

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 665
95TH GENERAL ASSEMBLY

1204L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.200, 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, 301.300, 301.301, 301.302, 302.230, 302.545, 302.700, 302.735, 302.755, 303.024, 303.025, 303.041, 303.042, 304.155, 307.178, 311.326, 389.610, and 389.996, RSMo, and to enact in lieu thereof thirty-eight new sections relating to transportation, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 43.200, 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, 2 301.300, 301.301, 301.302, 302.230, 302.545, 302.700, 302.735, 302.755, 303.024, 303.025, 3 303.041, 303.042, 304.155, 307.178, 311.326, 389.610, and 389.996, RSMo, are repealed and 4 thirty-eight new sections enacted in lieu thereof, to be known as sections 43.200, 136.055, 5 226.222, 227.295, 301.032, 301.130, 301.140, 301.160, 301.290, 301.300, 301.301, 301.302, 6 302.230, 302.545, 302.700, 302.735, 302.755, 303.024, 303.025, 303.027, 303.028, 303.390, 7 304.155, 304.287, 304.288, 304.289, 304.290, 304.815, 304.820, 307.178, 311.326, 389.610, 8 389.616, 389.948, 389.996, 1, 2, and 3, to read as follows:

43.200. 1. The members of the patrol shall have the right and power of search and 2 seizure to take from any person under arrest or about to be arrested deadly or dangerous weapons 3 in the possession of such person, and to search and seize on a public highway of this state, or off 4 the public highways of this state as an incident to an arrest made following a hot pursuit from 5 a public highway.

2. When ordered to any county or municipality in this state by the governor because of 7 civil disorder, members of the patrol during that time may exercise all powers of search and 8 seizure in the same manner and to the same extent as any sheriff in this state.

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.

9 3. The members of the highway patrol may request that the prosecuting or circuit
10 attorney apply for, and members of the highway patrol may serve, search warrants anywhere
11 within the state of Missouri, provided the sheriff of the county in which the warrant is to be
12 served, or his designee, shall be notified upon application by the applicant of the search
13 warrant[.] **except for offenses pertaining to driving while intoxicated and the investigation**
14 **of motor vehicle traffic accidents.** The sheriff or his **or her** designee shall participate in
15 serving the search warrant **except for offenses pertaining to driving while intoxicated and the**
16 **investigation of motor vehicle traffic accidents.** Any designee of the sheriff shall be a deputy
17 sheriff or other person certified as a peace officer under chapter 590, RSMo. The sheriff shall
18 always have a designee available.

19 4. The superintendent of the highway patrol shall see that every member of the highway
20 patrol is thoroughly instructed in the powers of police officers to arrest for misdemeanors and
21 felonies and to search and seize in order that no person or citizen traveling in this state shall be
22 hindered, stopped, or arrested or his person or property searched or seized without constitutional
23 grounds existing therefor.

 136.055. 1. Any person who is selected or appointed by the state director of revenue to
2 act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle
3 licenses and the collection of motor vehicle sales and use taxes under the provisions of section
4 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized
5 to collect from the party requiring such services additional fees as compensation in full and for
6 all services rendered on the following basis:

7 (1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and
8 fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars
9 beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147,
10 RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or
11 transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially
12 renewed pursuant to section 301.147, RSMo;

13 (2) For each application or transfer of title--two dollars and fifty cents beginning January
14 1, 1998;

15 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
16 license issued for a period of three years or less--two dollars and fifty cents and five dollars for
17 licenses or instruction permits issued or renewed for a period exceeding three years;

18 (4) For each notice of lien processed--two dollars and fifty cents beginning August 28,
19 2000;

20 (5) No notary fee or other fee or additional charge shall be paid or collected except for
21 electronic telephone transmission reception--two dollars.

22 2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the
23 fees imposed by this section shall be collected by all permanent branch offices and all full-time
24 or temporary offices maintained by the department of revenue.

25 3. Any person acting as agent of the department of revenue for the sale and issuance of
26 licenses and other documents related to motor vehicles shall have an insurable interest in all
27 license plates, licenses, [tabs] **window stickers**, forms and other documents held on behalf of
28 the department.

29 4. The fee increases authorized by this section and approved by the general assembly
30 were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign
31 with black letters of at least three inches in height on a white background which states:

32 The increased fees approved by the
33 Missouri Legislature and charged by
34 this fee office were requested by the
35 fee agents.

**226.222. 1. The department of transportation's plans, programs, and projects shall
2 provide full consideration for the safety and contiguous routes for bicyclists, pedestrians,
3 disabled persons, and transit users of all ages and abilities. Bicycle ways and pedestrian
4 ways shall be given full consideration in the planning and development of transportation
5 facilities by the department of transportation, including the incorporation of such ways
6 into state plans and programs. The highways and transportation commission may expend
7 state road fund moneys to provide appropriate accommodations for bicyclists, pedestrians,
8 disabled persons, transit users, and other users of the public roadways, in addition to
9 operators of motor vehicles.**

10 **2. As used in this section, "appropriate accommodations" include but are not
11 limited to pedestrian ways, bicycle ways, shoulders suitable for use by bicyclists, lane
12 striping, "share the road" signage, crosswalks, pedestrian control signals, curb cuts, and
13 ramps.**

14 **3. As used in this section, "bicycle way" means a publically owned and maintained
15 bicycle lane, shared-use lane, shoulder, or way designed and designated for bicycle travel.
16 A bicycle way may be designated for the exclusive use of bicycles or may be shared with
17 other transportation modes.**

18 **4. The department shall establish planning, design, construction, maintenance, and
19 operations standards for appropriate accommodations for bicyclists, pedestrians, disabled
20 persons, and transit users. The department shall establish appropriate training programs
21 for staff to implement these standards.**

227.295. 1. The department of transportation shall establish and administer a drunk driving victim memorial sign program. The provisions of this section shall be known as the "Risk Awareness Program". The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

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

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

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

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a

36 department of transportation employee or the department's designee, may erect a drunk
37 driving victim memorial sign.

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

41 7. The department shall adopt rules and regulations to implement and administer
42 the provisions of this section. Any rule or portion of a rule, as that term is defined in
43 section 536.010, RSMo, that is created under the authority delegated in this section shall
44 become effective only if it complies with and is subject to all of the provisions of chapter
45 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
46 RSMo, are nonseverable and if any of the powers vested with the general assembly
47 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
48 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
49 authority and any rule proposed or adopted after August 28, 2009, shall be invalid and
50 void.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration on a calendar year basis
3 of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The
4 director of revenue shall prescribe the forms for such fleet registration and the forms and
5 procedures for the registration updates prescribed in this section. Any owner of ten or more
6 motor vehicles which must be registered in accordance with this chapter may register as a fleet
7 owner. All registered fleet owners may, at their option, register all motor vehicles included in
8 the fleet on a calendar year basis pursuant to this section in lieu of the registration periods
9 provided in sections 301.030 and 301.035. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April each year or on a prorated basis as provided in subsection 3 of this section. Fees
13 of all vehicles in the fleet to be registered on a calendar year basis shall be payable not later than
14 the last day of April of each year. The fees for vehicles added to the fleet which must be licensed
15 at the time of registration shall be payable at the time of registration, except that when such
16 vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the
17 annual fee, when licensed between October first and December thirty-first the fee shall be
18 one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the
19 annual fee.

20 3. At any time during the calendar year in which an owner of a fleet purchases or
21 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,

22 the owner shall present to the director of revenue the identification number as a fleet number and
23 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet
24 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant
25 to this subsection.

26 4. All fleet vehicles registered pursuant to this section shall be issued a special license
27 plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the
28 manner prescribed by the advisory committee established in section 301.129. Such license plates
29 shall be made with fully reflective material with a common color scheme and design, shall be
30 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
31 Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not
32 require issuance of a renewal [tab] **window sticker**. Upon payment of appropriate registration
33 fees, the director of revenue shall issue a registration certificate or other suitable evidence of
34 payment of the annual fee, and such evidence of payment shall be carried at all times in the
35 vehicle for which it is issued. The director of revenue shall promulgate rules and regulations
36 establishing the procedure for application and issuance of fleet vehicle license plates.

37 5. Notwithstanding the provisions of sections 307.350 to 307.390, RSMo, to the
38 contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections
39 307.350 to 307.390, RSMo, if at the time of the annual fleet registration, such fleet vehicle is
40 situated outside the state of Missouri.

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.

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

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

45 6. (1) **Beginning January 1, 2011**, the director of revenue shall issue annually or
46 biennially a [tab or set of tabs] **window sticker, to be placed on the front windshield of the**
47 **motor vehicle**, as provided by law as evidence of the annual payment of registration fees and the
48 current registration of a vehicle in lieu of the set of plates. **The window sticker shall not be**
49 **issued for motorcycle or trailer registrations.** Beginning January 1, [2010] **2012**, the director
50 may prescribe any additional information recorded on the [tab or tabs] **window sticker** to ensure
51 that the [tab or tabs] **information on the sticker** positively [correlate] **correlates** with the license

52 plate or plates issued by the department of revenue for such vehicle. Such [tabs] **window**
53 **stickers** shall be produced in each license bureau office.

