

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 357
95TH GENERAL ASSEMBLY

1606L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.795, 142.800, 226.030, 301.010, 301.131, 301.150, 301.218, 301.310, 301.420, 301.440, 301.560, 301.716, 301.2998, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 303.024, 304.155, 304.170, 304.260, 304.582, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof eighty-one new sections relating to transportation, with penalty provisions.

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

Section A. Sections 21.795, 142.800, 226.030, 301.010, 301.131, 301.150, 301.218, 2 301.310, 301.420, 301.440, 301.560, 301.716, 301.2998, 302.341, 302.545, 302.700, 302.735, 3 302.755, 302.775, 303.024, 304.155, 304.170, 304.260, 304.582, 307.010, 307.015, 307.090, 4 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 5 307.400, 311.326, 387.040, 556.021, 565.081, 565.082, and 565.083, RSMo, are repealed and 6 eighty-one new sections enacted in lieu thereof, to be known as sections 21.795, 142.800, 7 226.030, 226.222, 226.227, 227.295, 227.310, 227.311, 227.313, 227.368, 227.402, 227.407, 8 227.409, 227.410, 227.412, 301.010, 301.131, 301.150, 301.165, 301.218, 301.310, 301.420, 9 301.440, 301.560, 301.716, 301.2998, 301.3155, 301.3158, 301.4005, 301.4006, 301.4010, 10 301.4016, 301.4018, 301.4020, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 303.024, 11 304.155, 304.161, 304.170, 304.260, 304.285, 304.287, 304.288, 304.289, 304.290, 304.295, 12 304.297, 304.582, 304.870, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 13 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 389.948, 14 488.006, 556.021, 565.081, 565.082, 565.083, 1, 2, 3, 4, and 5, to read as follows:

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.

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. No major party shall be represented by more than four members from the house of representatives nor more than four members from the senate. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. [The transportation inspector general shall be appointed by majority vote of a group consisting of the speaker of the house of representatives, the minority floor leader of the house of representatives, the president pro tempore of the senate, and the minority floor leader of the senate. It shall be the duty of the inspector general to serve as the executive director of the joint committee on transportation oversight. The compensation of the inspector general and other personnel shall be paid from the joint contingent fund or jointly from the senate and house contingent funds until an appropriation is made therefor. No funds from highway user fees or other funds allocated for the operation of the department of transportation shall be used for the compensation of the inspector general and his or her staff. The joint committee inspector general initially appointed pursuant to this section shall take office January 1, 2004, for a term ending June 30, 2005. Subsequent joint committee on transportation oversight directors shall be appointed for five-year terms, beginning July 1, 2005. Any joint committee on transportation oversight inspector general whose term is expiring shall be eligible for reappointment. The inspector general of the joint committee on transportation oversight shall:

(1) Be qualified by training or experience in transportation policy, management of transportation organizations, accounting, auditing, financial analysis, law, management analysis, or public administration;

(2) Report to and be under the general supervision of the joint committee. The joint committee on transportation oversight shall, by a majority vote, direct the inspector general to perform specific investigations, reviews, audits, or other studies of the state department of

37 transportation, in which instance the director shall report the findings and recommendations
38 directly to the joint committee on transportation oversight. All investigations, reviews, audits,
39 or other studies performed by the director shall be conducted so that the general assembly can
40 procure information to assist it in formulating transportation legislation and policy for this state;

41 (3) Receive and process citizen complaints relating to transportation issues. The
42 inspector general shall, when necessary, submit a written complaint report to the joint committee
43 on transportation oversight and the highways and transportation commission. The complaint
44 report shall contain the date, time, nature of the complaint, and any immediate facts and
45 circumstances surrounding the initial report of the complaint. The inspector general shall
46 investigate a citizen complaint if he or she is directed to do so by a majority of the joint
47 committee on transportation oversight;

48 (4) Investigate complaints from current and former employees of the department of
49 transportation if the inspector general receives information from an employee which shows:

50 (a) The department is violating a law, rule, or regulation;

51 (b) Gross mismanagement by department officers;

52 (c) Waste of funds by the department;

53 (d) That the department is engaging in activities which pose a danger to public health
54 and safety;

55 (5) Maintain confidentiality with respect to all matters and the identities of the
56 complainants or witnesses coming before the inspector general except insofar as disclosures may
57 be necessary to enable the inspector general to carry out duties and to support recommendations;

58 (6) Maintain records of all investigations conducted, including any record or document
59 or thing, any summary, writing, complaint, data of any kind, tape or video recordings, electronic
60 transmissions, e-mail, or other paper or electronic documents, records, reports, digital recordings,
61 photographs, software programs and software, expense accounts, phone logs, diaries, travel logs,
62 or other things, including originals or copies of any of the above. Records of investigations by
63 the inspector general shall be an "investigative report" of a law enforcement agency pursuant to
64 the provisions of section 610.100, RSMo. As provided in such section, such records shall be a
65 closed record until the investigation becomes inactive. If the inspector general refers a violation
66 of law to the appropriate prosecuting attorney or the attorney general, such records shall be
67 transmitted with the referral. If the inspector general finds no violation of law or determines not
68 to refer the subject of the investigation to the appropriate prosecuting attorney or the attorney
69 general regarding matters referred to the appropriate prosecuting attorney or the attorney general
70 and the statute of limitations expires without any action being filed, the record shall remain
71 closed. As provided in section 610.100, RSMo, any person may bring an action pursuant to this
72 section in the circuit court having jurisdiction to authorize disclosure of information in the

73 records of the inspector general which would otherwise be closed pursuant to this section. Any
74 disclosure of records by the inspector general in violation of this section shall be grounds for a
75 suit brought by any individual, person, or corporation to recover damages, and upon award to the
76 plaintiff reasonable attorney's fees.

77 3.] The department of transportation shall submit a written report prior to November
78 tenth of each year to the governor, lieutenant governor, and every member of the senate and
79 house of representatives. The report shall be posted to the department's Internet web site so that
80 general assembly members may elect to access a copy of the report electronically. The written
81 report shall contain the following:

82 (1) A comprehensive financial report of all funds for the preceding state fiscal year
83 which shall include a report by independent certified public accountants, selected by the
84 commissioner of the office of administration, attesting that the financial statements present fairly
85 the financial position of the department in conformity with generally accepted government
86 accounting principles. This report shall include amounts of:

87 (a) State revenues by sources, including all new state revenue derived from highway
88 users which results from action of the general assembly or voter-approved measures taken after
89 August 28, 2003, and projects funded in whole or in part from such new state revenue, and
90 amounts of federal revenues by source;

91 (b) Any other revenues available to the department by source;

92 (c) Funds appropriated, the amount the department has budgeted and expended for the
93 following: contracts, right-of-way purchases, preliminary and construction engineering,
94 maintenance operations and administration;

95 (d) Total state and federal revenue compared to the revenue estimate in the fifteen-year
96 highway plan as adopted in 1992.

97 All expenditures made by, or on behalf of, the department for personal services including fringe
98 benefits, all categories of expense and equipment, real estate and capital improvements shall be
99 assigned to the categories listed in this subdivision in conformity with generally accepted
100 government accounting principles;

101 (2) A detailed explanation of the methods or criteria employed to select construction
102 projects, including a listing of any new or reprioritized projects not mentioned in a previous
103 report, and an explanation as to how the new or reprioritized projects meet the selection methods
104 or criteria;

105 (3) The proposed allocation and expenditure of moneys and the proposed work plan for
106 the current fiscal year, at least the next four years, and for any period of time expressed in any
107 public transportation plan approved by either the general assembly or by the voters of Missouri.
108 This proposed allocation and expenditure of moneys shall include the amounts of proposed

109 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
110 subsection;

111 (4) The amounts which were planned, estimated and expended for projects in the state
112 highway and bridge construction program or any other projects relating to other modes of
113 transportation in the preceding state fiscal year and amounts which have been planned, estimated
114 or expended by project for construction work in progress;

115 (5) The current status as to completion, by project, of the fifteen-year road and bridge
116 program adopted in 1992. The first written report submitted pursuant to this section shall include
117 the original cost estimate, updated estimate and final completed cost by project. Each written
118 report submitted thereafter shall include the cost estimate at the time the project was placed on
119 the most recent five-year highway and bridge construction plan and the final completed cost by
120 project;

121 (6) The reasons for cost increases or decreases exceeding five million dollars or ten
122 percent relative to cost estimates and final completed costs for projects in the state highway and
123 bridge construction program or any other projects relating to other modes of transportation
124 completed in the preceding state fiscal year. Cost increases or decreases shall be determined by
125 comparing the cost estimate at the time the project was placed on the most recent five-year
126 highway and bridge construction plan and the final completed cost by project. The reasons shall
127 include the amounts resulting from inflation, department-wide design changes, changes in project
128 scope, federal mandates, or other factors;

129 (7) Specific recommendations for any statutory or regulatory changes necessary for the
130 efficient and effective operation of the department;

131 (8) An accounting of the total amount of state, federal and earmarked federal highway
132 funds expended in each district of the department of transportation; and

133 (9) Any further information specifically requested by the joint committee on
134 transportation oversight.

135 [4.] **3.** Prior to December first of each year, the committee shall hold an annual meeting
136 and call before its members, officials or employees of the state highways and transportation
137 commission or department of transportation, as determined by the committee, for the sole
138 purpose of receiving and examining the report required pursuant to subsection [3] **2** of this
139 section. [The joint committee may also call before its members at the annual meeting, the
140 inspector general of the joint committee on transportation oversight for purposes authorized in
141 this section.] The committee shall not have the power to modify projects or priorities of the state
142 highways and transportation commission or department of transportation. The committee may
143 make recommendations to the state highways and transportation commission or the department

144 of transportation. Disposition of those recommendations shall be reported by the commission
145 or the department to the joint committee on transportation oversight.

146 [5.] **4.** In addition to the annual meeting required by subsection [4] **3** of this section, the
147 committee shall meet two times each year. The co-chairs of the committee shall establish an
148 agenda for each meeting that may include, but not be limited to, the following items to be
149 discussed with the committee members throughout the year during the scheduled meeting:

150 (1) Presentation of a prioritized plan for all modes of transportation;

151 (2) Discussion of department efficiencies and expenditure of cost-savings within the
152 department;

153 (3) Presentation of a status report on department of transportation revenues and
154 expenditures, including a detailed summary of projects funded by new state revenue as provided
155 in paragraph (a) of subdivision (1) of subsection [3] **2** of this section; **and**

156 (4) [Review of any report from the joint committee inspector general; and

157 (5)] Implementation of any actions as may be deemed necessary by the committee as
158 authorized by law.

159

160 The co-chairs of the committee may call special meetings of the committee with ten days' notice
161 to the members of the committee, the director of the department of transportation, and the
162 department of transportation.

163 [6.] **5.** The committee shall also review [for approval or denial] all applications for the
164 development of specialty plates submitted to it by the department of revenue. The committee
165 shall approve such application by [unanimous] **a majority** vote. The committee shall [not]
166 approve any application [if] **unless** the committee receives:

167 (1) A signed petition from five house members or two senators that they are opposed to
168 the approval of the proposed license plate **and the reason for such opposition;**

169 (2) **Notification that the organization seeking authorization to establish a new**
170 **specialty license plate has not met all the requirements of section 301.3150, RSMo;**

171 (3) **A proposed new specialty license plate containing objectionable language or**
172 **design;**

173 (4) **A proposed license plate not meeting the requirements of any reason**
174 **promulgated by rule.**

175

176 The committee shall notify the director of the department of revenue upon approval or denial of
177 an application for the development of a specialty plate.

