that no axle had
64 been overloaded, then the court may find that no violation has been committed. The operator
65 of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the
66 opposite direction. Any operator whose vehicle is weighed and found to be within five percent
67 of any legal limit may request and receive a weight ticket, memorandum or statement showing
68 the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be
69 within the limits of section 304.180 after having been weighed on any state scale and there is no
70 evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall
71 exist that cargo or fuel has been added if upon reweighing on another state scale the total gross
72 weight exceeds the applicable limits of section 304.180 or 304.190. The highways and
73 transportation commission of this state may deputize and appoint any number of their regularly
74 employed maintenance men to enforce the provisions of such sections, and the maintenance men
75 delegated and appointed in this section shall report to the proper officers any violations of
76 sections 304.170 to 304.230 for prosecution by such proper officers.

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

81 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
82 of rules and regulations of the division of motor carrier [and railroad safety of the department of
83 economic development] **services of the highway and transportation commission** and

84 department of public safety, and laws, rules, and regulations pertaining to commercial motor
85 vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver
86 requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and
87 the provisions of sections 303.024 and 303.025, RSMo;

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

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

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

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

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

109 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
110 subsection. **Commercial vehicle officers selected and designated as peace officers by the**
111 **superintendent of the Missouri state highway patrol are hereby declared to be peace**
112 **officers of the state of Missouri, with full power and authority to make arrests solely for**
113 **violations under the powers granted in subdivisions (1) to (3) of this subsection.**
114 Commercial vehicle enforcement officers shall not have the authority to exercise the powers
115 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed
116 training approved by the superintendent of the Missouri state highway patrol **and have**
117 **completed the mandatory standards for the basic training and licensure of peace officers**
118 **established by the peace officers standards and training commission under subsection 1 of**
119 **section 590.030, RSMo. Commercial vehicle officers who are employed and performing**

120 **their duties on August 28, 2008, shall have until July 1, 2012, to comply with the mandatory**
121 **standards regarding police officer basic training and licensure.** Commercial vehicle
122 enforcement officers shall have the right as peace officers to bear arms.

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

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

128 **7. The superintendent may also appoint members of the patrol who are certified**
129 **under the commercial vehicle safety alliance with the power to conduct commercial motor**
130 **vehicle and driver inspections and to require the operator of any commercial vehicle to**
131 **stop and submit to said inspections to determine compliance with commercial vehicle laws,**
132 **rules, and regulations; compliance with the provisions of sections 303.024 and 303.025,**
133 **RSMo; and to submit to a cargo inspection when reasonable grounds exist to cause belief**
134 **that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of**
135 **Federal Regulations.**

304.232. 1. The Missouri state highway patrol shall approve procedures for the
2 certification of municipal police officers, sheriffs, deputy sheriffs, and other law
3 enforcement officials that enforce sections 304.170 to 304.230.

4 2. The certification procedures shall meet the requirements of the memorandum
5 of understanding between the state of Missouri and the Commercial Vehicle Safety
6 Alliance or any successor organization, as periodically adopted or amended.

7 3. Commercial motor vehicle safety data collection, management, and distribution
8 by law enforcement officials shall be compatible with the information systems of the
9 Missouri state highway patrol.

10 4. The Missouri state highway patrol shall establish reasonable fees sufficient to
11 recover the cost of training, recurring training, data collection and management, certifying,
12 and additional administrative functions for law enforcement officials approved under this
13 section.

14 5. The agencies for which law enforcement officials approved under this section
15 shall adhere to the Motor Carrier Safety Assistance Program requirements under 49 Code
16 of Federal Regulations Part 350 of the Federal Motor Carrier Safety Regulations.

17 6. The agencies for which law enforcement officials approved under this section
18 shall be subject to periodic program reviews and be required to submit a commercial
19 vehicle safety plan that is consistent with and incorporated into the statewide enforcement
20 plan.