54 (2) [The vehicle owner to whom a tab or set of tabs is issued shall affix and display such
55 tab or tabs in the designated area of the license plate, no more than one per plate] **The window**
56 **sticker shall be placed on the inside front window in an area prescribed by the director of**
57 **revenue.**

58 (3) A [tab or set of tabs] **window sticker** issued by the director of revenue when attached
59 to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for
60 such vehicle has 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] **window sticker** shall be issued. Nothing in this
66 section shall relieve the owner of any vehicle permanently registered pursuant to this section
67 from the obligation to pay the annual registration fee due for the vehicle. The permanent
68 nonexpiring license plate shall be returned to the highways and transportation commission upon
69 the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate
70 is issued, or the plate may be transferred to a replacement commercial motor vehicle when the
71 owner files a supplemental application with the Missouri highways and transportation
72 commission for the registration of such replacement commercial motor vehicle. Upon payment
73 of the annual registration fee, the highways and transportation commission shall issue a
74 certificate of registration or other suitable evidence of payment of the annual fee, and such
75 evidence of payment shall be carried at all times 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
87 portion of a rule promulgated under the authority of this section shall become effective unless

88 it has been promulgated pursuant to the provisions of section 536.024, RSMo] **Any rule or**
89 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
90 **the authority delegated in this section shall become effective only if it complies with and**
91 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
92 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
93 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
94 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
95 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
96 **2009, shall be invalid and void.**

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

102 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
103 of new license plates of such design as directed by the director consistent with the terms,
104 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
105 section, in addition to all other fees required by law, applicants for registration of vehicles with
106 license plates that expire during the period of reissuance, applicants for registration of trailers
107 or semitrailers with license plates that expire during the period of reissuance and applicants for
108 registration of vehicles that are to be issued new license plates during the period of reissuance
109 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
110 subsection shall not be charged to persons receiving special license plates issued under section
111 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
112 and specialized license plates are exempt from the provisions of this subsection. Except for new,
113 replacement, and transfer applications, permanent nonexpiring license plates issued to
114 commercial motor vehicles and trailers registered under section 301.041 are exempt from the
115 provisions of this subsection.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates shall expire and the number plates **and**
3 **window sticker** shall be removed by the owner at the time of the transfer of possession, and it
4 shall be unlawful for any person other than the person to whom such number plates were
5 originally issued to have the same in his or her possession whether in use or not; except that the
6 buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license
7 plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer.
8 The operation of a motor vehicle with such transferred plates shall be lawful for no more than

9 thirty days. **The requirement of a window sticker shall not be required during the thirty-**
10 **day time frame.** As used in this subsection, the term "trade-in motor vehicle or trailer" shall
11 include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or
12 trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

13 2. In the case of a transfer of ownership the original owner may register another motor
14 vehicle under the same number, upon the payment of a fee of two dollars, **and payment of a fee**
15 **as prescribed in section 301.300 for a replacement window sticker,** if the motor vehicle is
16 of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
17 seating capacity, not in excess of that originally registered. When such motor vehicle is of
18 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
19 vehicle) seating capacity, for which a greater fee is prescribed, **the applicant shall pay a transfer**
20 **fee of two dollars, the fee prescribed in section 301.300 for a replacement window sticker,**
21 and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross
22 weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which
23 a lesser fee is prescribed, applicant shall not be entitled to a refund.

24 3. License plates may be transferred from a motor vehicle which will no longer be
25 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
26 a transfer fee of two dollars, **and payment of a fee as prescribed in section 301.300 for a**
27 **replacement window sticker,** if the newly purchased vehicle is of horsepower, gross weight or
28 (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess
29 of that of the vehicle which will no longer be operated. When the newly purchased motor
30 vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial
31 motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a
32 transfer fee of two dollars, **the fee prescribed in section 301.300 for a replacement window**
33 **sticker,** and a pro rata portion of the difference in fees. When the newly purchased vehicle is
34 of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor
35 vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled
36 to a refund.

37 4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
38 application for registration, by mail or otherwise, may operate the same for a period of thirty days
39 after taking possession thereof, if during such period the motor vehicle or trailer shall have
40 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.
41 Upon application and presentation of satisfactory evidence that the buyer has applied for
42 registration, a dealer may furnish such number plates to the buyer for such temporary use. In
43 such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to
44 be returned to the buyer upon return of the number plates as a guarantee that said buyer will

45 return to the dealer such number plates within thirty days. The director shall issue a temporary
46 permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty
47 days of the date of purchase.

48 5. The temporary permit shall be made available by the director of revenue and may be
49 purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer
50 for which the buyer has no registration plate available for transfer, or from a dealer upon
51 purchase of a motor vehicle or trailer for which the buyer has no registration plate available for
52 transfer. The director shall make temporary permits available to registered dealers in this state
53 or authorized agents of the department of revenue in sets of ten permits. The fee for the
54 temporary permit shall be seven dollars and fifty cents for each permit or plate issued. No dealer
55 or authorized agent shall charge more than seven dollars and fifty cents for each permit issued.
56 The permit shall be valid for a period of thirty days from the date of purchase of a motor vehicle
57 or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the
58 purchaser obtains a permit as set out above.

59 6. The permit shall be issued on a form prescribed by the director and issued only for the
60 applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant
61 to legally operate the vehicle while proper title and registration plate are being obtained, and
62 shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall
63 not be transferable or renewable and shall not be valid upon issuance of proper registration plates
64 for the motor vehicle or trailer. The director shall determine the size and numbering
65 configuration, construction, and color of the permit.

66 7. The dealer or authorized agent shall insert the date of issuance and expiration date,
67 year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The
68 dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary
69 permit shall keep, for inspection of proper officers, a correct record of each permit issued by
70 recording the permit or plate number, buyer's name and address, year, make, manufacturer's
71 vehicle identification number on which the permit is to be used, and the date of issuance.

72 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the
73 owner cannot transfer the license plates due to a change of vehicle category, the owner may
74 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
75 of the original registration fee against the registration fee of another motor vehicle. Such credit
76 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
77 on the unused portion of any license plates surrendered for such credit.

301.160. Upon approval of the application for registration of a motor vehicle or trailer
2 and when the required fee has been paid to the department of revenue, the department shall
3 forward or deliver to the applicant the registration receipt and the number of license plates

4 prescribed for the vehicle or trailer by section 301.130, or renewal [tabs] **window stickers** if
5 appropriate. The attachment to the motor vehicle or trailer specified in the application of current
6 license plates shall be prima facie evidence that the fees have been paid for such license.

301.290. 1. Correctional enterprises of the department of corrections shall purchase,
2 erect and maintain all of the machinery and equipment necessary for the manufacture of the
3 license plates and [tabs] **window stickers** issued by the director of revenue, and of signs used
4 by the state transportation department. Beginning on January 1, 2010, correctional enterprises
5 shall no longer erect and maintain tabs **or window stickers** for the department of revenue.

6 2. The director of revenue shall procure all plates issued by [him] **the director**, and the
7 state transportation department shall procure all signs used by it from correctional enterprises,
8 unless an emergency arises and correctional enterprises cannot furnish the plates, [tabs] **window**
9 **stickers**, or signs.

10 3. Correctional enterprises shall furnish the plates and signs at such a price as will not
11 exceed the price at which such plates and signs may be obtained upon the open market, but in
12 no event shall such price be less than the cost of manufacture, including labor and materials.

13 4. All moneys derived from the sale of the plates, [tabs] **window stickers**, and signs
14 shall be paid into the state treasury to the credit of the working capital revolving fund as provided
15 in section 217.595, RSMo.

301.300. 1. In event of the loss, theft, mutilation or destruction of any certificate of
2 ownership, number plate, [tab or set of tabs] **or window sticker** issued by the director of
3 revenue, the lawful holder thereof shall, within five days, file with the director of revenue, an
4 affidavit showing such fact, and shall, on the payment of a fee of eight dollars and fifty cents,
5 obtain a duplicate or replacement of such plate, certificate, [tab or set of tabs] **or window**
6 **sticker**. Any duplicate certificate issued for any "motor vehicle primarily for business use", as
7 defined in section 301.010, shall be issued only to the owner of record.

8 2. Upon filing affidavit of lost, stolen, mutilated or destroyed certificate of registration,
9 the director of revenue shall issue to the lawful owner a duplicate or replacement thereof upon
10 payment of a fee of eight dollars and fifty cents.

11 3. Vehicle owners who elect not to transfer or renew multiyear plates shall be charged
12 a fee equal to that charged for a lost plate in addition to the registration fee prescribed by law at
13 the time the new plate or plates are issued.

14 4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer may
15 obtain a duplicate or replacement title in the owner's name if the owner's title has been lost,
16 stolen, mutilated, or destroyed and is not available for assignment. In order to obtain the
17 duplicate or replacement title from the department of revenue, the licensed dealer shall procure
18 a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement

19 title in the owner's name and sign any title assignments on the owner's behalf. The application
20 to the department of revenue for the duplicate or replacement title shall be accompanied by the
21 executed power of attorney, or a copy thereof, and the application shall contain the appropriate
22 mailing address of the dealer. The director of the department of revenue is authorized to make
23 all necessary rules and regulations for the administration of this subsection, and shall design all
24 necessary forms required by this subsection. No rule or portion of a rule promulgated pursuant
25 to the authority of this section shall become effective unless it has been promulgated pursuant
26 to the provisions of chapter 536, RSMo. 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 become
28 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
29 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
30 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
31 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
32 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
33 after August 28, 2005, shall be invalid and void.

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

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

301.302. A citation shall not be issued to any person stopped by law enforcement for a
2 missing [license plate tab or tabs] **window sticker** if such person indicates that [the tab or tabs
3 have] **sticker has** been stolen and a check on such person's vehicle registration reveals that the
4 vehicle is properly registered. A law enforcement officer may issue a warning under these
5 circumstances. In the event a citation is improperly issued to a person for **a** missing [tabs]
6 **window sticker** when the requirements of this section are met, any court costs shall be waived.

302.230. Any person who makes a false unsworn statement or affidavit or knowingly
2 swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall
3 be deemed guilty of a class [A misdemeanor] **D felony**. No person who pleads guilty or nolo
4 contendere, or is found guilty of making a false statement or affidavit shall be licensed to operate
5 a motor vehicle for a period of one year after such plea, finding or conviction.