178 [7.] 6. The committee shall submit records of its meetings to the secretary of the senate
179 and the chief clerk of the house of representatives in accordance with sections 610.020 and
180 610.023, RSMo.

142.800. As used in this chapter, the following words, terms and phrases have the
2 meanings given:

3 (1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a
4 farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising
5 and feeding livestock and poultry; building fences; pumping water for any and all uses on the
6 farm, including irrigation; building roads upon any farm by the owner or person farming the
7 same; operating milking machines; sawing wood for use on a farm; producing electricity for use
8 on a farm; movement of tractors, farm implements and nonlicensed equipment from one field
9 to another;

10 (2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), compressed
11 natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas
12 or electricity product used in an internal combustion engine or motor to propel any form of
13 vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or
14 commercially known or sold as butane, propane, or compressed natural gas;

15 (3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating
16 aircraft engines;

17 (4) "Blend stock", any petroleum product component of motor fuel, such as naphtha,
18 reformat, toluene or kerosene, that can be blended for use in a motor fuel without further
19 processing. The term includes those petroleum products presently defined by the Internal
20 Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended.
21 However, the term does not include any substance that:

22 (a) Will be ultimately used for consumer nonmotor fuel use; and

23 (b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the
24 removal or sale;

25 (5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend
26 stock, other than a de minimis amount of a product such as carburetor detergent or oxidation
27 inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited
28 to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

29 (6) "Blender", any person that produces blended motor fuel outside the bulk
30 transfer/terminal system;

31 (7) "Blending", the mixing of one or more petroleum products, with or without another
32 product, regardless of the original character of the product blended, if the product obtained by
33 the blending is capable of use or otherwise sold for use in the generation of power for the

34 propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the
35 blending that occurs in the process of refining by the original refiner of crude petroleum or the
36 blending of products known as lubricating oil and greases;

37 (8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal
38 within the bulk transfer system and from which motor fuel may be removed by truck;

39 (9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline
40 tender or marine delivery within the bulk transfer/terminal system;

41 (10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of
42 refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or
43 terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine,
44 or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation
45 is not in the bulk transfer/terminal system;

46 (11) "Consumer", the user of the motor fuel;

47 (12) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor
48 vehicle or bulk storage facility;

49 (13) "Department", the department of revenue;

50 (14) "Destination state", the state, territory, or foreign country to which motor fuel is
51 directed for delivery into a storage facility, a receptacle, a container, or a type of transportation
52 equipment for the purpose of resale or use;

53 (15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel
54 that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if,
55 without further processing or blending, the liquid has practical and commercial fitness for use
56 in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include
57 jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel
58 and remit taxes on its sale or use to the Internal Revenue Service. **"Diesel fuel" does not**
59 **include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or**
60 **B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;**

61 (16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is
62 propelled by a diesel-powered engine;

63 (17) "Director", the director of revenue;

64 (18) "Distributor", a person who either produces, refines, blends, compounds or
65 manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or
66 who is engaged in distribution of motor fuel;

67 (19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United
68 States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service

69 rules or pursuant to any other requirements subsequently set by the United States Environmental
70 Protection Agency or Internal Revenue Service including any invisible marker requirements;

71 (20) "Eligible purchaser", a distributor who has been authorized by the director to
72 purchase motor fuel on a tax-deferred basis;

73 (21) "Export", to obtain motor fuel in this state for sale or other distribution outside of
74 this state. In applying this definition, motor fuel delivered out of state by or for the seller
75 constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser
76 constitutes an export by the purchaser;

77 (22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state
78 for the purpose of transporting or delivering the fuel outside of this state;

79 (23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall
80 not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor
81 vehicles required to be registered and licensed each year pursuant to the provisions of the motor
82 vehicle license and registration laws of this state;

83 (24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one
84 hundred ninety degrees (determined without regard to denaturants) and products derived from
85 such alcohol for blending with motor fuel;

86 (25) "Fuel transportation vehicle", any vehicle designed for highway use which is also
87 designed or used to transport motor fuels and includes transport trucks and tank wagons;

88 (26) "Gasoline", all products commonly or commercially known or sold as gasoline that
89 are suitable for use as a motor fuel. Gasoline does not include products that have an American
90 Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined
91 by the "motor method";

92 (27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or
93 pressure adjustments, in U.S. gallons;

94 (28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating
95 or industrial processing purposes;

96 (29) "Import", to bring motor fuel into this state by any means of conveyance other than
97 in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into
98 this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel
99 delivered into this state from out-of-state by or for the purchaser constitutes an import by the
100 purchaser;

101 (30) "Import verification number", the number assigned by the director with respect to
102 a single transport truck delivery into this state from another state upon request for an assigned
103 number by an importer or the transporter carrying motor fuel into this state for the account of an
104 importer;

105 (31) "Importer" includes any person who is the importer of record, pursuant to federal
106 customs law, with respect to motor fuel. If the importer of record is acting as an agent, the
107 person for whom the agent is acting is the importer. If there is no importer of record of motor
108 fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is
109 the importer;

110 (32) "Indian country":

111 (a) Land held in trust by the United States of America for the benefit of a federally
112 recognized Indian tribe or nation;

113 (b) All land within the limits of any Indian reservation under the jurisdiction of the
114 United States government, notwithstanding the issuance of any patent, and including
115 rights-of-way running through the reservation;

116 (c) All dependent Indian communities within the borders of the United States whether
117 within the original or subsequently acquired territory thereof, and whether within or without the
118 limits of a state; and

119 (d) All Indian allotments, the Indian titles to which have not been extinguished,
120 including individual allotments held in trust by the United States or allotments owned in fee by
121 individual Indians subject to federal law restrictions regarding disposition of said allotments and
122 including rights-of-way running through the same. The term shall also include the definition of
123 Indian country as found in 18 U.S.C., Section 1151;

124 (33) "Indian tribe", "tribes", or "federally recognized Indian tribe or nation", an Indian
125 tribal entity which is recognized by the United States Bureau of Indian Affairs as having a special
126 relationship with the United States. The term shall also include the definition of a tribe as
127 defined in 25 U.S.C., Section 479a;

128 (34) "Interstate motor fuel user", any person who operates a motor fuel-powered motor
129 vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this
130 state into another state or from another state into this state;

131 (35) "Invoiced gallons", the gallons actually billed on an invoice for payment to a
132 supplier which shall be either gross or net gallons on the original manifest or bill of lading;

133 (36) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty
134 degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred
135 degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

136 (37) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier
137 than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three
138 hundred degrees Celsius;

139 (38) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at
140 a pressure of fourteen and seven-tenths pounds per square inch absolute;

- 141 (39) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;
- 142 (40) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or
143 self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term
144 does not include:
- 145 (a) Farm tractors or machinery including tractors and machinery designed for off-road
146 use but capable of movement on roads at low speeds, or
- 147 (b) A vehicle solely operated on rails;
- 148 (41) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a
149 temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per
150 square inch absolute (psi);
- 151 (42) "Permissive supplier", an out-of-state supplier that elects, but is not required, to
152 have a supplier's license pursuant to this chapter;
- 153 (43) "Person", natural persons, individuals, partnerships, firms, associations,
154 corporations, estates, trustees, business trusts, syndicates, this state, any county, city,
155 municipality, school district or other political subdivision of the state, federally recognized
156 Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any
157 state or federal court;
- 158 (44) "Position holder", the person who holds the inventory position in motor fuel in a
159 terminal, as reflected on the records of the terminal operator. A person holds the inventory
160 position in motor fuel when that person has a contract with the terminal operator for the use of
161 storage facilities and terminating services for motor fuel at the terminal. The term includes a
162 terminal operator who owns motor fuel in the terminal;
- 163 (45) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;
- 164 (46) "Public highway", every road, toll road, highway, street, way or place generally open
165 to the use of the public as a matter of right for the purposes of vehicular travel, including streets
166 and alleys of any town or city notwithstanding that the same may be temporarily closed for
167 construction, reconstruction, maintenance or repair;
- 168 (47) "Qualified terminal", a terminal which has been assigned a terminal control number
169 ("tcn") by the Internal Revenue Service;
- 170 (48) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a
171 railroad tank car, a transport truck or other means of bulk transfer outside of the bulk
172 transfer/terminal system;
- 173 (49) "Refiner", any person that owns, operates, or otherwise controls a refinery;
- 174 (50) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils,
175 natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by
176 pipeline, by boat or barge, or at a rack;

- 177 (51) "Removal", any physical transfer of motor fuel from a terminal, manufacturing
178 plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;
- 179 (52) "Retailer", a person that engages in the business of selling or dispensing to the
180 consumer within this state;
- 181 (53) "Supplier", a person that is:
- 182 (a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for
183 transactions in motor fuels in the bulk transfer/terminal distribution system; and
- 184 (b) One or more of the following:
- 185 a. The position holder in a terminal or refinery in this state;
- 186 b. Imports motor fuel into this state from a foreign country;
- 187 c. Acquires motor fuel from a terminal or refinery in this state from a position holder
188 pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as
189 an exchange and appears on the records of the terminal operator; or
- 190 d. The position holder in a terminal or refinery outside this state with respect to motor
191 fuel which that person imports into this state. A terminal operator shall not be considered a
192 supplier based solely on the fact that the terminal operator handles motor fuel consigned to it
193 within a terminal. "Supplier" also means a person that produces fuel grade alcohol or
194 alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative
195 substances for import to this state into a terminal, or acquires upon import by truck, rail car or
196 barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes
197 a permissive supplier unless specifically provided otherwise;
- 198 (54) "Tank wagon", a straight truck having multiple compartments designed or used to
199 carry motor fuel;
- 200 (55) "Terminal", a bulk storage and distribution facility which includes:
- 201 (a) For the purposes of motor fuel, is a qualified terminal;
- 202 (b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or
203 pipeline and the products are removed at a rack;
- 204 (56) "Terminal bulk transfers" include but are not limited to the following:
- 205 (a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;
- 206 (b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;
- 207 (c) Book transfers of product within a terminal between suppliers prior to completion
208 of removal across the rack; and
- 209 (d) Two-party exchanges or buy-sell supply arrangements within a terminal between
210 licensed suppliers;

211 (57) "Terminal operator", any person that owns, operates, or otherwise controls a
212 terminal. A terminal operator may own the motor fuel that is transferred through or stored in the
213 terminal;

214 (58) "Transmix", the buffer or interface between two different products in a pipeline
215 shipment, or a mix of two different products within a refinery or terminal that results in an
216 off-grade mixture;

217 (59) "Transport truck", a semitrailer combination rig designed or used to transport motor
218 fuel over the highways;

219 (60) "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged
220 in the business of transporting motor fuels;

221 (61) "Two-party exchange", a transaction in which the motor fuel is transferred from one
222 licensed supplier or licensed permissive supplier to another licensed supplier or licensed
223 permissive supplier and:

224 (a) Which transaction includes a transfer from the person that holds the original
225 inventory position for motor fuel in the terminal as reflected on the records of the terminal
226 operator; and

227 (b) The exchange transaction is simultaneous with removal from the terminal by the
228 receiving exchange partner. However, in any event, the terminal operator in its books and
229 records treats the receiving exchange party as the supplier which removes the product across a
230 terminal rack for purposes of reporting such events to this state;

231 (62) "Ultimate vendor", a person that sells motor fuel to the consumer;

232 (63) "Undyed diesel fuel", diesel fuel that is not subject to the United States
233 Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with
234 Internal Revenue Service fuel dyeing provisions; and

235 (64) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied
236 for the propulsion of the motor vehicle.