21 **7. Beginning January 1, 2009, no local law enforcement officer may conduct a**
22 **random commercial motor vehicle roadside inspection to determine compliance with the**
23 **provisions of sections 304.170 to 304.230 unless the law enforcement officer has**
24 **satisfactorily completed, as a part of his or her training, the basic course of instruction**
25 **developed by the Commercial Vehicle Safety Alliance and has been approved by the**
26 **Missouri state highway patrol under this section. Law enforcement officers authorized to**
27 **enforce the provisions of sections 304.170 to 304.230 shall annually receive in-service**
28 **training related to commercial motor vehicle operations, including but not limited to**
29 **training in current federal motor carrier safety regulations, safety inspection procedures,**
30 **and out-of-service criteria. The annual training requirements shall be approved by the**
31 **superintendent of the state highway patrol.**

32 **8. Law enforcement officers who have received Commercial Vehicle Safety Alliance**
33 **certification prior to January 1, 2009, shall be exempt from the provisions of this section**
34 **and such officers shall be qualified to conduct random roadside inspections described**
35 **under this section and section 304.230.**

36 **9. The superintendent of the state highway patrol shall promulgate rules and**
37 **regulations necessary to administer the certification procedures and any other provisions**
38 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**
39 **RSMo, that is created under the authority delegated in this section shall become effective**
40 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
41 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
42 **nonseverable and if any of the powers vested with the general assembly pursuant to**
43 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
44 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
45 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

304.590. 1. As used in this section, the term "travel safe zone" means any area
2 **upon or around any highway, as defined in section 302.010, RSMo, which is visibly marked**
3 **by the department of transportation; and when a highway safety analysis demonstrates**
4 **fatal or disabling motor vehicle crashes exceed a predicted safety performance level for**
5 **comparable roadways as determined by the department of transportation.**

6 **2. Upon a conviction or a plea of guilty by any person for a moving violation as**
7 **defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court**
8 **shall double the amount of fine authorized to be imposed by law, if the moving violation**
9 **or offense occurred within a travel safe zone.**

10 **3. Upon a conviction or plea of guilty by any person for a speeding violation under**
11 **section 304.009 or 304.010, the court shall double the amount of fine authorized by law, if**
12 **the violation occurred within a travel safe zone.**

13 **4. The penalty authorized under subsections 1 and 3 of this section shall only be**
14 **assessed by the court if the department of transportation has erected signs upon or around**
15 **a travel safe zone which are clearly visible from the highway and which state substantially**
16 **the following message: "Travel Safe Zone -- Fines Doubled".**

17 **5. This section shall not be construed to enhance the assessment of court costs or**
18 **the assessment of points under section 302.302, RSMo.**

305.230. 1. The state highways and transportation commission shall administer an
2 aeronautics program within this state. The commission shall encourage, foster and participate
3 with the political subdivisions of this state in the promotion and development of aeronautics.
4 The commission may provide financial assistance in the form of grants from funds appropriated
5 for such purpose to any political subdivision or instrumentality of this state acting independently
6 or jointly or to the owner or owners of any privately owned airport designated as a reliever by
7 the Federal Aviation Administration for the planning, acquisition, construction, improvement
8 or maintenance of airports, or for other aeronautical purposes.

9 2. Any political subdivision or instrumentality of this state or the owner or owners of any
10 privately owned airport designated as a reliever by the Federal Aviation Administration receiving
11 state funds for the purchase, construction, or improvement, except maintenance, of an airport
12 shall agree before any funds are paid to it to control by ownership or lease the airport for a period
13 equal to the useful life of the project as determined by the commission following the last
14 payment of state or federal funds to it. In the event an airport authority ceases to exist for any
15 reason, this obligation shall be carried out by the governing body which created the authority.

16 3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the
17 owner or owners of any privately owned airport designated as a reliever by the Federal Aviation
18 Administration shall be made from the aviation trust fund. In making grants, the commission
19 shall consider whether the local community has given financial support to the airport in the past.
20 Priority shall be given to airports with local funding for the past five years with no reduction in
21 such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of
22 section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state
23 by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be
24 deposited to the credit of the same fund.