302.545. 1. Any person who is less than twenty-one years of age and whose driving
2 privilege has been suspended or revoked, for a first determination under sections 302.500 to

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

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

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

17 (2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo.
302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial

2 Driver's License Act".

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

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

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

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;

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

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

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

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

- 22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
23 pounds or such lesser rating as determined by federal regulation;
- 24 (c) If the vehicle is designed to transport sixteen or more passengers, including the
25 driver; or
- 26 (d) If the vehicle is transporting hazardous materials and is required to be placarded
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);
- 28 (7) "Controlled substance", any substance so classified under Section 102(6) of the
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
30 I through V of 21 CFR part 1308, as they may be revised from time to time;
- 31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo
32 contendere, or a determination that a person has violated or failed to comply with the law in a
33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine
35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty
36 is rebated, suspended or prorated, **including an offense for failure to appear or pay;**
- 37 (9) "Director", the director of revenue or his authorized representative;
- 38 (10) "Disqualification", any of the following three actions:
- 39 (a) The suspension, revocation, or cancellation of a commercial driver's license;
- 40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor
42 vehicle traffic control or violations committed through the operation of motor vehicles, other
43 than parking, vehicle weight, or vehicle defect violations;
- 44 (c) A determination by the Federal Motor Carrier Safety Administration that a person
45 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;
- 46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;
- 47 (12) "Driver", any person who drives, operates, or is in physical control of a motor
48 vehicle, or who is required to hold a commercial driver's license;
- 49 (13) "Driving under the influence of alcohol", the commission of any one or more of the
50 following acts:
- 51 (a) Driving a commercial motor vehicle with the alcohol concentration of four
52 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
53 concentration as may be later determined by the secretary by regulation;
- 54 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
55 of any federal or state law, or in violation of a county or municipal ordinance;

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

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

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

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

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

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

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

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

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

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

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

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

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

98 (21) "Hazardous materials", [hazardous materials as specified in Section 103 of the
99 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).] **any material that has been**
100 **designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under**
101 **subpart F of CFR part 172 or any quantity of a material listed as a select agent or toxin in**
102 **42 CFR part 73.** Fertilizers, including but not limited to ammonium nitrate, phosphate,
103 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered
104 hazardous materials when transported by a farm vehicle provided all other provisions of this
105 definition are followed;

106 (22) "Imminent hazard", the existence of a condition that presents a substantial
107 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
108 health, property, or the environment may occur before the reasonably foreseeable completion
109 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
110 endangerment;

111 (23) "Issuance", the initial licensure, license transfers, license renewals, and license
112 upgrades;

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

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

116 (26) "Out of service", a temporary prohibition against the operation of a commercial
117 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,
118 or the operation of a particular motor carrier;

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

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

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

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

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

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

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

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

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

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

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

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

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

302.735. 1. An application shall not be taken from a nonresident after September 30, 2005. The application for a commercial driver's license shall include, but not be limited to, the applicant's legal name, mailing and residence address, if different, a physical description of the 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.

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

32 **(1) The state shall immediately revoke a hazardous materials endorsement upon**
33 **receipt of an initial determination of threat assessment and immediate revocation from the**
34 **Transportation Security Administration as defined by 49 CFR 1572.13(a).**

35 **(2) The state shall revoke or deny a hazardous materials endorsement within fifteen**
36 **days of receipt of a final determination of threat assessment from the Transportation**
37 **Security Administration as required by CFR 1572.13(a).**

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

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

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

43 9. In order for the director to properly transition driver's license requirements under the
44 Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by
45 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT
46 ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for
47 any fees, including driver examination fees that are incurred by the driver as a result of the initial
48 issuance of a transitional license required to comply with such acts.

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

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

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

67 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1
68 and 5 of this section to the contrary, the director may issue a nonresident commercial driver's
69 license to a resident of a foreign jurisdiction if the United States Secretary of Transportation has
70 determined that the commercial motor vehicle testing and licensing standards in the foreign
71 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

72 (2) Any applicant for a nonresident commercial driver's license must present evidence
73 satisfactory to the director that the applicant currently has employment with an employer in this
74 state. The nonresident applicant must meet the same testing, driver record requirements,

75 conditions, and is subject to the same disqualification and conviction reporting requirements
76 applicable to resident commercial drivers.

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

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

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

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

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, **or**
4 **of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;**

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

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

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

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

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

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

22 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the

24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
25 manufacture, distribute, or dispense a controlled substance.

26 5. Any person is disqualified from operating a commercial motor vehicle for a period
27 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
28 days if convicted of three serious traffic violations, arising from separate incidents occurring
29 within a three-year period.

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

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

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

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

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

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

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

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

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

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and

60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

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

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

 303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent
2 of the insurer, shall furnish an insurance identification card to the named insured for each motor
3 vehicle insured by a motor vehicle liability policy that complies with the requirements of sections
4 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

5 2. The insurance identification card shall include all of the following information:

- 6 (1) The name and address of the insurer;
7 (2) The name of the named insured;
8 (3) The policy number;
9 (4) The effective dates of the policy, including month, day and year;
10 (5) A description of the insured motor vehicle, including year and make or at least five
11 digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five
12 or more motor vehicles; and
13 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR
14 VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

15 3. A new insurance identification card shall be issued when the insured motor vehicle
16 is changed, when an additional motor vehicle is insured, and when a new policy number is
17 assigned. A replacement insurance identification card shall be issued at the request of the
18 insured in the event of loss of the original insurance identification card.

19 4. The director shall furnish each self-insurer, as provided for in section 303.220, an
20 insurance identification card for each motor vehicle so insured. The insurance identification card
21 shall include all of the following information:

22 (1) Name of the self-insurer;

23 (2) The word "self-insured"; and

24 (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED
25 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the
26 card.

27 5. An insurance identification card shall be carried in the insured motor vehicle at all
28 times. The operator of an insured motor vehicle shall exhibit the insurance identification card
29 on the demand of any peace officer, commercial vehicle enforcement officer or commercial
30 vehicle inspector who lawfully stops such operator or investigates an accident while that officer
31 or inspector is engaged in the performance of the officer's or inspector's duties. If the operator
32 fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to
33 the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a
34 motor vehicle liability insurance binder, or receipt which contains the policy information
35 required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an
36 insurance identification card.

37 **6. Any person who knowingly or intentionally produces, manufactures, sells, or**
38 **otherwise distributes a fraudulent document intended as an insurance identification card**
39 **is guilty of a class D felony. Any person who knowingly or intentionally possesses a**
40 **fraudulent document intended as an insurance card is guilty of a class B misdemeanor and**
41 **shall be subject to the reduction in recovery of noneconomic losses in any action against**
42 **a complying policyholder as set forth in subsection 4 of section 303.390.**

 303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. Furthermore, no
5 person shall operate a motor vehicle owned by another with the knowledge that the owner has
6 not maintained financial responsibility unless such person has financial responsibility which
7 covers the person's operation of the other's vehicle; however, no owner shall be in violation of
8 this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is
9 inoperable or being stored and not in operation. The director may prescribe rules and regulations
10 for the implementation of this section.

11 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
12 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
13 requirements of the laws of this state.

14 3. **(1) If at any time the financial responsibility required of any person under this**
15 **section lapses or terminates, the certificate of registration of the motor vehicle for which**
16 **financial responsibility was being maintained and the owner's driver's license are, as of the**
17 **date of the lapse or termination of such financial responsibility, automatically suspended**
18 **and shall remain suspended until such financial responsibility is restored or replaced.**

19 **(2) (a) The department of public safety and the department of revenue may enter**
20 **into agreements with local law enforcement agencies for the collection of suspended or**
21 **revoked driver's licenses, motor vehicle registrations, and motor vehicle license plates. The**
22 **contracting department shall assess a fifty dollar fine for each item recovered under this**
23 **subsection in addition to any other fines assessed. Upon collection, such fine shall be**
24 **deposited to the credit of the general revenue fund of the county or city which initiated the**
25 **enforcement action and shall be used for the sole purpose of funding education in the**
26 **county or city.**

27 **(b) All motor vehicle registration certificates, motor vehicle license plates, and**
28 **driver's licenses confiscated or seized under this section shall be returned to the**
29 **department of revenue within fifteen days.**

30 **(c) The department of revenue shall collect and retain the reinstatement fee**
31 **provided in section 303.027 and the per diem fine as provided in section 303.028 upon the**
32 **reinstatement of tags confiscated by local law enforcement agencies under this section.**
33 **Any fines collected under section 303.027 referring to the monetary penalty of a person**
34 **who is guilty of a misdemeanor for willful failure to return his or her motor vehicle license**
35 **plates and registration shall be paid to the governing body of the local law enforcement**
36 **agency confiscating the tags and deposited in the general revenue fund of the local**
37 **governing body and shall be used for the sole purpose of funding education in the county**
38 **or city. The director or the director's designee shall monthly provide information to local**
39 **law enforcement agencies, upon request of the local law enforcement agency, on uninsured**
40 **vehicles.**

41 **4. Any person who violates this section for a first offense is guilty of a class [C] B**
42 **misdemeanor. Any second or subsequent violation is a class A misdemeanor and the**
43 **offender's vehicle shall be impounded until such proof of financial responsibility is restored**
44 **or replaced.** However, no person shall be found guilty of violating this section if the operator
45 demonstrates to the court that he or she met the financial responsibility requirements of this
46 section at the time the peace officer, commercial vehicle enforcement officer or commercial

47 vehicle inspector wrote the citation. In addition to any other authorized punishment, the court
48 shall notify the director of revenue of any person convicted [pursuant to this section and shall do
49 one of the following:

50 (1) Enter an order suspending the driving privilege as of the date of the court order. If
51 the court orders the suspension of the driving privilege, the court shall require the defendant to
52 surrender to it any driver's license then held by such person. The length of the suspension shall
53 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
54 revenue the order of suspension of driving privilege and any license surrendered within ten days;

55 (2) Forward the record of the conviction for an assessment of four points; or

56 (3) In lieu of an assessment of points, render an order of supervision as provided in
57 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than
58 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the
59 provisions of this section shall forward a record of conviction to the Missouri state highway
60 patrol, or at the written direction of the Missouri state highway patrol, to the department of
61 revenue, in a manner approved by the director of the department of public safety. The director
62 shall establish procedures for the record keeping and administration of this section.] **under this
63 section and upon notice of such conviction, the department shall suspend the owner's
64 driver's license until satisfactory proof of financial responsibility is provided. If at any
65 time the department determines that financial responsibility on the vehicle was not
66 maintained, the owner's registration and driving privileges shall be suspended under
67 section 303.027.**

68 [4.] **5.** Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290,
69 303.330 and 303.370 shall be construed as prohibiting the department of insurance, financial
70 institutions and professional registration from approving or authorizing those exclusions and
71 limitations which are contained in automobile liability insurance policies and the uninsured
72 motorist provisions of automobile liability insurance policies.