226.030. 1. The highways and transportation commission shall consist of six members,
2 who shall be appointed by the governor, by and with the advice and consent of the senate, not
3 more than three thereof to be members of the same political party. Each commissioner shall be
4 a taxpayer and resident of state for at least five years prior to his appointment. Any
5 commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of
6 duty, or misconduct in office. Commissioners appointed pursuant to this section shall be
7 appointed for terms of six years, except as otherwise provided in this subsection. Upon the
8 expiration of each of the foregoing terms of these commissioners a successor shall be appointed
9 for a term of six years or until his successor is appointed and qualified which term of six years
10 shall thereafter be the length of term of each member of the commission unless removed as

11 above provided. The members of the commission shall receive as compensation for their
12 services twenty-five dollars per day for the time spent in the performance of their official duties,
13 and also their necessary traveling and other expenses incurred while actually engaged in the
14 discharge of their official duties. Members whose terms otherwise expire December 1, 2003,
15 shall serve with terms expiring March 1, 2004, and new members or the members reappointed
16 shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires
17 December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term
18 otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and one
19 member whose term otherwise expires October 13, 2007, shall serve with a term expiring March
20 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a
21 term expiring March 1, 2009. If a vacancy occurs in any term of a commissioner due to death,
22 resignation, or removal, a successor shall be appointed for only the remainder of the unexpired
23 term.

24 2. The two members of the commission, one each from opposing political parties, who
25 have the most seniority in commission service shall serve as commission leadership with one
26 member as chair and the other member as vice chair, respectively, for terms ending March 1,
27 2005. The commission shall elect one of the members as chair and the other as vice chair.
28 Effective March 1, 2005, the commission shall elect the two members of the commission, one
29 from each opposing political party who has the most seniority in commission service, who shall
30 serve as commission leadership with one member as chair and the other member as vice chair,
31 respectively, for one year. At the end of such year, the [member] **members** currently serving as
32 chair [shall then serve as] **and** vice chair **shall have the option to rotate positions**, and the
33 member currently serving as vice chair [shall] **may** serve as chair, [each to serve in such position
34 for one year] **and vice versa**. Thereafter, commission leadership shall continue to rotate
35 accordingly with the two members from opposing political parties who have the most seniority
36 in terms of commission service being elected by the commission to serve as commission
37 leadership. If one of the commission leadership offices becomes vacant due to death,
38 resignation, removal, or refuses to serve before the one-year leadership term expires, the
39 commission shall elect one of its members that is of the same political party as the vacating
40 officer to serve the remainder of the vacating officer's leadership term. Such election shall not
41 prohibit that member from later serving as chair and vice chair when such member's seniority
42 in commission service qualifies him or her for those offices as provided in this subsection.

43 3. No more than one-half of the members of the commission shall be of the same
44 political party. The selection and removal of all employees of the department of transportation
45 shall be without regard to political affiliation.

46 4. The present members of the commission shall continue to serve as members of the
47 commission for the remainder of the terms for which they were appointed, except as provided
48 in subsection 1 of this section.

49 5. [The director of the department of transportation shall, by February fifteenth of each
50 year, present an annual state of the state of transportation to a joint session of the general
51 assembly. The six members of the commission shall be present and available at such
52 presentations for questions by members. The transportation inspector general may also be
53 present and report to the general assembly on any matter of concern within his or her statutory
54 authority. The provisions of this subsection shall expire August 28, 2008.

55 6.] Any member reappointed shall only be eligible to serve as chair or vice-chair during
56 the final two years of such member's reappointment.

**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 publicly 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.**

**226.227. 1. No funds appropriated to or received by the Missouri department of
2 transportation shall be available for any activity specifically designed to urge a state or
3 local legislator to favor or oppose the adoption of any specific legislative proposal pending
4 before any state or local legislative body.**

5 **2. The provisions of subsection 1 of this section does not prohibit officers or**
6 **employees of the Missouri department of transportation from testifying before any state**
7 **or local legislative body in response to the invitation of any member of that legislative body**
8 **or a state executive office.**

227.295. 1. The department of transportation shall establish and administer a
2 **drunk driving risk reduction awareness program. The provisions of this section shall be**
3 **known as "David's Law". The signs shall be placed upon the state highways in accordance**
4 **with this section, placement guidelines adopted by the department, and any applicable**
5 **federal limitations or conditions on highway signage, including location and spacing.**

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

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

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

33 **5. All roadside memorials or markers commemorating the death of a drunk driving**
34 **victim not meeting the provisions of this section are prohibited. No person, other than a**
35 **department of transportation employee or the department's designee, may erect a drunk**
36 **driving victim memorial sign.**

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

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

227.310. The portion of Missouri highway 100 located in Franklin County, from
2 **its intersection with Missouri highway 47, to the highway's connection with Interstate**
3 **highway 44, shall be designated as the "Veterans Memorial Highway". The department**
4 **of transportation shall erect and maintain appropriate signs designating such highway,**
5 **with the costs for such designation to be paid for by the city of Washington.**

227.311. The portion of the Poplar Bluff bypass located in Butler County from
2 **highway 60 where it crosses over the Black River to highway 67 where it crosses Missouri**
3 **highway M, shall be designated as the "Veterans Memorial Highway". The department**
4 **of transportation shall erect and maintain appropriate signs designating such highway,**
5 **with the costs for such designation to be paid for by private donations.**

227.313. The portion of Missouri Highway 266 located in Greene County from
2 **North Missouri Road AB to 1 mile east, shall be designated as the "Dr. Martin Luther**
3 **King Jr. Memorial Mile". The department of transportation shall erect and maintain**
4 **appropriate signs designating such highway, with the costs for such designation to be paid**
5 **for by private donations.**

227.368. The bridge crossing over Interstate 44 on Business Loop 44 at Exit 127 in
2 **Laclede County shall be designated the "Specialist James M. Finley Memorial Bridge".**
3 **The department of transportation shall erect and maintain appropriate signs designating**
4 **such highway, with the costs to be paid for by private donations.**

227.402. The Highway 17 bridge crossing over the Gasconade River in Pulaski County shall be designated the "WWII Okinawa Veterans Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.407. Interstate 435 from mile marker 63.4 to mile marker 54.2 shall be designated the "Lamar Hunt Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.

227.409. The portion of interstate highway I-64/US 40 from the McClausland/Skinker interchange east to the I-64/I-55 interchange shall be designated the "Jack Buck Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway designation, with the cost to be paid for by private donation.

227.410. The portion of U.S. highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street shall be designated the "Rabbi Abraham Joshua Heschel Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.

227.412. The portion of Missouri Highway 43 in Newton County from the intersection of Douglas Fir to the intersection of Missouri Highway U shall be designated the "Tyler Casey Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.

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

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

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

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

- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

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

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

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

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

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

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

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

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

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

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

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

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, RSMo, does not have more than four axles, and does not pull a trailer which has more
91 than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming,
92 delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported
93 on a local log truck. A local log truck may not exceed the limits required by law, however, if the
94 truck does exceed such limits as determined by the inspecting officer, then notwithstanding any
95 other provisions of law to the contrary, such truck shall be subject to the weight limits required
96 by such sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo,
105 and does not have more than three axles and does not pull a trailer which has more than two
106 axles. Violations of axle weight limitations shall be subject to the load limit penalty as described
107 for in sections 304.180 to 304.220, RSMo;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
111 such municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

- 119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 121 (32) "Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;
- 124 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;
- 127 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
128 except farm tractors;
- 129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:
- 132 (a) Offered for hire or lease; or
- 133 (b) The owner of which also owns ten or more such motor vehicles;
- 134 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;
- 139 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
140 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
141 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 142 (39) "Municipality", any city, town or village, whether incorporated or not;
- 143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 144 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
145 compliance with United States emissions or safety standards;
- 146 (42) "Operator", any person who operates or drives a motor vehicle;
- 147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

161 (47) **"Recreational off-highway vehicle", any motorized vehicle manufactured and**
162 **used exclusively for off-highway use which is sixty inches or less in width, with an unladen**
163 **dry weight of one thousand five hundred pounds or less, traveling on four or more**
164 **nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to**
165 **All Terrain Vehicle trails;**

166 (48) "Recreational motor vehicle", any motor vehicle designed, constructed or
167 substantially modified so that it may be used and is used for the purposes of temporary housing
168 quarters, including therein sleeping and eating facilities which are either permanently attached
169 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
170 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
171 vehicle if the motor vehicle could otherwise be so registered;

172 [(48)] (49) "Rollback or car carrier", any vehicle specifically designed to transport
173 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
174 to a wrecker or towing service;

175 [(49)] (50) "Saddlemount combination", a combination of vehicles in which a truck or
176 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
177 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
178 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
179 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
180 is called a "double saddlemount combination". When three vehicles are towed in this manner,
181 the combination is called a "triple saddlemount combination";

182 [(50)] (51) "Salvage dealer and dismantler", a business that dismantles used motor
183 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
184 accessories;

185 [(51)] (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

186 (a) Was damaged during a year that is no more than six years after the manufacturer's
187 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
188 reconstruct the vehicle to its condition immediately before it was damaged for legal operation

189 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
190 immediately preceding the time it was damaged;

191 (b) By reason of condition or circumstance, has been declared salvage, either by its
192 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
193 interest in it;

194 (c) Has been declared salvage by an insurance company as a result of settlement of a
195 claim;

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

197 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
198 304.157, RSMo, and designated with the words "salvage/abandoned property". The total cost
199 of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing,
200 or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or
201 any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this
202 definition, "fair market value" means the retail value of a motor vehicle as:

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

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

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

211 [(52)] **(53)** "School bus", any motor vehicle used solely to transport students to or from
212 school or to transport students to or from any place for educational purposes;

213 [(53)] **(54)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
214 corporation as an incidental service to transport patrons or customers of the regular business of
215 such person, firm, or corporation to and from the place of business of the person, firm, or
216 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
217 buses or as commercial motor vehicles;

218 [(54)] **(55)** "Special mobile equipment", every self-propelled vehicle not designed or
219 used primarily for the transportation of persons or property and incidentally operated or moved
220 over the highways, including farm equipment, implements of husbandry, road construction or
221 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
222 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
223 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
224 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump

225 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
226 shall not operate to exclude other such vehicles which are within the general terms of this
227 section;

228 [(55)] **(56)** "Specially constructed motor vehicle", a motor vehicle which shall not have
229 been originally constructed under a distinctive name, make, model or type by a manufacturer of
230 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

231 [(56)] **(57)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
232 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

233 [(57)] **(58)** "Tandem axle", a group of two or more axles, arranged one behind another,
234 the distance between the extremes of which is more than forty inches and not more than
235 ninety-six inches apart;

236 [(58)] **(59)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
237 designed for drawing other vehicles, but not for the carriage of any load when operating
238 independently. When attached to a semitrailer, it supports a part of the weight thereof;

239 [(59)] **(60)** "Trailer", any vehicle without motive power designed for carrying property
240 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
241 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
242 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
243 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
244 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
245 as defined in section 700.010, RSMo;

246 [(60)] **(61)** "Truck", a motor vehicle designed, used, or maintained for the transportation
247 of property;

248 [(61)] **(62)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
249 two trailing units are connected with a B-train assembly which is a rigid frame extension
250 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point
251 for the second semitrailer and has one less articulation point than the conventional A-dolly
252 connected truck-tractor semitrailer-trailer combination;

253 [(62)] **(63)** "Truck-trailer boat transporter combination", a boat transporter combination
254 consisting of a straight truck towing a trailer using typically a ball and socket connection with
255 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
256 trailer but so as to maintain a downward force on the trailer tongue;

257 [(63)] **(64)** "Used parts dealer", a business that buys and sells used motor vehicle parts
258 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
259 "Business" does not include isolated sales at a swap meet of less than three days;

260 [(64)] **(65)** "Utility vehicle", any motorized vehicle manufactured and used exclusively
261 for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of
262 one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used
263 primarily for landscaping, lawn care, or maintenance purposes;

264 [(65)] **(66)** "Vanpool", any van or other motor vehicle used or maintained by any person,
265 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
266 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
267 and from their place of employment; however, a vanpool shall not be included in the definition
268 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
269 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
270 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
271 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
272 monetary profit other than for use in a ride-sharing arrangement;

273 [(66)] **(67)** "Vehicle", any mechanical device on wheels, designed primarily for use, or
274 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
275 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
276 wheelchairs operated by handicapped persons;

277 [(67)] **(68)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
278 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
279 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
280 a replacement vehicle to replace a disabled or wrecked vehicle;

281 [(68)] **(69)** "Wrecker or towing service", the act of transporting, towing or recovering
282 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
283 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
284 compensation or other personal gain.