25 4. The moneys in the aviation trust fund shall be administered by the commission and,
26 when appropriated, shall be used for the following purposes:

27 (1) As matching funds on an up to ninety percent state/ten percent local basis, except in
28 the case where federal funds are being matched, when the ratio of state and local funds used to
29 match the federal funds shall be fifty percent state/fifty percent local:

30 (a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for
31 emergency repairs of the same;

32 (b) For the acquisition of land for the development and improvement of airports;

33 (c) For the earthwork and drainage necessary for the construction, reconstruction or
34 repair of runways, taxiways, and aircraft parking areas;

35 (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

36 (e) For the acquisition of land or easements necessary to satisfy Federal Aviation
37 Administration safety requirements;

38 (f) For the identification, marking or removal of natural or manmade obstructions to
39 airport control zone surfaces and safety areas;

40 (g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights,
41 together with any work directly related to the electrical equipment;

42 (h) For the erection of fencing on or around the perimeter of an airport;

43 (i) For purchase, installation or repair of air navigational and landing aid facilities and
44 communication equipment;

45 (j) For engineering related to a project funded under the provisions of this section and
46 technical studies or consultation related to aeronautics;

47 (k) For airport planning projects including master plans and site selection for
48 development of new airports, for updating or establishing master plans and airport layout plans
49 at existing airports;

50 (l) For the purchase, installation, or repair of safety equipment and such other capital
51 improvements and equipment as may be required for the safe and efficient operation of the
52 airport;

53 **(m) If at least six million dollars is deposited into the aviation trust fund in the**
54 **previous calendar year, up to two million dollars may be expended annually upon the study**
55 **or promotion of expanded domestic or international scheduled commercial service, the**
56 **study or promotion of intrastate scheduled commercial service, or to assist airport sponsors**
57 **participating in a federally funded air service program supporting intrastate scheduled**
58 **commercial service;**

59 (2) As total funds, with no local match:

60 (a) For providing air markers, windsocks, and other items determined to be in the interest
61 of the safety of the general flying public;

62 (b) For the printing and distribution of state aeronautical charts and state airport
63 directories on an annual basis, and a newsletter on a quarterly basis or the publishing and
64 distribution of any public interest information deemed necessary by the commission;

65 (c) For the conducting of aviation safety workshops;

66 (d) For the promotion of aerospace education;

67 (3) As total funds with no local match, up to five hundred thousand dollars per year may
68 be used for the cost of operating existing air traffic control towers that do not receive funding
69 from the Federal Aviation Administration or the United States Department of Defense, except
70 no more than one hundred sixty-seven thousand dollars per year may be used for any individual
71 control tower.

72 **(4) As total funds with a local match, up to five hundred thousand dollars per year**
73 **may be used for air traffic control towers partially funded by the federal government**
74 **under a cost-share program. Any expenditures under this program require a non-federal**
75 **match, comprised of a ratio of fifty percent state and fifty percent local funds. No more**
76 **than one hundred thousand dollars per year may be expended for any individual control**
77 **tower.**

78 5. In the event of a natural or manmade disaster which closes any runway or renders
79 inoperative any electronic or visual landing aid at an airport, any funds appropriated for the
80 purpose of capital improvements or maintenance of airports may be made immediately available
81 for necessary repairs once they are approved by the commission. For projects designated as
82 emergencies by the commission, all requirements relating to normal procurement of engineering
83 and construction services are waived.

84 6. As used in this section, the term "instrumentality of the state" shall mean any state
85 educational institution as defined in section 176.010, RSMo, or any state agency which owned
86 or operated an airport on January 1, 1997, and continues to own or operate such airport.

390.021. 1. The provisions of this section shall be applicable, notwithstanding any
2 **provisions of section 390.030 to the contrary.**

3 **2. As used in chapter 622, RSMo, and in this section, except when the context**
4 **clearly requires otherwise, the following terms shall mean:**

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

10 **(2) "Unified Carrier Registration Act", or "UCR Act", sections 4301 to 4308 of the**
11 **Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe,**

12 **Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users" or**
13 **"SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as those sections have been and**
14 **periodically may be amended.**

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

18 **4. In carrying out and being subject to the provisions of the UCR Act, the Unified**
19 **Carrier Registration (UCR) agreement, the UCR implementing regulations, and this**
20 **section, but notwithstanding any other provisions of law to the contrary, the state highways**
21 **and transportation commission may:**