73 [5. If a court enters an order of suspension, the offender may appeal such order directly
74 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.]

**303.027. 1. If, at any time during the period for which a motor vehicle is licensed,
2 financial responsibility is not maintained on a motor vehicle, the vehicle owner shall
3 immediately obtain financial responsibility on the vehicle or within five days after such loss
4 of financial responsibility surrender the motor vehicle license plate and registration
5 certificate issued for the motor vehicle.**

**6 2. The department of revenue, in its discretion, may authorize automobile insurers
7 to utilize alternative methods of providing notice of cancellation, refusal to renew, new
8 policies written, and renewals to the department for persons who maintain financial**

9 responsibility through insurance coverage. The department shall not reissue a registration
10 certificate and license plate for such motor vehicle until satisfactory evidence has been filed
11 by the owner or the insurer who gave the cancellation or refusal to renew notice to the
12 department that financial responsibility is being maintained on the motor vehicle. Upon
13 receiving information that financial responsibility is not being maintained or, if financial
14 responsibility is being maintained by insurance, the insurance policy is canceled or
15 otherwise terminated on a motor vehicle registered in Missouri, the department shall
16 suspend the owner's driving privileges, license plates, and registration certificate and shall
17 initiate action as required within fifteen days of the failure to maintain financial
18 responsibility or the notice of cancellation to pick up the license plates and registration
19 certificate. A person who has had his or her driving privileges, license plates, and
20 registration certificate suspended by the department, but who at the time of suspension has
21 maintained sufficient financial responsibility to meet the requirements set forth in this
22 chapter, has the right to appeal the suspension immediately to the director of the
23 department of insurance, financial institutions and professional registration. If the
24 director of the department of insurance, financial institutions and professional registration
25 determines that the person maintained sufficient financial responsibility, the director shall
26 notify the department of revenue and the suspension shall be voided immediately. The
27 department shall provide notice by first class mail of the cancellation or suspension of
28 driving and registration privileges to the vehicle owner at the owner's last known address.

29 3. If the vehicle owner unlawfully refuses to surrender items as required in this
30 chapter, the department through its designated agents or by request to a local law
31 enforcement agency shall take possession of the suspended license plates and registration
32 certificates and shall not reissue the registration until proper proof of financial
33 responsibility is provided and the owner has paid a reinstatement fee of two hundred
34 dollars. A person who voluntarily surrenders his or her license plates and registration
35 certificate before their suspension shall not be charged a reinstatement fee.

36 4. A person willfully failing to return his or her license plates and registration
37 certificate as required in this section is guilty of a misdemeanor and, upon conviction, shall
38 be punished as follows:

39 (1) For a first offense fined not less than one hundred dollars nor more than two
40 hundred dollars or imprisoned for thirty days;

41 (2) For a second offense fined two hundred dollars or imprisoned for thirty days,
42 or both;

43 (3) For a third and any subsequent offense imprisoned for not less than forty-five
44 days nor more than six months.

45 **5. Only convictions which occurred within ten years including and immediately**
46 **preceding the date of the last conviction constitute a prior conviction for purposes of this**
47 **section.**

303.028. Whenever a person furnishes proof of liability insurance, or surrenders
2 **or has his or her registration or license tags confiscated for failure to produce proof of**
3 **financial responsibility, after the department of revenue receives notice of the lapse or**
4 **termination of the required financial responsibility, the department shall compare the**
5 **effective date of the lapse or termination with the date of the proof of financial**
6 **responsibility or the date of the confiscation or surrender. If the department determines**
7 **there was a lapse in the required financial responsibility, the department shall assess, in**
8 **addition to other fines or penalties imposed by law, a per diem fine in the amount of five**
9 **dollars. The department shall collect and keep such fine to defer the costs of enforcing the**
10 **financial responsibility law. The fine provided for in this section and the two hundred**
11 **dollar reinstatement fee under section 303.027 shall not be assessed if the person furnishes**
12 **proof, as documented by his or her sworn statement, that the motor vehicle upon which the**
13 **coverage has lapsed or been terminated has not been operated upon the roads, streets, or**
14 **highways of this state during the lapse or termination, and the lapse or termination is due**
15 **to military service or illness as documented by a signed physician's statement. The total**
16 **amount of the fine provided in this section shall not exceed two hundred dollars for a first**
17 **offense.**

303.390. 1. This section shall be known and may be cited as the "Uninsured
2 **Motorist Stipulation of Benefits Act of 2009".**

3 **2. An owner and operator of a motor vehicle who operates the motor vehicle on the**
4 **public highways of this state, or who knowingly permits the operation of the motor vehicle**
5 **on the public highways of this state, who fails to have in full force and effect a complying**
6 **liability policy providing at least the minimum liability coverage required by this state**
7 **under this chapter and covering the motor vehicle at the time of an accident shall be**
8 **eligible to recover an award covering economic and noneconomic loss. However, any**
9 **recovery for noneconomic damages shall be reduced in accordance with subdivision (1) of**
10 **subsection 3 of this section. Such limitation on recovery shall not apply if it can be proven**
11 **that the accident was caused, wholly or in part, by a tortfeasor's operating a motor vehicle**
12 **under the influence of drugs or alcohol, or who is convicted of vehicular assault or**
13 **homicide. The provisions of this section shall not apply to an uninsured motorist whose**
14 **immediately previous insurance policy meeting the requirements of section 303.190 was**
15 **terminated or nonrenewed for failure to pay the premium, unless notice of termination or**

16 **nonrenewal for failure to pay such premium was provided by such insurer at least thirty**
17 **days prior to the time of the accident.**

18 **3. In an action against a complying policyholder by a person with limited recovery**
19 **under subsection 2 of this section:**

20 **(1) Any award in favor of such person shall be reduced by one hundred percent of**
21 **that portion of the award representing compensation for noneconomic losses;**

22 **(2) The trier of fact shall not be informed, directly or indirectly, of such limitation**
23 **on recovery or of its effect on the total amount of such person's recovery.**

24 **4. In an action against a complying policyholder by a person who knowingly or**
25 **intentionally possesses a fraudulent document intended as an insurance card in violation**
26 **of section 303.024, any award in favor of such person shall be reduced one hundred percent**
27 **for that portion of the award representing compensation for noneconomic losses.**

28 **5. No owner or operator of a motor vehicle, regardless of maintenance of financial**
29 **responsibility for such vehicle, shall receive compensation for noneconomic losses if the**
30 **operator of the motor vehicle operates the motor vehicle under the influence of drugs or**
31 **alcohol.**

32 **6. Nothing in this section shall be construed to preclude recovery against an alleged**
33 **tortfeasor of benefits provided or economic loss coverage.**

34 **7. There is a rebuttable presumption of a knowing violation of the minimum**
35 **insurance requirements contained in subsection 2 of this section if such insurance has**
36 **lapsed, terminated, or otherwise been ineffective for a period of at least thirty days prior**
37 **to the accident.**

38 **8. Passengers in the uninsured motor vehicle are not subject to such recovery**
39 **limitation.**

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer
2 of a government agency where that agency's real property is concerned, may authorize a towing
3 company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours,
6 or immediately if a law enforcement officer determines that the abandoned property is a serious
7 hazard to other motorists, provided that commercial motor vehicles not hauling materials
8 designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
9 to a place of safety until the owner or owner's representative has had a reasonable opportunity
10 to contact a towing company of choice;

11 (b) Any interstate highway or freeway outside of an urbanized area, left unattended for
12 [forty-eight] **twelve** hours, or after four hours if a law enforcement officer determines that the

13 abandoned property is a serious hazard to other motorists, provided that commercial motor
14 vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be
15 removed under this subdivision to a place of safety until the owner or owner's representative has
16 had a reasonable opportunity to contact a towing company of choice;

17 (c) Any state highway other than an interstate highway or freeway in an urbanized area,
18 left unattended for more than ten hours; or

19 (d) Any state highway other than an interstate highway or freeway outside of an
20 urbanized area, left unattended for more than [forty-eight] **twelve** hours; provided that
21 commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a)
22 may only be removed under this subdivision to a place of safety until the owner or owner's
23 representative has had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct
26 the normal movement of traffic where there is no reasonable indication that the person in control
27 of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080, RSMo;

29 (4) Any abandoned property which has been reported as stolen or taken without consent
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for
32 an alleged offense for which the officer [is required to take] **takes** the person into custody and
33 where such person is unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance
37 where signs have been posted giving notice of the law or where the violation causes a safety
38 hazard; [or]

39 (8) Any abandoned property illegally left standing on the waters of this state as defined
40 in section 306.010, RSMo, where the abandoned property is obstructing the normal movement
41 of traffic, or where the abandoned property has been unattended for more than ten hours or is
42 floating loose on the water; **or**

43 (9) **Any abandoned property for which the person operating such property or**
44 **vehicle eludes arrest for an alleged offense for which the officer would have taken the**
45 **offender into custody.**

46 2. The [state transportation] department **of transportation or any law enforcement**
47 **officer within the officer's jurisdiction** may immediately remove any abandoned, unattended,
48 wrecked, burned or partially dismantled property, spilled cargo or other personal property from

49 the [roadway] **right-of-way** of any **interstate highway, freeway, or** state highway if the
50 abandoned property, cargo or personal property is creating a traffic hazard because of its position
51 in relation to the **interstate highway, freeway, or** state highway. In the event the property
52 creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo,
53 the department's authority under this subsection shall be limited to authorizing a towing company
54 to remove the commercial motor vehicle to a place of safety, except that the owner of the
55 commercial motor vehicle or the owner's designated representative shall have a reasonable
56 opportunity to contact a towing company of choice. The provisions of this subsection shall not
57 apply to vehicles transporting any material which has been designated as hazardous under
58 Section 5103(a) of Title 49, U.S.C.