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

6 2. The owner of any such vehicle shall file an application in a form prescribed by the
7 director, if such vehicle meets the requirements of this section, and a certificate of registration
8 shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

9 3. The director shall issue to the owner of any motor vehicle registered pursuant to this
10 section the same number of license plates which would be issued with a regular annual
11 registration, containing the number assigned to the registration certificate issued by the director

12 of revenue. Such license plates shall be made with fully reflective material with a common color
13 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as
14 prescribed by section 301.130.

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

26 5. Notwithstanding any provisions of this section to the contrary, any person possessing
27 a license plate issued by the state of Missouri that is over twenty-five years old, in which the year
28 of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the
29 owner of the vehicle may register such plate as an historic vehicle plate as set forth in
30 subsections 1 and 2 of this section, provided that the configuration of letters, numbers or
31 combination of letters and numbers of such plate are not identical to the configuration of letters,
32 numbers or combination of letters and numbers of any plates already issued to an owner by the
33 director. Such license plate shall not be required to possess the characteristic features of
34 reflective material and common color scheme and design as prescribed in section 301.130. The
35 owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of
36 registration in the vehicle at all times. The certificate of registration shall be prima facie
37 evidence that the vehicle has been properly registered with the director and that all fees have
38 been paid.

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

6 2. If application for registration of another motor vehicle is not made to the director of
7 revenue within one year following the sale or transfer of ownership of a motor vehicle, the
8 license plates held by the person who sold or transferred ownership of such motor vehicle shall

9 be declared void, and new license plates bearing the same numbers may be issued to another
10 registrant.

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

301.165. 1. Notwithstanding any other provision of law to the contrary, any
2 **member of the Brain Tumor Awareness Organization, after an annual payment of an**
3 **emblem-use fee to the Brain Tumor Awareness Organization, may receive special license**
4 **plates for any vehicle the member owns, either solely or jointly, other than an apportioned**
5 **motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand**
6 **pounds gross weight. The Brain Tumor Awareness Organization hereby authorizes the**
7 **use of its official emblem to be affixed on multi-year personalized license plates as provided**
8 **in this section. Any contribution to the Brain Tumor Awareness Organization derived**
9 **from this section, except reasonable administrative costs, shall be used solely for the**
10 **purposes of the Brain Tumor Awareness Organization. Any member of the Brain Tumor**
11 **Awareness Organization may annually apply for the use of the emblem.**

12 **2. Upon annual application and payment of a twenty-five dollar emblem-use**
13 **contribution to the Brain Tumor Awareness Organization, the Brain Tumor Awareness**
14 **Organization shall issue to the vehicle owner, without further charge, an emblem-use**
15 **authorization statement, which shall be presented by the vehicle owner to the director of**
16 **revenue at the time of registration. Upon presentation of the annual statement and**
17 **payment of a twenty-five dollar fee in addition to the regular registration fees, and**
18 **presentation of any documents which may be required by law, the director of revenue shall**
19 **issue to the vehicle owner a special license plate which shall bear the emblem of the Brain**
20 **Tumor Awareness Organization. Such license plates shall be made with fully reflective**
21 **material with a common color scheme and design, shall be clearly visible at night, and shall**
22 **be aesthetically attractive, as prescribed by section 301.130. In addition, upon such set of**
23 **license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words**
24 **"BRAINTUMORWARENESS.ORG". Notwithstanding the provisions of section**
25 **301.144, no additional fee shall be charged for the personalization of license plates issued**
26 **pursuant to this section.**

27 **3. A vehicle owner who was previously issued a plate with the Brain Tumor**
28 **Awareness Organization's emblem authorized by this section, but who does not provide**
29 **an emblem-use authorization statement at a subsequent time of registration, shall be issued**
30 **a new plate which does not bear the Brain Tumor Awareness Organization's emblem, as**
31 **otherwise provided by law. The director of revenue shall make necessary rules and**

32 regulations for the enforcement of this section, and shall design all necessary forms
33 required by this section.

34 **4. Prior to the issuance of a Brain Tumor Awareness Organization specialty plate**
35 **authorized under this section the department of revenue must be in receipt of an**
36 **application, as prescribed by the director, which shall be accompanied by a list of at least**
37 **two hundred potential applicants who plan to purchase the specialty plate, the proposed**
38 **art design for the specialty license plate, and an application fee, not to exceed five thousand**
39 **dollars, to defray the department's cost for issuing, developing, and programming the**
40 **implementation of the specialty plate. Once the plate design is approved, the director of**
41 **revenue shall not authorize the manufacture of the material to produce such specialized**
42 **license plates with the individual seal, logo, or emblem until such time as the director has**
43 **received two hundred applications, the twenty-five dollar specialty plate fee per**
44 **application, and emblem use statements, if applicable, and other required documents or**
45 **fees for such plates.**

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

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

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

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

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

13 2. Sales at a salvage pool or a salvage disposal sale shall be open [only to and made to
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor
17 vehicles or salvage vehicles,] **to persons who are residents of the United States**, and to persons
18 who reside in a foreign country that are purchasing salvage vehicles for export outside of the
19 United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three
20 years, of sales of salvage vehicles with the purchasers' name and address, and the year, make, and
21 vehicle identification number for each vehicle. These records shall be open for inspection as

22 provided in section 301.225. Such records shall be submitted to the department on a quarterly
23 basis.

24 3. The [seller of] **operator of a salvage pool or salvage disposal sale, or subsequent**
25 **purchaser, who sells** a nonrepairable motor vehicle or a salvage motor vehicle to a person who
26 is not a resident of the United States at a salvage pool or a salvage disposal sale shall:

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

29 (2) Stamp in each unused reassignment space on the back of the title the words "FOR
30 EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the
31 salvage pool, or the name of the governmental entity, as applicable.

32

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

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

40 5. **A Missouri resident not holding a current license under sections 301.217 to**
41 **301.221 or 301.550 to 301.573 may only purchase up to three vehicles for rebuilding or**
42 **repairing purposes in any calendar year at salvage pools or salvage disposal sales in this**
43 **state. In addition, no person described in this subsection shall purchase a vehicle with a**
44 **junking certificate, as issued under section 301.227, at a salvage pool or salvage disposal**
45 **sale. In order to purchase a vehicle at a salvage pool or salvage disposal sale in this state,**
46 **a person described in this subsection may only purchase a vehicle at a salvage pool or**
47 **salvage disposal sale if such person possesses a voucher or certificate issued by the**
48 **department of revenue that certifies that the holder of such certificate is authorized to**
49 **purchase a vehicle at such sales. The director of the department of revenue shall establish**
50 **a system, no later than January 1, 2010, that allows persons described in this subsection**
51 **to obtain three vouchers or certificates annually. Such vouchers or certificates shall be**
52 **designed in a manner to allow the director of revenue to keep track of each vehicle**
53 **purchased by a person described in this subsection. The department of revenue may**
54 **charge a fee for the issuance of such vouchers or certificates and such fee shall not exceed**
55 **the costs associated with the issuance of the vouchers or certificates, the processing of such**
56 **vouchers or certificates, and the administration of such system. Any person who purchases**
57 **a vehicle in violation of this subsection or who knowingly or intentionally produces,**

58 manufactures, sells, or otherwise uses a fraudulent document intended to serve as a
59 voucher or certificate in order to purchase vehicles at salvage pool or salvage disposal sales
60 in this state is guilty of a class B misdemeanor.

61 **6. The director of the department of revenue is authorized to promulgate rules and**
62 **regulations for the administration and implementation of this section. Any rule or portion**
63 **of a rule, as that term is defined in section 536.010, RSMo, that is created under the**
64 **authority delegated in this section shall become effective only if it complies with and is**
65 **subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
66 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
67 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
68 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
69 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
70 **2009, shall be invalid and void.**

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

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

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

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

301.420. No person shall willfully or knowingly make a false statement in any
2 application for the registration of a motor vehicle or trailer, or as a dealer, or in an application
3 for or assignment of a certificate of ownership. All blanks or forms issued by the director of
4 revenue for the purpose of making application for registration of certificate of ownership shall
5 conspicuously bear on the face thereof the following words: "Any false statement in this
6 application is a violation of the law and may be punished by fine or imprisonment or both".
7 **Violation of this section shall be a class C misdemeanor.**

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

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

3 (1) Every application other than a renewal application for a motor vehicle franchise
4 dealer shall include a certification that the applicant has a bona fide established place of business.
5 Such application shall include an annual certification that the applicant has a bona fide
6 established place of business for the first three years and only for every other year thereafter. The
7 certification shall be performed by a uniformed member of the Missouri state highway patrol or
8 authorized or designated employee stationed in the troop area in which the applicant's place of
9 business is located; except that in counties of the first classification, certification may be
10 performed by an officer of a metropolitan police department when the applicant's established
11 place of business of distributing or selling motor vehicles or trailers is in the metropolitan area
12 where the certifying metropolitan police officer is employed. When the application is being
13 made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a
14 uniformed member of the Missouri state water patrol stationed in the district area in which the
15 applicant's place of business is located or by a uniformed member of the Missouri state highway
16 patrol stationed in the troop area in which the applicant's place of business is located or, if the
17 applicant's place of business is located within the jurisdiction of a metropolitan police
18 department in a first class county, by an officer of such metropolitan police department. A bona
19 fide established place of business for any new motor vehicle franchise dealer, used motor vehicle
20 dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or
21 wholesale or public auction shall be a permanent enclosed building or structure, either owned
22 in fee or leased and actually occupied as a place of business by the applicant for the selling,
23 bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or
24 trailers and wherein the public may contact the owner or operator at any reasonable time, and
25 wherein shall be kept and maintained the books, records, files and other matters required and
26 necessary to conduct the business. The applicant's place of business shall contain a working
27 telephone which shall be maintained during the entire registration year. In order to qualify as a
28 bona fide established place of business for all applicants licensed pursuant to this section there
29 shall be an exterior sign displayed carrying the name of the business set forth in letters at least
30 six inches in height and clearly visible to the public and there shall be an area or lot which shall
31 not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be
32 displayed. The sign shall contain the name of the dealership by which it is known to the public
33 through advertising or otherwise, which need not be identical to the name appearing on the
34 dealership's license so long as such name is registered as a fictitious name with the secretary of
35 state, has been approved by its line-make manufacturer in writing in the case of a new motor
36 vehicle franchise dealer and a copy of such fictitious name registration has been provided to the