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

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

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

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

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

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

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

48 **(5) Promulgate administrative rules and issue specific orders relating to any of the**
49 **persons and activities described in this section. Any rule or portion of a rule, as that term**
50 **is defined in section 536.010, RSMo, that is created under the authority delegated in this**
51 **section shall become effective only if it complies with and is subject to all of the provisions**
52 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
53 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
54 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
55 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
56 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
57 **void;**

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

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

62 **5. After the commission has entered into the UCR plan on behalf of this state, the**
63 **requirements in the UCR agreement shall take precedence over any conflicting**
64 **requirements under chapter 622, RSMo, or this chapter. All subsequent changes,**
65 **modifications, or additions to the UCR agreement shall be subject to the provisions of**
66 **subsection 10 of this section and shall not become effective if disapproved by the general**
67 **assembly in accordance with subsection 10 of this section.**

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

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

81 **8. Except as required by the UCR Act, the UCR agreement, or the UCR**
82 **implementing regulations, the provisions of this section and the rules adopted by the**
83 **commission under this section shall not be construed as exempting any motor carrier, or**

84 any person controlled by a motor carrier, from any of the requirements of chapter 622,
85 RSMo, or this chapter, relating to the transportation of passengers or property in
86 intrastate commerce.

87 9. Notwithstanding any other provision of this section to the contrary, Missouri
88 elects to not apply the provisions of the UCR Act, the UCR Agreement, and the UCR
89 implementing regulations to motor carriers and motor private carriers that operate solely
90 in intrastate commerce transporting farm or dairy products, including livestock, from a
91 farm, or property from farm to farm, or stocker and feeder livestock from farm to farm,
92 or from market to farm.

93 10. The Missouri department of transportation shall monitor the federal
94 government's activities in relation to the UCR Act, the UCR agreement, and the UCR
95 implementing regulations and shall notify the joint committee on transportation in the
96 event that any change, modification, or addition is made to the same. Upon such
97 notification, the joint committee shall meet to discuss the federal-level modifications and,
98 by the first legislative day of the next regular legislative session, submit a report detailing
99 any such change, modification, or addition to the UCR agreement to the general assembly.
100 After submission of a report by the joint committee, the changes, modifications, or
101 additions to the UCR agreement shall become effective unless they are disapproved by a
102 senate or house resolution adopted by a majority vote of both houses within thirty
103 legislative days of the submission of the report by the joint committee to the general
104 assembly.

390.372. 1. Notwithstanding any provision of law to the contrary, a provision,
2 clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier
3 transportation contract that purports to indemnify, defend, or hold harmless, or has the
4 effect of indemnifying, defending, or holding harmless, the promisee from or against any
5 liability for loss or damage resulting from the negligence or intentional acts or omissions
6 of the promisee is against the public policy of this state and is void and unenforceable.

7 2. For the purposes of this section, the following terms shall mean:

8 (1) "Motor carrier transportation contract", a contract, agreement, or
9 understanding covering:

10 (a) The transportation of property for compensation or hire by the motor carrier;

11 (b) The entrance on property by the motor carrier for the purpose of loading,
12 unloading, or transporting property for compensation or hire; or

13 (c) A service incidental to activity described in paragraphs (a) and (b) of this
14 subdivision, including but not limited to, storage of property;

15

16 **"Motor carrier transportation contract" shall not include the Uniform Intermodal**
17 **Interchange and Facilities Access Agreement administered by the Intermodal Association**
18 **of North America or other agreements providing for the interchange, use or possession of**
19 **intermodal chassis, or other intermodal equipment;**

20 **(2) "Promisee", the promisee and any agents, employees, servants, or independent**
21 **contractors who are directly responsible to the promisee except for motor or rail carriers**
22 **who are party to a motor carrier transportation contract, and such motor or rail carrier's**
23 **agents, employees, servants, or independent contractors directly responsible to such motor**
24 **or rail carriers.**

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

2 (1) An "aggravated offender" is a person who:

3 (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related
4 traffic offenses; or