59 3. Any law enforcement agency authorizing a tow pursuant to this section in which the
60 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and
61 inspection report. Any state or federal government agency other than a law enforcement agency
62 authorizing a tow pursuant to this section in which the abandoned property is moved away from
63 the immediate vicinity in which it was abandoned shall report the towing to the state highway
64 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection
65 report as required in this section. Any local government agency, other than a law enforcement
66 agency, authorizing a tow pursuant to this section where property is towed away from the
67 immediate vicinity shall report the tow to the local law enforcement agency within two hours
68 along with a crime inquiry and inspection report.

69 4. Neither the law enforcement officer, government agency official nor anyone having
70 custody of abandoned property under his direction shall be liable for any damage to such
71 abandoned property occasioned by a removal authorized by this section or by ordinance of a
72 county or municipality licensing and regulating the sale of abandoned property by the
73 municipality, other than damages occasioned by negligence or by willful or wanton acts or
74 omissions.

75 5. The owner of abandoned property removed as provided in this section or in section
76 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
77 such abandoned property as provided in section 304.158.

78 6. Upon the towing of any abandoned property pursuant to this section or under authority
79 of a law enforcement officer or local government agency pursuant to section 304.157, the law
80 enforcement agency that authorized such towing or was properly notified by another government
81 agency of such towing shall promptly make an inquiry with the national crime information center
82 and any statewide Missouri law enforcement computer system to determine if the abandoned
83 property has been reported as stolen and shall enter the information pertaining to the towed
84 property into the statewide law enforcement computer system. If the abandoned property is not

85 claimed within ten working days of the towing, the tower who has online access to the
86 department of revenue's records shall make an inquiry to determine the abandoned property
87 owner and lienholder, if any, of record. In the event that the records of the department of
88 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply
89 with the requirements of subsection 3 of section 304.156. If the tower does not have online
90 access, the law enforcement agency shall submit a crime inquiry and inspection report to the
91 director of revenue. A towing company that does not have online access to the department's
92 records and that is in possession of abandoned property after ten working days shall report such
93 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.
94 The crime inquiry and inspection report shall be designed by the director of revenue and shall
95 include the following:

- 96 (1) The year, model, make and property identification number of the property and the
97 owner and any lienholders, if known;
- 98 (2) A description of any damage to the property noted by the officer authorizing the tow;
- 99 (3) The license plate or registration number and the state of issuance, if available;
- 100 (4) The storage location of the towed property;
- 101 (5) The name, telephone number and address of the towing company;
- 102 (6) The date, place and reason for the towing of the abandoned property;
- 103 (7) The date of the inquiry of the national crime information center, any statewide
104 Missouri law enforcement computer system and any other similar system which has titling and
105 registration information to determine if the abandoned property had been stolen. This
106 information shall be entered only by the law enforcement agency making the inquiry;
- 107 (8) The signature and printed name of the officer authorizing the tow; [and]
- 108 (9) The name of the towing company, the signature and printed name of the towing
109 operator, and an indicator disclosing whether the tower has online access to the department's
110 records; **and**

111 (10) Any additional information the director of revenue deems appropriate.

112 7. One copy of the crime inquiry and inspection report shall remain with the agency
113 which authorized the tow. One copy shall be provided to and retained by the storage facility and
114 one copy shall be retained by the towing facility in an accessible format in the business records
115 for a period of three years from the date of the tow or removal.

116 8. The owner of such abandoned property, or the holder of a valid security interest of
117 record, may reclaim it from the towing company upon proof of ownership or valid security
118 interest of record and payment of all reasonable charges for the towing and storage of the
119 abandoned property.

120 9. Any person who removes abandoned property at the direction of a law enforcement
121 officer or an officer of a government agency where that agency's real property is concerned as
122 provided in this section shall have a lien for all reasonable charges for the towing and storage of
123 the abandoned property until possession of the abandoned property is voluntarily relinquished
124 to the owner of the abandoned property or to the holder of a valid security interest of record.
125 Any personal property within the abandoned property need not be released to the owner thereof
126 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been
127 paid or satisfactory arrangements for payment have been made, except that any medication
128 prescribed by a physician shall be released to the owner thereof upon request. The company
129 holding or storing the abandoned property shall either release the personal property to the owner
130 of the abandoned property or allow the owner to inspect the property and provide an itemized
131 receipt for the contents. The company holding or storing the property shall be strictly liable for
132 the condition and safe return of the personal property. Such lien shall be enforced in the manner
133 provided under section 304.156.

134 10. Towing companies shall keep a record for three years on any abandoned property
135 towed and not reclaimed by the owner of the abandoned property. Such record shall contain
136 information regarding the authorization to tow, copies of all correspondence with the department
137 of revenue concerning the abandoned property, including copies of any online records of the
138 towing company accessed and information concerning the final disposition of the possession of
139 the abandoned property.

140 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard
141 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall
142 notify the local law enforcement agency where the repossession occurred within two hours of
143 the repossession and shall further provide the local law enforcement agency with any additional
144 information the agency deems appropriate. The local law enforcement agency shall make an
145 inquiry with the national crime information center and the Missouri statewide law enforcement
146 computer system and shall enter the repossessed vehicle into the statewide law enforcement
147 computer system.

148 12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who
149 has complied with the notification provisions in section 304.156 including notice that any
150 property remaining unredeemed after thirty days may be sold as scrap property may then dispose
151 of such property as provided in this subsection. Such sale shall only occur if at least thirty days
152 has passed since the date of such notification, the abandoned property remains unredeemed with
153 no satisfactory arrangements made with the towing company for continued storage, and the
154 owner or holder of a security agreement has not requested a hearing as provided in section
155 304.156. The towing company may dispose of such abandoned property by selling the property

156 on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed
157 salvage dealer for destruction purposes only. The towing company shall forward a copy of the
158 bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of
159 revenue within two weeks of the date of such sale. The towing company shall keep a record of
160 each such vehicle sold for destruction for three years that shall be available for inspection by law
161 enforcement and authorized department of revenue officials. The record shall contain the year,
162 make, identification number of the property, date of sale, and name of the purchasing scrap metal
163 operator or licensed salvage dealer and copies of all notifications issued by the towing company
164 as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record
165 of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators
166 and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo,
167 on vehicles purchased on a bill of sale pursuant to this section.

304.287. 1. The provisions of sections 304.287 to 304.290 shall be known as the
2 **"Missouri Universal Red Light Enforcement Act" (MURLE). For the purposes of sections**
3 **304.287 to 304.290, the following terms mean:**

4 (1) "Agency", any county, city, town, village, municipality, state agency, or other
5 political subdivision of this state that is authorized to issue a notice of violation for a
6 violation of a state or local traffic law or regulation;

7 (2) "Automated photo red light enforcement system" or "system", a device owned
8 by an agency consisting of a camera or cameras and vehicle sensor or sensors, installed to
9 work in conjunction with a traffic control signal;

10 (3) "Owner", the owner of a motor vehicle as shown on the motor vehicle
11 registration records of the Missouri department of revenue or the analogous department
12 or agency of another state or country. The term "owner" includes:

13 (a) A lessee of a motor vehicle under a lease of six months or more; or

14 (b) The lessee of a motor vehicle rented or leased from a motor vehicle rental or
15 leasing company, but does not include the motor vehicle rental or leasing company itself.
16

17 If there is more than one owner of the motor vehicle, the primary owner will be deemed the
18 owner. If no primary owner is named, the first-listed owner will be deemed the owner;

19 (4) "Recorded image", an image recorded by an automated photo red light
20 enforcement system that depicts the rear view of a motor vehicle and is automatically
21 recorded by a high-resolution camera as a digital image;

22 (5) "Steady red signal indication violation" or "violation", a violation of a steady
23 red signal indication under sections 304.271 and 304.281 or substantially similar agency
24 ordinance or traffic laws;

25 (6) "Traffic control signal", a traffic control device that displays alternating red,
26 yellow, and green lights intended to direct traffic as when to stop at or proceed through an
27 intersection.

28 2. All automated photo red light enforcement systems shall be registered with the
29 Missouri department of transportation prior to installation. The department of
30 transportation shall collect a one-time registration fee of five hundred dollars per light and
31 all registration fees collected shall be deposited in the "Red Light Enforcement Fund"
32 hereby established. The state treasurer shall be custodian of the fund and shall approve
33 disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon
34 appropriation, money in the fund shall be used to conduct audits to ensure agency
35 compliance with the provisions of sections 304.271 to 304.281, including, but not limited
36 to, ensuring that the agency is distributing the fines collected as required under section
37 304.288. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
38 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
39 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
40 manner as other funds are invested. Any interest and moneys earned on such investments
41 shall be credited to the fund.

42 3. No agency shall use an automated photo red light enforcement system unless the
43 system is capable of producing at least two high-resolution color digital recorded images
44 that show:

45 (1) The traffic control signal while it is emitting a steady red signal;

46 (2) The offending vehicle; and

47 (3) The front and rear license plate of the offending vehicle. One of the images
48 must be of sufficient resolution to show clearly, while the vehicle is in the intersection and
49 while the traffic signal is emitting a steady red signal, all three elements set forth in this
50 subdivision and subdivisions (1) and (2) of this subsection.