37 department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt
38 from maintaining a bona fide place of business, including the related law enforcement
39 certification requirements, and from meeting the minimum yearly sales;

40 (2) The initial application for licensure shall include a photograph, not to exceed eight
41 inches by ten inches but no less than five inches by seven inches, showing the business building,
42 lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently
43 licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the
44 existing dealership building, lot and sign but shall be required to submit a new photograph upon
45 the installation of the new dealership sign as required by sections 301.550 to 301.573.
46 Applicants shall not be required to submit a photograph annually unless the business has moved
47 from its previously licensed location, or unless the name of the business or address has changed,
48 or unless the class of business has changed;

49 (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
50 a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish
51 with the application a corporate surety bond or an irrevocable letter of credit as defined in section
52 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of
53 twenty-five thousand dollars on a form approved by the department. The bond or irrevocable
54 letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes
55 applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport
56 dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be
57 an indemnity for any loss sustained by reason of the acts of the person bonded when such acts
58 constitute grounds for the suspension or revocation of the dealer's license. The bond shall be
59 executed in the name of the state of Missouri for the benefit of all aggrieved parties or the
60 irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the
61 aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event,
62 exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or
63 irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from
64 a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
65 party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor
66 vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, [trailer dealer,] or boat
67 dealer shall furnish with the application a copy of a current dealer garage policy bearing the
68 policy number and name of the insurer and the insured;

69 (4) Payment of all necessary license fees as established by the department. In
70 establishing the amount of the annual license fees, the department shall, as near as possible,
71 produce sufficient total income to offset operational expenses of the department relating to the
72 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of

73 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
 74 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
 75 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
 76 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
 77 the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary
 78 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
 79 general revenue fund until the amount in the motor vehicle commission fund at the end of the
 80 biennium exceeds two times the amount of the appropriation from such fund for the preceding
 81 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
 82 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
 83 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
 84 from such fund for the preceding fiscal year.

85 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer,
 86 wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction,
 87 trailer dealer, or a public motor vehicle auction submits an application for a license for a new
 88 business and the applicant has complied with all the provisions of this section, the department
 89 shall make a decision to grant or deny the license to the applicant within eight working hours
 90 after receipt of the dealer's application, notwithstanding any rule of the department.

91 3. Upon the initial issuance of a license by the department, the department shall assign
 92 a distinctive dealer license number or certificate of number to the applicant and the department
 93 shall issue one number plate or certificate bearing the distinctive dealer license number or
 94 certificate of number and two additional number plates or certificates of number within eight
 95 working hours after presentment of the application. Upon renewal, the department shall issue
 96 the distinctive dealer license number or certificate of number as quickly as possible. The
 97 issuance of such distinctive dealer license number or certificate of number shall be in lieu of
 98 registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
 99 manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer,
 100 wholesale motor vehicle auction or new or used motor vehicle dealer.

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

103 New motor vehicle franchise

104 dealers D-0 through D-999

105 New powersport dealers and motorcycle franchise

106 dealers D-1000 through D-1999

107 Used motor vehicle, used powersport, and used motorcycle

108 dealers D-2000 through D-9999

109	Wholesale motor vehicle	
110	dealers	W-0 through W-1999
111	Wholesale motor vehicle	
112	auctions	WA-0 through WA-999
113	New and used trailer	
114	dealers	T-0 through T-9999
115	Motor vehicle, trailer, and boat	
116	manufacturers	DM-0 through DM-999
117	Public motor vehicle	
118	auctions	A-0 through A-1999
119	Boat dealers	M-0 through M-9999
120	New and used recreational motor vehicle	
121	dealers	RV-0 through RV-999
122		
123	For purposes of this subsection, qualified transactions shall include the purchase of salvage titled	
124	vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage	
125	dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified	
126	transactions annually. In order for salvage dealers to obtain number plates or certificates under	
127	this section, dealers shall submit to the department of revenue on August first of each year a	
128	statement certifying, under penalty of perjury, the dealer's number of purchases during the	
129	reporting period of July first of the immediately preceding year to June thirtieth of the present	
130	year. The provisions of this subsection shall become effective on the date the director of the	
131	department of revenue begins to reissue new license plates under section 301.130, or on	
132	December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new	
133	license plates under the authority granted under section 301.130 prior to December 1, 2008, the	
134	director of the department of revenue shall notify the revisor of statutes of such fact.	
135	5. Upon the sale of a currently licensed new motor vehicle franchise dealership the	
136	department shall, upon request, authorize the new approved dealer applicant to retain the selling	
137	dealer's license number and shall cause the new dealer's records to indicate such transfer.	
138	6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport	
139	dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one	
140	number plate bearing the distinctive dealer license number and may issue two additional number	
141	plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the	
142	number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each	
143	additional number plate. Such license plates shall be made with fully reflective material with	
144	a common color scheme and design, shall be clearly visible at night, and shall be aesthetically	

145 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
146 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.
147 Additional number plates and as many additional certificates of number may be obtained upon
148 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor
149 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven
150 additional number plates or certificates of number annually. New and used motor vehicle
151 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are
152 limited to one additional plate or certificate of number per ten-unit qualified transactions
153 annually. New and used recreational motor vehicle dealers are limited to two additional plates
154 or certificate of number per ten-unit qualified transactions annually for their first fifty
155 transactions and one additional plate or certificate of number per ten-unit qualified transactions
156 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her
157 initial application the applicant's proposed annual number of sales in order for the director to
158 issue the appropriate number of additional plates or certificates of number. A motor vehicle
159 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor
160 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
161 distinctive dealer license plate or certificate of number or additional license plate or additional
162 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
163 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
164 for the original and duplicate number plates or certificates of number for such dealers' licenses,
165 multiplied by the number of months remaining in the licensing period for which the dealer or
166 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
167 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
168 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain
169 number plates or certificates under this section, dealers shall submit to the department of revenue
170 on August first of each year a statement certifying, under penalty of perjury, the dealer's number
171 of sales during the reporting period of July first of the immediately preceding year to June
172 thirtieth of the present year.

173 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
174 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
175 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held
176 for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle,
177 for use and display purposes during, but not limited to, parades, private events, charitable events,
178 or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer
179 hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle
180 dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under

181 a loaded condition. Trailer dealers may display their dealer license plates in like manner, except
182 such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

183 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
184 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
185 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
186 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor
187 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
188 hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers
189 and boat manufacturers may display their certificate of number on a vessel or vessel trailer when
190 transporting a vessel or vessels to an exhibit or show.

191 9. (1) Every application for the issuance of a used motor vehicle dealer's license shall
192 be accompanied by proof that the applicant, within the last twelve months, has completed an
193 educational seminar course approved by the department as prescribed by subdivision (2) of this
194 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
195 license for a separate dealership shall be exempt from the requirements of this subsection. The
196 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
197 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
198 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
199 who were licensed prior to August 28, 2006.

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

301.716. 1. **Any violation of the provisions of sections 301.700 to 301.714 shall be
2 an infraction.** An arrest or service of summons for violations of the provisions of sections
3 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304,
4 RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly
5 authorized law enforcement officer of any political subdivision of the state, the highway patrol
6 and the state water patrol.

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

12 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions
13 of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain

14 vehicles limits the power of the state to punish any person for any conduct which constitutes a
15 crime by statute or at common law.

301.2998. **1.** Notwithstanding any other provisions of this chapter, which establishes
2 the issuance of a specialty plate, [if no applications for such plate have been received within five
3 years from the effective date of the section authorizing the plate, then the department of revenue
4 no longer will be required to accept applications and issue such plate] **once a specialty plate is
5 approved to be issued the department of revenue shall not issue such specialty plate until
6 it has received two hundred applications for such specialty plate.**

7 **2.** Beginning January 1, 2011, if the total number of specialty plates issued falls
8 below two hundred, the department of revenue will no longer be required to accept
9 applications for such plate.

301.3155. **1.** Any person who has been awarded the military service award known
2 as the "Armed Forces Expeditionary Medal" may apply for Armed Forces Expeditionary
3 Medal motor vehicle license plates for any motor vehicle such person owns, either solely
4 or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed
5 in excess of eighteen thousand pounds gross weight.

6 **2.** Any such person shall make application for Armed Forces Expeditionary Medal
7 license plates on a form provided by the director of revenue and furnish such proof as a
8 recipient of the Armed Forces Expeditionary Medal as the director may require. The
9 director shall then issue license plates bearing letters or numbers or a combination thereof
10 as determined by the director with the words "ARMED FORCES EXPEDITIONARY
11 MEDAL" in place of the words "SHOW-ME STATE". Such license plates shall be made
12 with fully reflective material with a common color scheme and design, shall be clearly
13 visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such
14 plates shall also be inscribed with the words "expeditionary service" and bear a
15 reproduction of the armed forces expeditionary service ribbon.

16 **3.** There shall be a fifteen dollar fee in addition to the regular registration fees
17 charged for each set of Armed Forces Expeditionary Medal license plates issued under this
18 section. A fee for the issuance of personalized license plates under section 301.144 shall not
19 be required for plates issued under this section. There shall be no limit on the number of
20 license plates any person qualified under this section may obtain so long as each set of
21 license plates issued under this section is issued for vehicles owned solely or jointly by such
22 person. License plates issued under the provisions of this section shall not be transferable
23 to any other person except that any registered co-owner of the motor vehicle shall be
24 entitled to operate the motor vehicle with such plates for the duration of the year licensed
25 in the event of the death of the qualified person.

301.3158. Any person who has been awarded the military service award known as the legion of merit medal may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the legion of merit medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "LEGION OF MERIT" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the legion of merit medal. There shall be an additional fee charged for each set of legion of merit license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.4005. 1. Notwithstanding any other provision of law, any member of the Missouri Bicycle Federation, after an annual payment of an emblem-use fee to the Missouri Bicycle Federation, may receive personalized specialty license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Bicycle Federation hereby authorizes the use of its official emblem to be affixed on multi-year personalized specialty license plates as provided in this section. Any contribution to the Missouri Bicycle Federation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Bicycle Federation. Any member of the Missouri Bicycle Federation may annually apply for the use of the emblem.

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Missouri Bicycle Federation, the Missouri Bicycle Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of

16 registration. Upon presentation of the annual emblem-use authorization statement and
17 payment of a fifteen dollar fee in addition to the regular registration fees, and presentation
18 of any documents which may be required by law, the director of revenue shall issue to the
19 vehicle owner a personalized specialty license plate which shall bear the emblem of the
20 Missouri Bicycle Federation. Such license plates shall be made with fully reflective
21 material with a common color scheme and design, shall be clearly visible at night, and shall
22 be aesthetically attractive, as prescribed by section 301.130. In addition, upon each set of
23 license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words
24 "MISSOURI BICYCLE FEDERATION". Notwithstanding the provisions of section
25 301.144, no additional fee shall be charged for the personalized specialty plates issued
26 under this section.

27 3. A vehicle owner who was previously issued a plate with the Missouri Bicycle
28 Federation's emblem authorized by this section, but who does not provide an emblem-use
29 authorization statement at a subsequent time of registration, shall be issued a new plate
30 which does not bear the Missouri Bicycle Federation's emblem, as otherwise provided by
31 law. The director of revenue shall make necessary rules and regulations for the
32 enforcement of this section, and shall design all necessary forms required by this section.