5 (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related
6 traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision
7 (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section
8 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault
9 in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault
10 of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of
11 section 565.082, RSMo;

12 (2) A "chronic offender" is:

13 (a) A person who has pleaded guilty to or has been found guilty of four or more
14 intoxication-related traffic offenses; or

15 (b) A person who has pleaded guilty to or has been found guilty of, on two or more
16 separate occasions, any combination of the following: involuntary manslaughter under
17 subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree
18 under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic
19 offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060,
20 RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of
21 subsection 1 of section 565.082, RSMo; or

22 (c) A person who has pleaded guilty to or has been found guilty of two or more
23 intoxication-related traffic offenses and, in addition, any of the following: involuntary
24 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in
25 the second degree under section 565.021, RSMo, where the underlying felony is an
26 intoxication-related traffic offense; assault in the second degree under subdivision (4) of

27 subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second
28 degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

29 (3) An "intoxication-related traffic offense" is driving while intoxicated, driving with
30 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of
31 subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021,
32 RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the
33 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of
34 a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of
35 section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state
36 law or a county or municipal ordinance, where the defendant was represented by or waived the
37 right to an attorney in writing;

38 (4) A "persistent offender" is one of the following:

39 (a) A person who has pleaded guilty to or has been found guilty of two or more
40 intoxication-related traffic offenses;

41 (b) A person who has pleaded guilty to or has been found guilty of involuntary
42 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo,
43 assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060,
44 RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of
45 subsection 1 of section 565.082, RSMo; and

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

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

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

55 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
56 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
57 class C felony.

58 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
59 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
60 B felony.

61 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
62 prior offender, persistent offender, aggravated offender, or chronic offender under this section

63 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo,
64 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until
65 he or she has served a minimum of five days imprisonment, unless as a condition of such parole
66 or probation such person performs at least thirty days of community service under the
67 supervision of the court in those jurisdictions which have a recognized program for community
68 service. No persistent offender shall be eligible for parole or probation until he or she has served
69 a minimum of ten days imprisonment, unless as a condition of such parole or probation such
70 person performs at least sixty days of community service under the supervision of the court. No
71 aggravated offender shall be eligible for parole or probation until he or she has served a
72 minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or
73 probation until he or she has served a minimum of two years imprisonment.

74 7. The state, county, or municipal court shall find the defendant to be a prior offender,
75 persistent offender, aggravated offender, or chronic offender if:

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

79 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
80 beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated
81 offender, or chronic offender; and

82 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
83 by the court that the defendant is a prior offender, persistent offender, aggravated offender, or
84 chronic offender.

85 8. In a jury trial, the facts shall be pleaded, established and found prior to submission to
86 the jury outside of its hearing.

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

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

91 11. The defendant may waive proof of the facts alleged.

92 12. Nothing in this section shall prevent the use of presentence investigations or
93 commitments.

94 13. At the sentencing hearing both the state, county, or municipality and the defendant
95 shall be permitted to present additional information bearing on the issue of sentence.

96 14. The pleas or findings of guilty shall be prior to the date of commission of the present
97 offense.

98 15. The court shall not instruct the jury as to the range of punishment or allow the jury,
99 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
100 prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

101 16. Evidence of **a prior [convictions] conviction, plea of guilty, or finding of guilty**
102 **in an intoxication-related traffic offense** shall be heard and determined by the trial court out
103 of the hearing of the jury prior to the submission of the case to the jury, and shall include but not
104 be limited to evidence of convictions received by a search of the records of the Missouri uniform
105 law enforcement system maintained by the Missouri state highway patrol. After hearing the
106 evidence, the court shall enter its findings thereon. A [conviction of a violation of a municipal
107 or county ordinance in a county or municipal court for driving while intoxicated or a] conviction
108 or a plea of guilty or a finding of guilty followed by **incarceration, a fine**, a suspended
109 imposition of sentence, suspended execution of sentence, probation or parole or any combination
110 thereof in **any intoxication-related traffic offense in a state, county, municipal court, or any**
111 **combination thereof**, shall be treated as a prior [conviction] **plea of guilty or finding of guilty**
112 **for purposes of this section.**

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