51 4. The automated photo red light enforcement system shall utilize a video recording
52 component which shall record the local time at which the two violation images were
53 captured, as well as at least five seconds before and at least five seconds after the violation
54 event.

55 5. The automated photo red light enforcement system shall photograph or
56 otherwise capture an image of the driver's face.

57 6. Agencies that utilize automated photo red light enforcement systems to detect
58 and enforce steady red signal indication violations are subject to the conditions and
59 limitations specified in sections 304.287 to 304.290.

60 7. Prior to activation of the system at an intersection:

61 (1) If not already present, the roadway first must be clearly marked with a white
62 stripe indicating the stop line and the perimeter of the intersection;

63 (2) Warning signs shall be installed within five hundred feet of the white stripe
64 indicating the stop line;

65 (3) Signal phase timings at intersections equipped with a system shall be certified
66 by the Missouri department of transportation before the automated photo red light
67 enforcement systems may be activated for enforcement purposes and any adjustment to
68 such timing shall be made only by a department of transportation traffic engineer. If an
69 agency alters the signal phase timing at an intersection without prior written approval
70 from the Missouri department of transportation and without certification by the
71 department of transportation traffic engineer, the agency shall be assessed a municipal fine
72 of fifty thousand dollars for a first offense and the red light device shall be removed upon
73 a subsequent violation. In no case shall a private vendor have the ability to control the
74 signal phase timing connected with a system.

75 8. Prior to installing the automated photo red light enforcement system, the agency
76 shall give notice of the intersection where the system will be located and of the date on
77 which the system will begin to monitor the intersection. The agency shall give reasonable
78 notice at least fourteen days prior to the installation of the system in a newspaper of
79 general circulation throughout the political subdivision served by the agency.

80 9. Any agency that implements a system shall submit an annual report to the
81 Missouri department of transportation. The report shall include, at a minimum:

82 (1) The number of intersections enforced by active systems;

83 (2) The number of notices of violation mailed;

84 (3) The number of notices of violation paid;

85 (4) The number of hearings; and

86 (5) The total revenue collected as a result of the program.

87

88 Any agency failing to complete the annual report required under this subsection within
89 forty-five days of the time such report is due shall be assessed a fine of fifty thousand
90 dollars and all automated photo red light enforcement systems shall be removed from the
91 agency's jurisdiction.

92 10. Within three years of the establishment of an automated photo traffic law
93 enforcement program, the implementing jurisdiction shall initiate a formal evaluation of
94 the program to determine the program's impact on traffic safety. That evaluation shall be
95 completed within one year.

96 **11. An agency that establishes an automated photo red light enforcement system**
97 **may enter into an agreement or agreements for the purpose of compensating a private**
98 **vendor to perform operational and administrative tasks associated with the use of such**
99 **system. The notice of violation issued under section 304.288, however, shall not be issued**
100 **by a private vendor. Any compensation paid to a private vendor shall not be derived from**
101 **finances received for violations nor shall compensation be based upon the number of violations**
102 **mailed, the number of citations issued, the number of violations paid, or the amount of**
103 **revenue collected by the agency. The compensation paid to a private vendor shall be based**
104 **upon the value of the equipment and the services provided or rendered in support of the**
105 **system.**

304.288. 1. Before a notice may be issued, all violation images produced by a
2 **system shall be reviewed and approved by a law or code enforcement officer employed by**
3 **the agency in which the alleged violation occurred. Such review and acceptance shall be**
4 **based on a full review of the images that clearly identify the driver of the vehicle and**
5 **demonstrate a violation.**

6 **2. Based on inspection of recorded images produced by a system, a notice of**
7 **violation or copy of such notice alleging that the violation occurred and signed manually**
8 **or digitally by a duly authorized agent of the agency shall be evidence of the facts**
9 **contained therein and shall be admissible in any proceeding alleging a violation under**
10 **sections 304.287 to 304.290.**

11 **3. An agency shall mail or cause to be mailed a notice of violation by certified mail**
12 **to the owner of the motor vehicle, which notice shall include, in addition to the**
13 **requirements of supreme court rule no. 37:**

14 **(1) The name and address of the owner of the vehicle;**

15 **(2) The registration number of the motor vehicle involved in the violation;**

16 **(3) A copy of the two recorded images and a zoomed and cropped image of the**
17 **vehicle license plate which was extracted from one of the two images;**

18 **(4) Information advising the registered owner of how he or she can review the**
19 **video, photographic, and recorded images that captured the alleged violation. The agency**
20 **may provide access to the video and other recorded images through the Internet. If access**
21 **to the video and other recorded images is provided through the Internet, the agency shall**
22 **ensure that such video and recorded images are accessible only to the registered owner**
23 **through a password-protected system;**

24 **(5) A manually or digitally signed statement by a law or code enforcement officer**
25 **employed by the agency that, based on inspection of the two recorded images and video**

26 sequence, the motor vehicle was operated in violation of a traffic control device or
27 prevailing traffic laws or statutes;

28 (6) Information advising the registered owner of the manner, time, and place in
29 which liability as alleged in the notice of violation may be contested, and warning that
30 failure to pay the penalty or to contest liability within fourteen days from the mailing of
31 notice is an admission of liability; and

32 (7) Information advising the registered owner that he or she may file an affidavit
33 under subsection 8 of this section stating that he or she was not the operator of the vehicle
34 at the time of the violation.

35 4. A notice of violation issued under this section shall be mailed no later than three
36 business days after the violation was recorded by the automated photo red light
37 enforcement system. The issuance of a notice of violation under this section shall be made
38 by the agency, and shall not be subcontracted to a third party.

39 5. Any violation detected by a system shall be deemed a moving violation as defined
40 in section 302.302, RSMo. Fees and court costs for such violation shall be collected by the
41 agency issuing the violation and shall not exceed an amount that would have been imposed
42 if the violation had been detected by a law enforcement officer present when the violation
43 occurred. If a person charged with a violation detected by a system fails to dispose of the
44 charges through authorized prepayment of fine and court costs and fails to appear on the
45 return date or at any subsequent date to which the case has been continued, the provisions
46 of section 302.341, RSMo, shall apply.

47 6. Payment of the established fine and any applicable civil penalties shall operate
48 as a final disposition of the case. Payment of the fine and any penalties, whether before or
49 after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other
50 motor vehicle owners of the same motor vehicle for the same violation.

51 7. In the prosecution of a steady red signal indication violation under sections
52 304.287 to 304.290, the agency shall have the burden of proving that the vehicle described
53 in the notice of violation issued under this section was operated in violation of sections
54 304.287 to 304.290 and that the defendant was at the time of such violation the owner and
55 the driver of such vehicle. The agency shall not enter into any plea-bargaining agreements
56 in relation to any violation occurring under sections 304.287 to 304.290.

304.289. 1. For each automated photo red light enforcement system that is installed
2 at an intersection by an agency, during the first thirty days the system is monitoring an
3 intersection, the agency shall issue only warning notices and shall not issue any ticket or
4 citation for any violation detected by the system.

5 **2. No agency shall employ the use of a photo radar system to enforce speeding**
6 **violations. As used in this subsection, the term "photo radar system" shall mean a device**
7 **used primarily for highway speed limit enforcement substantially consisting of a radar unit**
8 **linked to a camera, which automatically produces a photograph of a motor vehicle**
9 **traveling in excess of the legal speed limit.**

304.290. Photographic and other recorded evidence obtained through the use of
2 **automated photo red light enforcement devices shall be maintained according to law and**
3 **shall be maintained by the appropriate agency for a period of at least three years. Such**
4 **photographic and other recorded evidence obtained through the use of an automated photo**
5 **red light enforcement system shall be confidential and shall not be deemed a "public**
6 **record" under section 610.010, RSMo, and shall not be subject to the provisions of section**
7 **109.180, RSMo, or chapter 610, RSMo.**

304.815. 1. No person shall operate a motor vehicle, as defined in section 301.010,
2 **RSMo, while using a wireless telephone unless that telephone is specifically designed and**
3 **configured to allow hands-free listening and talking and is used in that manner while**
4 **driving, or the motor vehicle is stationary.**

5 **2. The provisions of this section shall not apply to:**

6 **(1) Motor vehicles operated on private property;**

7 **(2) A person using a wireless telephone for emergency purposes, including, but not**
8 **limited to, an emergency call to a law enforcement agency, healthcare provider, fire**
9 **department, or other emergency services agency or entity;**

10 **(3) An emergency services professional using a wireless telephone while operating**
11 **an authorized emergency vehicle in the course and scope of his or her duties; or**

12 **(4) A person using a digital two-way radio that utilizes a wireless telephone that**
13 **operates by depressing a push-to-talk feature and does not require immediate proximity**
14 **to the ear of the user, and the person is driving one of the following vehicles:**

15 **(a) A commercial motor vehicle, as defined in section 301.010, RSMo, excluding**
16 **pickup trucks; or**

17 **(b) A wrecker or tow truck, as defined in section 301.010, RSMo.**

18 **3. A violation of this section shall be deemed an infraction punishable by a one**
19 **hundred dollar fine. Fifty dollars of the fine shall be used for safety purposes under 23**
20 **U.S.C. Section 406(e); twenty-five dollars of the fine shall be distributed to the local school**
21 **district where the violation occurred; and twenty-five dollars of the fine shall go to the**
22 **Missouri division of highway safety to be used solely for promoting safety belt awareness**
23 **programs.**

304.820. 1. Except as provided in subsection 2 of this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of an electronic wireless communications device, send, read, or write a text message or electronic message.