33 4. Prior to the issuance of a Missouri Bicycle Federation specialty plate authorized
34 under this section, the department of revenue must be in receipt of an application, as
35 prescribed by the director, which shall be accompanied by a list of at least two hundred
36 potential applicants who plan to purchase the specialty plate, the proposed art design for
37 the specialty license plate, and an application fee, not to exceed five thousand dollars, to
38 defray the department's cost for issuing, developing, and programming the implementation
39 of the specialty plate. Once the plate design is approved, the director of revenue shall not
40 authorize the manufacture of the material to produce such personalized specialty license
41 plates with the individual seal, logo, or emblem until such time as the director has received
42 two hundred applications, the fifteen dollar specialty plate fee per application, and
43 emblem-use statements, if applicable, and other required documents or fees for such plates.

301.4006. 1. Notwithstanding any other provision of law, any person, after an
2 annual payment of an emblem-use fee to the Nixa education foundation, may receive
3 personalized specialty license plates for any vehicle owned, either solely or jointly, other
4 than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of
5 eighteen thousand pounds gross weight. The Nixa education foundation hereby authorizes
6 the use of its official emblem to be affixed on multi-year personalized specialty license
7 plates as provided in this section. Any contribution to the Nixa education foundation
8 derived from this section, except reasonable administrative costs, shall be used solely for

9 the purposes of the Nixa education foundation. Any person may annually apply for the use
10 of the emblem.

11 2. Upon annual application and payment of a fifteen dollar emblem-use
12 contribution to the Nixa education foundation, the Nixa education foundation shall issue
13 to the vehicle owner, without further charge, an emblem-use authorization statement,
14 which shall be presented by the vehicle owner to the director of revenue at the time of
15 registration. Upon presentation of the annual emblem-use authorization statement and
16 payment of a fifteen dollar fee in addition to the regular registration fees, and presentation
17 of any documents which may be required by law, the director of revenue shall issue to the
18 vehicle owner a personalized specialty license plate which shall bear the emblem of the
19 Nixa education foundation. Such license plates shall be made with fully reflective material
20 with a common color scheme and design, shall be clearly visible at night, and shall be
21 aesthetically attractive, as prescribed by section 301.130. In addition, upon each set of
22 license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words
23 "NIXA EDUCATION FOUNDATION". Notwithstanding the provisions of section
24 301.144, no additional fee shall be charged for the personalized specialty plates issued
25 under this section.

26 3. A vehicle owner who was previously issued a plate with the Nixa education
27 foundation's emblem authorized by this section, but who does not provide an emblem-use
28 authorization statement at a subsequent time of registration, shall be issued a new plate
29 which does not bear the Nixa education foundation's emblem, as otherwise provided by
30 law. The director of revenue shall make necessary rules and regulations for the
31 enforcement of this section, and shall design all necessary forms required by this section.

32 4. Prior to the issuance of a Nixa education foundation specialty plate authorized
33 under this section, the department of revenue must be in receipt of an application, as
34 prescribed by the director, which shall be accompanied by a list of at least two hundred
35 potential applicants who plan to purchase the specialty plate, the proposed art design for
36 the specialty license plate, and an application fee, not to exceed five thousand dollars, to
37 defray the department's cost for issuing, developing, and programming the implementation
38 of the specialty plate. Once the plate design is approved, the director of revenue shall not
39 authorize the manufacture of the material to produce such personalized specialty license
40 plates with the individual seal, logo, or emblem until such time as the director has received
41 two hundred applications, the fifteen dollar specialty plate fee per application, and
42 emblem-use statements, if applicable, and other required documents or fees for such plates.

301.4010. 1. Notwithstanding any other provision of law, any member of the
2 National Wild Turkey Federation, after an annual payment of an emblem-use fee to the

3 National Wild Turkey Federation, may receive personalized specialty license plates for any
4 vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle
5 or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.
6 The National Wild Turkey Federation hereby authorizes the use of its official emblem to
7 be affixed on multi-year personalized specialty license plates as provided in this section.
8 Any contribution to the National Wild Turkey Federation derived from this section, except
9 reasonable administrative costs, shall be used solely for the purposes of the National Wild
10 Turkey Federation. Any member of the National Wild Turkey Federation may annually
11 apply for the use of the emblem.

12 2. Upon annual application and payment of a fifteen dollar emblem-use
13 contribution to the National Wild Turkey Federation, the National Wild Turkey
14 Federation shall issue to the vehicle owner, without further charge, an emblem-use
15 authorization statement, which shall be presented by the vehicle owner to the director of
16 revenue at the time of registration. Upon presentation of the annual emblem-use
17 authorization statement and payment of a fifteen dollar fee in addition to the regular
18 registration fees, and presentation of any documents which may be required by law, the
19 director of revenue shall issue to the vehicle owner a personalized specialty license plate
20 which shall bear the emblem of the National Wild Turkey Federation. Such license plates
21 shall be made with fully reflective material with a common color scheme and design, shall
22 be clearly visible at night, and shall be aesthetically attractive, as prescribed by section
23 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words
24 "SHOW-ME STATE", the words "NATIONAL WILD TURKEY FEDERATION".
25 Notwithstanding the provisions of section 301.144, no additional fee shall be charged for
26 the personalized specialty plates issued under this section.

27 3. A vehicle owner who was previously issued a plate with the National Wild
28 Turkey Federation's emblem authorized by this section, but who does not provide an
29 emblem-use authorization statement at a subsequent time of registration, shall be issued
30 a new plate which does not bear the National Wild Turkey Federation's emblem, as
31 otherwise provided by law. The director of revenue shall make necessary rules and
32 regulations for the enforcement of this section, and shall design all necessary forms
33 required by this section.

34 4. Prior to the issuance of a National Wild Turkey Federation specialty plate
35 authorized under this section, the department of revenue must be in receipt of an
36 application, as prescribed by the director, which shall be accompanied by a list of at least
37 two hundred potential applicants who plan to purchase the specialty plate, the proposed
38 art design for the specialty license plate, and an application fee, not to exceed five thousand

39 dollars, to defray the department's cost for issuing, developing, and programming the
40 implementation of the specialty plate. Once the plate design is approved, the director of
41 revenue shall not authorize the manufacture of the material to produce such personalized
42 specialty license plates with the individual seal, logo, or emblem until such time as the
43 director has received two hundred applications, the fifteen dollar specialty plate fee per
44 application, and emblem-use statements, if applicable, and other required documents or
45 fees for such plates.

301.4016. 1. Notwithstanding any other provision of law, any member of the
2 Missouri stream team program, after an annual payment of an emblem-use fee to the
3 Missouri stream team watershed coalition, may receive personalized specialty license plates
4 for any vehicle the member owns, either solely or jointly, other than an apportioned motor
5 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross
6 weight. The Missouri stream team program hereby authorizes the use of its official
7 emblem to be affixed on multi-year personalized specialty license plates as provided in this
8 section. Any contribution to the Missouri stream team watershed coalition derived from
9 this section, except reasonable administrative costs, shall be used solely for the purposes
10 of the Missouri stream team watershed coalition. Any member of the Missouri stream
11 team program may annually apply for the use of the emblem.

12 2. Upon annual application and payment of a fifteen dollar emblem-use
13 contribution to the Missouri stream team watershed coalition, the Missouri stream team
14 watershed coalition shall issue to the vehicle owner, without further charge, an emblem-use
15 authorization statement, which shall be presented by the vehicle owner to the director of
16 revenue at the time of registration. Upon presentation of the annual emblem-use
17 authorization statement and payment of a fifteen dollar fee in addition to the regular
18 registration fees, and presentation of any documents which may be required by law, the
19 director of revenue shall issue to the vehicle owner a personalized specialty license plate
20 which shall bear the emblem of the Missouri stream team program. Such license plates
21 shall be made with fully reflective material with a common color scheme and design, shall
22 be clearly visible at night, and shall be aesthetically attractive, as prescribed by section
23 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words
24 "SHOW-ME STATE", the words "MISSOURI STREAM TEAM". Notwithstanding the
25 provisions of section 301.144, no additional fee shall be charged for the personalized
26 specialty plates issued under this section.

27 3. A vehicle owner who was previously issued a plate with the Missouri stream team
28 program emblem authorized by this section, but who does not provide an emblem-use

29 authorization statement at a subsequent time of registration, shall be issued a new plate
30 which does not bear the Missouri stream team program emblem, as otherwise provided by
31 law. The director of revenue shall make necessary rules and regulations for the
32 enforcement of this section, and shall design all necessary forms required by this section.

33 4. Prior to the issuance of a Missouri stream team watershed coalition specialty
34 plate authorized under this section, the department of revenue must be in receipt of an
35 application, as prescribed by the director, which shall be accompanied by a list of at least
36 two hundred potential applicants who plan to purchase the specialty plate, the proposed
37 art design for the specialty license plate, and an application fee, not to exceed five thousand
38 dollars, to defray the department's cost for issuing, developing, and programming the
39 implementation of the specialty plate. Once the plate design is approved, the director of
40 revenue shall not authorize the manufacture of the material to produce such personalized
41 specialty license plates with the individual seal, logo, or emblem until such time as the
42 director has received two hundred applications, the fifteen dollar specialty plate fee per
43 application, and emblem-use statements, if applicable, and other required documents or
44 fees for such plates.

301.4018. 1. Notwithstanding any other provision of law, any person, after an
2 annual donation may receive an emblem-use authorization statement from the Missouri
3 State Drug Abuse Resistance Education (D.A.R.E.) Training Center division of the
4 Missouri police chiefs charitable foundation and may receive personalized specialty license
5 plates for any vehicle the person owns, either solely or jointly, other than an apportioned
6 motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
7 pounds gross weight. The Missouri State D.A.R.E. Training Center division of the
8 Missouri police chiefs charitable foundation hereby authorizes the use of its official
9 emblem to be affixed on multiyear personalized specialty license plates as provided in this
10 section. Any contribution to the Missouri State D.A.R.E. Training Center division of the
11 Missouri police chiefs charitable foundation derived from this section, except reasonable
12 administrative costs, shall be used solely for the purposes of the Missouri State D.A.R.E.
13 Training Center. Any person may annually apply for the use of the emblem upon
14 donation.

15 2. Upon annual application and payment of an emblem-use contribution to the
16 Missouri State D.A.R.E. Training Center, the Missouri State D.A.R.E. Training Center
17 shall issue to the vehicle owner, without further charge, an emblem-use authorization
18 statement, which shall be presented by the vehicle owner to the director of revenue at the
19 time of registration. Upon presentation of the annual emblem-use authorization statement

20 and payment of a fifteen dollar fee in addition to the regular registration fees, and
21 presentation of any documents which may be required by law, the director of revenue shall
22 issue to the vehicle owner a personalized specialty license plate which shall bear the
23 emblem of the Missouri State D.A.R.E. Training Center. Such license plates shall be made
24 with fully reflective material with a common color scheme and design, shall be clearly
25 visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. In
26 addition, upon each set of license plates shall be inscribed, in lieu of the words
27 "SHOW-ME STATE", the words "D.A.R.E.". Notwithstanding the provisions of section
28 301.144, no additional fee shall be charged for the personalized specialty plates issued
29 under this section.

30 3. A vehicle owner who was previously issued a plate with the Missouri State
31 D.A.R.E. Training Center emblem authorized by this section, but who does not provide an
32 emblem-use authorization statement at a subsequent time of registration, shall be issued
33 a new plate which does not bear the Missouri State D.A.R.E. Training Center emblem, as
34 otherwise provided by law. The director of revenue shall make necessary rules and
35 regulations for the enforcement of this section, and shall design all necessary forms
36 required by this section.