2. The provisions of subsection 1 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using an electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of an electronic wireless communications device, while operating a motor vehicle upon the highways of this state.

4. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.

5. As used in this section, "electronic wireless communications device" includes any cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not include any built-in navigational or emergency road service assistance system.

6. As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through an electronic wireless communication device.

7. As used in this section, "send, read, or write a text message or electronic message" means using an electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into an electronic wireless communications device for the purpose of making a telephone call.

8. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302, RSMo.

37 **9. The state preempts the field of regulating the use of electronic wireless**
38 **communications devices in motor vehicles, and the provisions of this section shall**
39 **supercede any local laws, ordinances, orders, rules, or regulations enacted by a county,**
40 **municipality, or other political subdivision to regulate the use of electronic wireless**
41 **communication devices by the operator of a motor vehicle.**

307.178. 1. As used in this section, the term "passenger car" means every motor vehicle
2 designed for carrying ten persons or less and used for the transportation of persons; except that,
3 the term "passenger car" shall not include motorcycles, motorized bicycles, **or** motor tricycles[,
4 and trucks with a licensed gross weight of twelve thousand pounds or more].

5 2. Each driver, except persons employed by the United States Postal Service while
6 performing duties for that federal agency which require the operator to service postal boxes from
7 their vehicles, or which require frequent entry into and exit from their vehicles, and [front seat]
8 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway
9 in this state, and persons [less than eighteen years of age] operating or riding in a truck, as
10 defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly
11 adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety
12 Act requirements. [No person shall be stopped, inspected, or detained solely to determine
13 compliance with this subsection.] The provisions of this section and section 307.179 shall not
14 be applicable to [persons] **any person** who [have] **possesses documentation from a physician**
15 **that such person has** a medical reason for failing to have a seat belt fastened about their body[,
16 nor shall] . **No person shall be found guilty of violating this section or section 307.179 if**
17 **such person demonstrates to the court that he or she has a medical reason for failing to**
18 **have a seat belt fastened about their body.** The provisions of this section **shall not** be
19 applicable to persons while operating or riding a motor vehicle being used in agricultural
20 work-related activities. Noncompliance with this subsection shall not constitute probable cause
21 for violation of any other provision of law. The provisions of this subsection shall not apply to
22 the transporting of children under sixteen years of age, as provided in section 307.179.

23 3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall
24 secure the child in a properly adjusted and fastened restraint under section 307.179.

25 4. In any action to recover damages arising out of the ownership, common maintenance
26 or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not
27 be considered evidence of comparative negligence. Failure to wear a safety belt in violation of
28 this section may be admitted to mitigate damages, but only under the following circumstances:

29 (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation
30 of this section must first introduce expert evidence proving that a failure to wear a safety belt
31 contributed to the injuries claimed by plaintiff;

32 (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's
33 failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed
34 injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed [one]
35 **fifty percent of the damages awarded after any reductions for comparative negligence with the**
36 **remaining percent of the damages awarded going to the Missouri division of highway**
37 **safety to be used solely for promoting safety belt awareness programs.**

38 5. Except as otherwise provided for in section 307.179, each person who violates the
39 provisions of subsection 2 of this section is guilty of an infraction for which a fine [not to exceed
40 ten] **of one hundred dollars [may] plus court costs shall** be imposed. [All other provisions of
41 law and court rules to the contrary notwithstanding, no court costs shall be imposed on any
42 person due to a violation of this section.] **Fifty dollars of the fine shall be used for safety**
43 **purposes under 23 U.S.C. Section 406(e); twenty-five dollars of the fine shall be distributed**
44 **to the local school district where the violation occurred; and twenty-five dollars of the fine**
45 **shall go to the Missouri division of highway safety to be used solely for promoting safety**
46 **belt awareness programs.** In no case shall points be assessed against any person, pursuant to
47 section 302.302, RSMo, for a violation of this section.

48 6. The state highways and transportation commission shall initiate and develop a
49 program of public information to develop understanding of, and ensure compliance with, the
50 provisions of this section. The commission shall evaluate the effectiveness of this section and
51 shall include a report of its findings in the annual evaluation report on its highway safety plan
52 that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

53 7. [If] There [are] **shall not be** more persons than there are seat belts in the enclosed area
54 of a motor vehicle[, then the passengers who are unable to wear seat belts shall sit in the area
55 behind the front seat of the motor vehicle unless the motor vehicle is designed only for a
56 front-seated area. The passenger or passengers occupying a seat location referred to in this
57 subsection is not in violation of this section. This subsection shall not apply to passengers who
58 are accompanying a driver of a motor vehicle who is licensed under section 302.178, RSMo].

311.326. After a period of not less than one year, or upon reaching the age of twenty-one,
2 whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating
3 section 311.325 for the first time, and who since such conviction has not been convicted of any
4 other alcohol-related offense, may apply to the court in which he or she was sentenced for an
5 order to expunge all official records of his or her arrest, plea, trial and conviction. **No records**
6 **shall be expunged if the person who has plead guilty to or has been found guilty of**
7 **violating section 311.325 is licensed as a commercial motor vehicle driver or was operating**
8 **a commercial motor vehicle as defined in section 302.700, RSMo, at the time of the**
9 **violation.** If the court determines, upon review, that such person has not been convicted of any

10 other alcohol-related offense at the time of the application for expungement, and the person has
11 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
12 court shall enter an order of expungement. The effect of such an order shall be to restore such
13 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
14 had never happened. No person as to whom such order has been entered shall be held thereafter
15 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
16 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
17 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
18 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
19 this section shall prevent courts or other state officials from maintaining such records as are
20 necessary to ensure that an individual receives only one expungement pursuant to this section.

389.610. 1. No public road, highway or street shall be constructed across the track of
2 any railroad corporation, nor shall the track of any railroad corporation be constructed across a
3 public road, highway or street, nor shall the track of any railroad corporation be constructed
4 across the track of any other railroad or street railroad corporation at grade nor shall the track of
5 a street railroad corporation be constructed across the tracks of a railroad corporation at grade,
6 without having first secured the permission of the state highways and transportation commission,
7 except that this subsection shall not apply to the replacement of lawfully existing tracks. The
8 commission shall have the right to refuse its permission or to grant it upon such terms and
9 conditions as it may prescribe.

10 2. Every railroad corporation shall construct and maintain good and sufficient crossings
11 and crosswalks where its railroad crosses public roads, highways, streets or sidewalks now or
12 hereafter to be opened.

13 3. The state highways and transportation commission shall make and enforce reasonable
14 rules and regulations pertaining to the construction and maintenance of all public grade
15 crossings. These rules and regulations shall establish minimum standards for:

- 16 (1) The materials to be used in the crossing surface;
17 (2) The length and width of the crossing;
18 (3) The approach grades;
19 (4) The party or parties responsible for maintenance of the approaches and the crossing
20 surfaces.

21 4. **(1) The state highways and transportation commission shall give priority to the**
22 **construction and maintenance of all public grade crossings that have a high volume of**
23 **school buses using the crossing.**

24 **(2) The state highways and transportation commission shall complete an**
25 **investigation upon receiving a complaint related to the safety of any public grade crossings**
26 **under this subsection.**

27 **(3) If upon investigation of the complaint it is determined that a railroad crossing**
28 **is not safe and it is found necessary to protect and promote the public safety, the state**
29 **highways and transportation commission shall prescribe the nature and type of crossing**
30 **protection or warning device for such crossing, the cost of which shall be apportioned by**
31 **the state highways and transportation commission among the parties according to the**
32 **benefits accruing to each. In the event such crossing protection or warning device as**
33 **prescribed by the state highways and transportation commission is not installed,**
34 **maintained or operated, the crossing shall be closed to the public.**

35 **5.** The state highways and transportation commission shall have the exclusive power to
36 determine and prescribe the manner, including the particular point of crossing, and the terms of
37 installation, operation, maintenance, apportionment of expenses, use and warning devices of each
38 crossing of a public road, street or highway by a railroad or street railroad, and of one railroad
39 or street railroad by another railroad or street railroad. In order to facilitate such determinations,
40 the state highways and transportation commission may adopt pertinent provisions of The Manual
41 on Uniform Traffic Control Devices for Streets and Highways or other national standards.

42 **[5.] 6.** The state highways and transportation commission shall have the exclusive power
43 to alter or abolish any crossing, at grade or otherwise, of a railroad or street railroad by a public
44 road, highway or street whenever the state highways and transportation commission finds that
45 public necessity will not be adversely affected and public safety will be promoted by so altering
46 or abolishing such crossing, and to require, where, in its judgment it would be practicable, a
47 separation of grades at any crossing heretofore or hereafter established, and to prescribe the terms
48 upon which such separation shall be made. When a road authority lawfully closes or vacates a
49 roadway which provided access to a railroad crossing, the state highways and transportation
50 commission shall issue an order authorizing removal of the crossing by the railroad within thirty
51 days of being notified of such action by the roadway authority or railroad.

52 **[6.] 7.** The state highways and transportation commission shall have the exclusive power
53 to prescribe the proportion in which the expense of the construction, installation, alteration or
54 abolition of such crossings, the separation of grades, and the continued maintenance thereof,
55 shall be divided between the railroad, street railroad, and the state, county, municipality or other
56 public authority in interest.

57 **[7.] 8.** Any agreement entered into after October 13, 1963, between a railroad or street
58 railroad and the state, county, municipality or other public authority in interest, as to the
59 apportionment of any cost mentioned in this section shall be final and binding upon the filing

60 with the state highways and transportation commission of an executed copy of such agreement.
61 If such parties are unable to agree upon the apportionment of the cost, the state highways and
62 transportation commission shall apportion the cost among the parties according to the benefits
63 accruing to each. In determining such benefits, the state highways and transportation
64 commission shall consider all relevant factors including volume, speed and type of vehicular
65 traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad
66 or street railroad resulting from the elimination of delays and the reduction of hazard at the
67 crossing.

68 [8.] 9. Upon application of any person, firm or corporation, the state highways and
69 transportation commission shall determine if an existing private crossing has become or a
70 proposed private crossing will become utilized by the public to the extent that it is necessary to
71 protect or promote the public safety. The state highways and transportation commission shall
72 consider all relevant factors including but not limited to volume, speed, and type of vehicular
73 traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to
74 protect and promote the public safety, the state highways and transportation commission shall
75 prescribe the nature and type of crossing protection or warning device for such crossing, the cost
76 of which shall be apportioned by the state highways and transportation commission among the
77 parties according to the benefits accruing to each. In the event such crossing protection or
78 warning device as prescribed by the state highways and transportation commission is not
79 installed, maintained or operated, the crossing shall be closed to the public.

80 [9.] 10. The exclusive power of the state highways and transportation commission
81 pursuant to this section shall be subject to review, determination, and prescription by the
82 administrative hearing commission, upon application to the administrative hearing commission
83 by any interested party in accordance with section 621.040, RSMo. Upon filing of an application
84 pursuant to this subsection, the administrative hearing commission is vested with the exclusive
85 power of the state highways and transportation commission otherwise provided in this section,
86 with reference to matters reviewed, determined or prescribed by the administrative hearing
87 commission.

**389.616. 1. The state highways and transportation commission shall complete an
2 investigation upon receiving a complaint related to the safety of any public grade crossings
3 located in a flood plain.**

**4 2. If upon investigation of the complaint it is determined that a railroad crossing
5 is not safe and it is found necessary to protect and promote the public safety, the state
6 highways and transportation commission shall prescribe the nature and type of crossing
7 protection or warning device for such crossing, the cost of which shall be apportioned by
8 the state highways and transportation commission among the parties according to the**

9 benefits accruing to each. In the event such crossing protection or warning device as
10 prescribed by the state highways and transportation commission is not installed,
11 maintained or operated, the crossing shall be closed to the public.

389.948. 1. The provisions of this section shall only apply to contract carriers that
2 transport railroad employees under the terms of a contractual agreement with a railroad
3 corporation on a road or highway of this state in a vehicle designed to carry eight or fewer
4 passengers, including the driver. As used in this section, the term "contract carrier" has
5 the meaning set forth in section 390.020, RSMo.

6 2. A contract carrier that transports railroad employees shall limit the hours of
7 service by a driver who transports railroad employees to sixteen hours of total on-duty time
8 within any twenty-four hour period.

9 3. A contract carrier that transports railroad employees shall make a concerted
10 effort to provide a rest period of at least eight consecutive hours off duty for a driver who
11 transports railroad employees and has accumulated sixteen hours of total on-duty time
12 within any twenty-four hour period before allowing the driver to operate a vehicle under
13 his or her employ again whenever practical.

14 4. A contract carrier who transports railroad employees shall maintain
15 individualized daily time records for a minimum of six months indicating the time or times
16 all for-hire motor carrier drivers employed by them reported for duty and the
17 corresponding time or times of relief for each tour of duty. All records required to be
18 maintained under this section shall be made available for inspection to the director of the
19 department of transportation or the director's designee.

20 5. The provisions established in this section shall be considered minimum standards
21 and shall not be construed to supercede or abrogate any law, rule, or regulation which
22 imposes stricter standards or regulations upon the operation of contract carriers that
23 transport railroad employees.

24 6. The Missouri highways and transportation commission shall promulgate rules
25 and regulations to implement and administer the provisions of this section. Any rule or
26 portion of a rule, as that term is defined in section 536.010, RSMo, that is created under
27 the authority delegated in this section shall become effective only if it complies with and
28 is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
29 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
31 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
32 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
33 2009, shall be invalid and void.

389.996. 1. The [division may] **state highways and transportation commission shall**
2 investigate the cause of all accidents on any railroad or street railroad within this state which
3 result in loss of life or injury to persons or property **within a reasonable time period, but not**
4 **to exceed three months.** Every railroad corporation and street railroad corporation is hereby
5 required to give immediate notice to the division of every accident happening upon any line of
6 railroad or street railroad owned, operated, controlled or leased by it, within this state in such
7 manner as the division may direct. Such notice shall not be admitted as evidence or used for any
8 purpose against such railroad corporation or street railroad corporation giving such notice in any
9 suit or action for damages growing out of any matter mentioned in such notice.

10 2. **If upon investigation of the accident it is determined that a railroad crossing is**
11 **not safe and it is found necessary to protect and promote the public safety, the state**
12 **highways and transportation commission shall prescribe the nature and type of crossing**
13 **protection or warning device for such crossing, the cost of which shall be apportioned by**
14 **the state highways and transportation commission among the parties according to the**
15 **benefits accruing to each. In the event such crossing protection or warning device as**
16 **prescribed by the state highways and transportation commission is not installed,**
17 **maintained, or operated, the crossing shall be closed to the public.**

Section 1. 1. **Notwithstanding any provision of law to the contrary, no person**
2 **employed by the Missouri department of transportation shall receive compensation while**
3 **participating in any political activity or while lobbying as defined in section 105.470,**
4 **RSMo.**

5 2. **Any person lobbying for the Missouri department of transportation shall be**
6 **registered as a lobbyist and meet the requirements of section 105.473, RSMo.**

Section 2. **The provisions of sections 304.287 to 304.290 known as the "Missouri**
2 **Universal Red Light Enforcement Act" (MURLE) shall not apply to any automated photo**
3 **red light enforcement system in place prior to the effective date of sections 304.287 to**
4 **304.290.**

Section 3. 1. **Notwithstanding any other provision of law to the contrary, the**
2 **Missouri department of transportation shall adhere to all local ordinances when planning,**
3 **designing, constructing, improving, maintaining, or operating a project located in a local**
4 **political subdivision.**

5 2. **For purposes of this section, "project" includes any bridge, road, highway, access**
6 **road, ferry, river port, airport, railroad, light-rail, or other mass transit facility, and any**
7 **similar or related improvement or infrastructure located in a local political subdivision.**

[303.041. 1. If the director determines that as a result of a verification
2 sample or accident report that the owner of a motor vehicle has not maintained
3 financial responsibility, or if the director determines as a result of an order of

4 supervision that the operator of a motor vehicle has not maintained the financial
5 responsibility as required in this chapter, the director shall thirty-three days after
6 mailing notice, suspend the driving privilege of the owner or operator and/or the
7 registration of the vehicle failing to meet such requirement. The notice of
8 suspension shall be mailed to the person at the last known address shown on the
9 department's records. The notice of suspension is deemed received three days
10 after mailing. The notice of suspension shall clearly specify the reason and
11 statutory grounds for the suspension and the effective date of the suspension, the
12 right of the person to request a hearing, the procedure for requesting a hearing,
13 and the date by which that request for a hearing must be made. If the request for
14 a hearing is received by the department prior to the effective date of the
15 suspension, the effective date of the suspension will be stayed until a final order
16 is issued following the hearing.

17 2. Neither the fact that subsequent to the date of verification or
18 conviction, the owner acquired the required liability insurance policy nor the fact
19 that the owner terminated ownership of the motor vehicle, shall have any bearing
20 upon the director's decision to suspend. Until it is terminated, the suspension
21 shall remain in force after the registration is renewed or a new registration is
22 acquired for the motor vehicle. The suspension also shall apply to any motor
23 vehicle to which the owner transfers the registration. Effective January 1, 2000,
24 the department shall not extend any suspension for failure to pay a delinquent late
25 surrender fee pursuant to this subsection.]
26

2 [303.042. 1. The suspension shall become effective thirty days after the
3 subject person is deemed to have received the notice of suspension by ordinary
4 mail as provided in section 303.041.

5 2. The period of suspension under this section shall be as follows:

6 (1) If the person's record shows no prior violation, the director shall
7 terminate the suspension upon payment of a reinstatement fee of twenty dollars
8 and submission of proof of insurance as prescribed in section 303.026 or some
9 other form of proof of insurance as prescribed by the director;

10 (2) If the person's record shows one prior violation within the
11 immediately preceding two years, the director shall terminate the suspension
12 ninety days after its effective date upon payment of a reinstatement fee of two
13 hundred dollars and submission of proof of insurance as prescribed in section
14 303.026 or some other form of proof of insurance as prescribed by the director;

15 (3) If the person's record shows two or more prior violations, the period
16 of suspension shall terminate one year after its effective date upon payment of a
17 reinstatement fee of four hundred dollars and submission of proof of insurance
18 as prescribed in section 303.026 or some other form of proof of insurance as
19 prescribed by the director.

20 3. In the event that proof of insurance required by this section has not
been filed with the department of revenue in accordance with this chapter prior

21 to the end of the period of suspension provided in this section, such period of
22 suspension shall be extended until such proof of insurance as prescribed by the
23 director has been filed. In no event shall filing proof of insurance as prescribed
24 by the director reduce any period of suspension.

25 4. If the director determines that the proof of insurance submitted by a
26 motor vehicle owner or operator pursuant to this chapter is false, the director
27 shall suspend the owner's vehicle registration and operator's driving privilege.
28 The director shall terminate the suspension one year after the effective date upon
29 payment by the owner or operator of a reinstatement fee of one hundred fifty
30 dollars and submission of proof of insurance as prescribed in section 303.026 or
31 some other form of proof of insurance as prescribed by the director.

32 5. In all cases involving a suspension as provided in this section, the
33 director shall not require an individual to file a certificate of insurance as
34 provided in section 303.170 or section 303.180 or some other form of high-risk
35 insurance in order to terminate the suspension, excluding cases involving a motor
36 vehicle accident where one or more parties involved in the accident were
37 uninsured.]

Section B. Sections 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, 301.300,
2 301.301, and 301.302 of section A of this act shall become effective January 1, 2011.

✓