37 4. Prior to the issuance of a Missouri State D.A.R.E. Training Center specialty plate
38 authorized under this section, the department of revenue must be in receipt of an
39 application, as prescribed by the director, which shall be accompanied by a list of at least
40 two hundred potential applicants who plan to purchase the specialty plate, the proposed
41 art design for the specialty license plate, and an application fee, not to exceed five thousand
42 dollars, to defray the department's cost for issuing, developing, and programming the
43 implementation of the specialty plate. Once the plate design is approved, the director of
44 revenue shall not authorize the manufacture of the material to produce such personalized
45 specialty license plates with the individual seal, logo, or emblem until such time as the
46 director has received two hundred applications, the fifteen dollar specialty plate fee per
47 application, and emblem-use statements, if applicable, and other required documents or
48 fees for such plates.

301.4020. 1. Notwithstanding any other provision of law, any member of the United
2 States Submarine Veterans Incorporation, after an annual payment of an emblem-use fee
3 to the United States Submarine Veterans Incorporation, may receive personalized specialty
4 license plates for any vehicle the member owns, either solely or jointly, other than an
5 apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen
6 thousand pounds gross weight. The United States Submarine Veterans Incorporation

7 hereby authorizes the use of its official emblem to be affixed on multiyear personalized
8 specialty license plates as provided in this section. Any contribution to the United States
9 Submarine Veterans Incorporation derived from this section, except reasonable
10 administrative costs, shall be used solely for the purposes of the United States Submarine
11 Veterans Incorporation. Any member of the United States Submarine Veterans
12 Incorporation may annually apply for the use of the emblem.

13 2. Upon annual application and payment of a fifteen dollar emblem-use
14 contribution to the United States Submarine Veterans Incorporation, the United States
15 Submarine Veterans Incorporation shall issue to the vehicle owner, without further charge,
16 an emblem-use authorization statement, which shall be presented by the vehicle owner to
17 the director of revenue at the time of registration. Upon presentation of the annual
18 emblem-use authorization statement and payment of a fifteen dollar fee in addition to the
19 regular registration fees, and presentation of any documents which may be required by
20 law, the director of revenue shall issue to the vehicle owner a personalized specialty license
21 plate which shall bear the emblem of the United States Submarine Veterans Incorporation.
22 Such license plates shall be made with fully reflective material with a common color scheme
23 and design, shall be clearly visible at night, and shall be aesthetically attractive, as
24 prescribed by section 301.130. In addition, upon each set of license plates shall be
25 inscribed, in lieu of the words "SHOW-ME STATE", the words "UNITED STATES
26 SUBMARINE VETERAN". Notwithstanding the provisions of section 301.144, no
27 additional fee shall be charged for the personalized specialty plates issued under this
28 section.

29 3. A vehicle owner who was previously issued a plate with the United States
30 Submarine Veterans Incorporation's emblem authorized by this section, but who does not
31 provide an emblem-use authorization statement at a subsequent time of registration, shall
32 be issued a new plate which does not bear the United States Submarine Veterans
33 Incorporation's emblem, as otherwise provided by law. The director of revenue shall make
34 necessary rules and regulations for the enforcement of this section, and shall design all
35 necessary forms required by this section.

36 4. Prior to the issuance of a United States Submarine Veterans Incorporation
37 specialty plate authorized under this section, the department of revenue must be in receipt
38 of an application, as prescribed by the director, which shall be accompanied by a list of at
39 least two hundred potential applicants who plan to purchase the specialty plate, the
40 proposed art design for the specialty license plate, and an application fee, not to exceed five
41 thousand dollars, to defray the department's cost for issuing, developing, and

42 **programming the implementation of the specialty plate. Once the plate design is approved,**
43 **the director of revenue shall not authorize the manufacture of the material to produce such**
44 **personalized specialty license plates with the individual seal, logo, or emblem until such**
45 **time as the director has received two hundred applications, the fifteen dollar specialty plate**
46 **fee per application, and emblem-use statements, if applicable, and other required**
47 **documents or fees for such plates.**

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which [he] **the**
3 **resident** is accused through authorized prepayment of fine and court costs and fails to appear on
4 the return date or at any subsequent date to which the case has been continued, or without good
5 cause fails to pay any fine or court costs assessed against [him] **the resident** for any such
6 violation within the period of time specified or in such installments as approved by the court or
7 as otherwise provided by law, any court having jurisdiction over the charges shall within ten days
8 of the failure to comply inform the defendant by ordinary mail at the last address shown on the
9 court records that the court will order the director of revenue to suspend the defendant's driving
10 privileges if the charges are not disposed of and fully paid within thirty days from the date of
11 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay
12 any applicable fines and court costs, the court shall notify the director of revenue of such failure
13 and of the pending charges against the defendant. Upon receipt of this notification, the director
14 shall suspend the license of the driver, effective immediately, and provide notice of the
15 suspension to the driver at the last address for the driver shown on the records of the department
16 of revenue. Such suspension shall remain in effect until the court with the subject pending
17 charge requests setting aside the noncompliance suspension pending final disposition, or
18 satisfactory evidence of disposition of pending charges and payment of fine and court costs, if
19 applicable, is furnished to the director by the individual. Upon proof of disposition of charges
20 and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set
21 forth in section 302.304, the director shall return the license and remove the suspension from the
22 individual's driving record. The filing of financial responsibility with the bureau of safety
23 responsibility, department of revenue, shall not be required as a condition of reinstatement of a
24 driver's license suspended solely under the provisions of this section.

25 2. If any city, town or village receives more than [forty-five] **thirty-five** percent of its
26 [total] annual **general operating** revenue from fines **and court costs** for traffic violations
27 occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-**
28 **five** percent of the [total] annual **general operating** revenue of the city, town or village shall be
29 sent to the director of the department of revenue and shall be distributed annually to the schools

30 of the county in the same manner that proceeds of all penalties, forfeitures and fines collected
31 for any breach of the penal laws of the state are distributed. For the purpose of this section the
32 words "state highways" shall mean any state or federal highway, including any such highway
33 continuing through the boundaries of a city, town or village with a designated street name other
34 than the state highway number. **The director of the department of revenue shall set forth by**
35 **rule a procedure whereby excess revenues as set forth above shall be sent to the**
36 **department of revenue. If any city, town, or village disputes a determination that it has**
37 **received excess revenues required to be sent to the department of revenue, such city, town,**
38 **or village may submit to an annual audit by the state auditor under the authority of article**
39 **IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is**
40 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
41 **section shall become effective only if it complies with and is subject to all of the provisions**
42 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
43 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
44 **under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul**
45 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
46 **any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

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.

18

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;

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

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

134 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
135 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other
136 violation of federal or state law, or any county or municipal ordinance while driving a
137 commercial motor vehicle in a willful or wanton disregard for the safety of persons or property,

138 or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall
139 not include careless and imprudent driving by excessive speed;

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

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

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

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

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

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

159 (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,
2 2005. The application for a commercial driver's license shall include, but not be limited to, the
3 applicant's legal name, mailing and residence address, if different, a physical description of the
4 person, including sex, height, weight and eye color, the person's Social Security number, date
5 of birth and any other information deemed appropriate by the director. The application shall also
6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year
10 after issuance, unless the license must be issued for a shorter period due to other requirements
11 of law or for transition or staggering of work as determined by the director, and must be renewed
12 on or before the date of expiration. When a person changes such person's name an application
13 for a duplicate license shall be made to the director of revenue. When a person changes such

14 person's mailing address or residence the applicant shall notify the director of revenue of said
15 change, however, no application for a duplicate license is required. A commercial license issued
16 pursuant to this section to an applicant less than twenty-one years of age and seventy years of age
17 and older shall expire on the applicant's birthday in the third year after issuance, unless the
18 license must be issued for a shorter period as determined by the director.

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

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

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.**

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

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which is:**

3 (a) **Controlled and operated by a farmer, including operation by employees or**
4 **family members;**

5 (b) **Used to transport agricultural products, farm machinery, farm supplies, or**
6 **both, to or from a farm;**

7 (c) **Not used in the operations of a common or contract motor carrier; and**

8 (d) **Used within two hundred forty-one kilometers or one hundred fifty miles of the**
9 **farmer's farm;**

10 (2) Any active duty military personnel, members of the reserves and national guard on
11 active duty, including personnel on full-time national guard duty, personnel on part-time training
12 and national guard military technicians, while driving [military] vehicles for military purposes;

13 (3) Any person who drives emergency or fire equipment necessary to the preservation
14 of life or property or the execution of emergency governmental functions under emergency
15 conditions;

16 (4) Any person qualified to operate the equipment under subdivision (3) of this section
17 when operating such equipment in other functions such as parades, special events, repair, service
18 or other authorized movements;

19 (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010
20 and 700.010, RSMo, for personal use; and

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

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 to serve as an insurance**
39 **identification card is guilty of a class A misdemeanor. Any person who knowingly or**

40 **intentionally possesses a fraudulent document intended to serve as an insurance**
41 **identification card is guilty of a class B misdemeanor.**

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;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;

(8) The signature and printed name of the officer authorizing the tow; [and]

(9) The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; **and**

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

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

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

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

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department 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.

**304.161. Storage charges for any towed vehicle shall not exceed twenty-five dollars
2 per day.**

304.170. 1. No vehicle operated upon the highways of this state shall have a width,
2 including load, in excess of one hundred two inches, except clearance lights, rearview mirrors
3 or other accessories required by federal, state or city law or regulation. Provided however, a

4 recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits
5 if the appurtenances on such recreational vehicle extend no further than the rearview mirrors.
6 Such mirrors may only extend the distance necessary to provide the required field of view before
7 the appurtenances were attached.

8 2. No vehicle operated upon the interstate highway system or upon any route designated
9 by the chief engineer of the state transportation department shall have a height, including load,
10 in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load,
11 in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles
12 transporting automobiles or other motor vehicles may have a height, including load, of not more
13 than fourteen feet.

14 3. No single motor vehicle operated upon the highways of this state shall have a length,
15 including load, in excess of forty-five feet, except as otherwise provided in this section.

16 4. No bus, recreational motor vehicle or trackless trolley coach operated upon the
17 highways of this state shall have a length in excess of forty-five feet, except that such vehicles
18 may exceed the forty-five feet length when such excess length is caused by the projection of a
19 front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the
20 length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more
21 than one foot in the front and one foot in the rear. The term "safety bumper" means any device
22 which may be fitted on an existing bumper or which replaces the bumper and is so constructed,
23 treated, or manufactured that it absorbs energy upon impact.

24 5. No combination of truck-tractor and semitrailer or truck-tractor equipped with
25 dromedary and semitrailer operated upon the highways of this state shall have a length, including
26 load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the
27 United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or
28 truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway
29 system of this state shall have an overall length, including load, in excess of the length of the
30 truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The
31 length of such semitrailer shall not exceed fifty-three feet.

32 6. In order to comply with the provisions of Title 23 of the United States Code (Public
33 Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate
34 highway system of this state shall have an overall length, including load, in excess of the length
35 of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall
36 exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to
37 twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982,
38 within a sixty-five foot overall length limit in any state, may continue to be operated upon the

39 interstate highways of this state. On those primary highways not designated by the state
40 highways and transportation commission as provided in subsection 10 of this section, no
41 combination of truck-tractor, semitrailer and trailer shall have an overall length, including load,
42 in excess of sixty-five feet; provided, however, the state highways and transportation commission
43 may designate additional routes for such sixty-five foot combinations.

44 7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations,
45 stinger-steered combination automobile transporters and stinger-steered combination boat
46 transporters having a length not in excess of seventy-five feet may be operated on the interstate
47 highways of this state and such other highways as may be designated by the highways and
48 transportation commission for the operation of such vehicles plus a distance not to exceed ten
49 miles from such interstate or designated highway. All length provisions regarding automobile
50 or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations
51 shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear
52 overhang, which shall be no greater than a three-foot front overhang and no greater than a
53 four-foot rear overhang.

54 8. Driveaway saddlemount combinations having a length not in excess of ninety-seven
55 feet may be operated on the interstate highways of this state and such other highways as may be
56 designated by the highways and transportation commission for the operation of such vehicles
57 plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount
58 combinations must comply with the safety requirements of Section 393.71 of Title 49 of the
59 Code of Federal Regulations and may contain no more than three saddlemounted vehicles and
60 one fullmount.

61 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the
62 interstate and designated primary highway system of this state shall have a semitrailer length in
63 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and
64 lawful operation in any state on December 1, 1982, operating in a truck-tractor
65 semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement
66 of semitrailer length when used between the first and second semitrailer of a truck-tractor
67 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the
68 B-train assembly, it shall be included in the length measurement of the semitrailer.

69 10. The highways and transportation commission is authorized to designate routes on
70 the state highway system other than the interstate system over which those combinations of
71 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated.
72 Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this

73 section may be operated at a distance not to exceed ten miles from the interstate system and such
74 routes as designated under the provisions of this subsection.

75 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other
76 combination of vehicles operated upon the primary or interstate highways of this state plus a
77 distance of ten miles from a primary or interstate highway shall have an overall length, unladen
78 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway,
79 except the state highways and transportation commission may designate additional routes for use
80 by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five
81 foot saddlemount combinations. Any vehicle or combination of vehicles transporting
82 automobiles, boats or other motor vehicles may carry a load which extends no more than three
83 feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of
84 vehicles.

85 12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural
86 implements operating occasionally on the highways for short distances[,] **including tractor**
87 **parades for fund-raising activities or special events, provided the tractors are driven by**
88 **licensed drivers during daylight hours only and with the approval of the superintendent**
89 **of the Missouri state highway patrol;** or to self-propelled hay-hauling equipment or to
90 implements of husbandry, or to the movement of farm products as defined in section [400.9-109]
91 **400.9-102, RSMo,** or to vehicles temporarily transporting agricultural implements or implements
92 of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles
93 that have become disabled upon the highways; or to implement dealers delivering or moving
94 farm machinery for repairs on any state highway other than the interstate system.

95 (2) Implements of husbandry and vehicles transporting such machinery or equipment and
96 the movement of farm products as defined in section 400.9.109, RSMo, may be operated
97 occasionally for short distances on state highways when operated between the hours of sunrise
98 and sunset by a driver licensed as an operator or chauffeur.

99 13. As used in this chapter the term "implements of husbandry" means all self-propelled
100 machinery operated at speeds of less than thirty miles per hour, specifically designed for, or
101 especially adapted to be capable of, incidental over-the-road and primary offroad usage and used
102 exclusively for the application of commercial plant food materials or agricultural chemicals, and
103 not specifically designed or intended for transportation of such chemicals and materials.

104 14. Sludge disposal units may be operated on all state highways other than the interstate
105 system. Such units shall not exceed one hundred thirty-eight inches in width and may be
106 equipped with over-width tires. Such units shall observe all axle weight limits. The chief
107 engineer of the state transportation department shall issue special permits for the movement of

108 such disposal units and may by such permits restrict the movements to specified routes, days and
109 hours.

304.260. Farm tractors when using the highways in traveling from one field or farm to
2 another, or to or from places of delivery or repair, **or when participating in activities or events**
3 **permitted under subsection 12 of section 304.170** are exempt from the provisions of the law
4 relating to registration and display of number plates, but shall comply with all the other
5 provisions hereof. The state highways and transportation commission shall have the power and
6 authority to prescribe the type of road upon which such tractors may be used and may exclude
7 the use of such tractors or the use of trucks of any particular weight from the use of certain
8 designated roads or types of roads, by the posting of signs along or upon such roads or any part
9 thereof.

304.285. Any person operating a motorcycle or bicycle who violates the provisions
2 **of section 304.281 or section 304.301 by entering or crossing an intersection controlled by**
3 **a traffic control signal against a red light shall have an affirmative defense to that charge**
4 **if the person establishes all of the following conditions:**

5 (1) The motorcycle or bicycle has been brought to a complete stop;

6 (2) The traffic control signal continues to show a red light for an unreasonable
7 time;

8 (3) The traffic control is apparently malfunctioning or, if programmed or
9 engineered to change to a green light only after detecting the approach of a motor vehicle,
10 the signal has apparently failed to detect the arrival of the motorcycle; and

11 (4) No motor vehicle or person is approaching on the street or highway to be
12 crossed or entered or is so far away from the intersection that it does not constitute an
13 immediate hazard.

14

15 The affirmative defense of this section applies only to a violation for entering or crossing
16 an intersection controlled by a traffic control signal against a red light and does not
17 provide a defense to any other civil or criminal action.

304.287. 1. The provisions of sections 304.287 to 304.297 shall be known as the
2 "Missouri Universal Red Light Enforcement Act" (MURLE). For the purposes of sections
3 304.287 to 304.297, 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 red light
31 camera and all registration fees collected shall be deposited in the "Red Light Enforcement
32 Fund" hereby established. The state treasurer shall be custodian of the fund and shall
33 approve disbursements from the fund in accordance with sections 30.170 and 30.180,
34 RSMo. Upon appropriation, money in the fund shall be used to conduct audits to ensure
35 agency compliance with the provisions of sections 304.271 to 304.281, including, but not
36 limited to, ensuring that the agency is distributing the fines collected as required under
37 section 304.288. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
38 any moneys remaining in the fund at the end of the biennium shall not revert to the credit
39 of the general revenue fund. The state treasurer shall invest moneys in the fund in the
40 same manner as other funds are invested. Any interest and moneys earned on such
41 investments 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 rear license plate of the offending vehicle. One of the images must be of**
48 **sufficient resolution to show clearly, while the vehicle is in the intersection and while the**
49 **traffic signal is emitting a steady red signal, all three elements set forth in this subdivision**
50 **and subdivisions (1) and (2) of this subsection.**

51 **4. No agency shall use an automated photo red light enforcement system unless the**
52 **traffic signal is emitting a steady yellow light signal for a minimum of four seconds.**

53 **5. No agency shall use an automated photo red light enforcement system for the**
54 **purpose of enforcing right turn violations, however nothing shall prohibit a law**
55 **enforcement officer from stopping a person and issuing a citation for a right turn violation.**

56 **6. The automated photo red light enforcement system shall utilize a video recording**
57 **component which shall record the local time at which the two violation images were**
58 **captured, as well as at least five seconds before and at least five seconds after the violation**
59 **event.**

60 **7. Agencies that utilize automated photo red light enforcement systems to detect**
61 **and enforce steady red signal indication violations are subject to the conditions and**
62 **limitations specified in sections 304.287 to 304.297.**

63 **8. Prior to activation of the system at an intersection:**

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

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

68 **(3) Signal phase timings at intersections equipped with a system shall be certified**
69 **by the Missouri department of transportation before the automated photo red light**
70 **enforcement systems may be activated for enforcement purposes and any adjustment to**
71 **such timing shall be made only by a department of transportation traffic engineer. If an**
72 **agency alters the signal phase timing at an intersection without prior written approval**
73 **from the Missouri department of transportation and without certification by the**
74 **department of transportation traffic engineer, the agency shall be assessed a municipal fine**
75 **of fifty thousand dollars for a first offense and the red light device shall be removed upon**

76 a subsequent violation. In no case shall a private vendor have the ability to control the
77 signal phase timing connected with a system.

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

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

- 85 (1) The number of intersections enforced by active systems;
- 86 (2) The number of notices of violation mailed;
- 87 (3) The number of notices of violation paid;
- 88 (4) The number of hearings; and
- 89 (5) The total revenue collected as a result of the program.

90

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

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

99 12. An agency that establishes an automated photo red light enforcement system
100 may enter into an agreement or agreements for the purpose of compensating a private
101 vendor to perform operational and administrative tasks associated with the use of such
102 system. The notice of violation issued under section 304.288, however, shall not be issued
103 by a private vendor. Any compensation paid to a private vendor shall not be derived from
104 fines received for violations nor shall compensation be based upon the number of violations
105 mailed, the number of citations issued, the number of violations paid, or the amount of
106 revenue collected by the agency. The compensation paid to a private vendor shall be based
107 upon the value of the equipment and the services provided or rendered in support of the
108 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 vehicle and demonstrate a
5 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 304.297.

11 3. An agency shall mail or cause to be mailed a notice of violation by first class 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 9 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 penalty imposed for a violation detected pursuant to an automated photo red
36 light enforcement system shall not be deemed a moving violation and shall not be made a
37 part of the operating record of the person upon whom such liability is imposed, nor shall

38 such imposition of a penalty be subject to a merit rating for insurance purposes and no
39 surcharge points shall be imposed in the provision of motor vehicle insurance coverage.

40 **5. In no case shall points be assessed against any person under section 302.302,**
41 **RSMo, for a violation detected by an automated photo red light enforcement system.**

42 **6. An employee of the applicable law enforcement office shall review the**
43 **photographic or video evidence from an automated photo red light enforcement system and**
44 **make a determination as to whether a violation has occurred. If a determination is made**
45 **that a violation has occurred, a notice of violation or a citation shall be sent by first class**
46 **mail to the registered owner of the vehicle that was captured by the automated photo red**
47 **light enforcement system. A notice of violation or citation shall allow for payment of the**
48 **traffic violation or citation within thirty days of the mailing of the notice. No additional**
49 **penalty or other costs shall be assessed for nonpayment of a traffic violation or citation that**
50 **is based solely on evidence obtained from an automated photo red light enforcement system**
51 **installed to enforce or monitor traffic violations, unless a second notice is sent by first class**
52 **mail to the registered owner of the motor vehicle and the second notice provides for an**
53 **additional thirty days for payment of the violation or citation.**

54 **7. The following vehicles are exempt from receiving a notice of violation:**

55 **(1) Emergency vehicles with active emergency lights;**

56 **(2) Vehicles moving through the intersection to avoid or clear the way for a marked**
57 **emergency vehicle;**

58 **(3) Vehicles under police escort; and**

59 **(4) Vehicles in a funeral procession.**

60 **8. A fine collected by the agency issuing the violation shall not exceed seventy-five**
61 **dollars.**

62 **9. Payment of the established fine and any applicable civil penalties shall operate**
63 **as a final disposition of the case. Payment of the fine and any penalties, whether before or**
64 **after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other**
65 **motor vehicle owners of the same motor vehicle for the same violation.**

66 **10. In the prosecution of a steady red signal indication violation under sections**
67 **304.287 to 304.297, the agency shall have the burden of proving that the vehicle described**
68 **in the notice of violation issued under this section was operated in violation of sections**
69 **304.287 to 304.297 and that the defendant was at the time of such violation the owner of**
70 **such vehicle. The agency shall not enter into any plea-bargaining agreements in relation**
71 **to any violation occurring under sections 304.287 to 304.297.**

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.

304.295. Any county or municipal ordinance providing for the use of an automated
2 photo red light enforcement system for enforcement in administrative quasi-judicial or
3 judicial county or municipal proceedings conducted under sections 304.287 to 304.290,
4 which ordinance and penalties were adopted prior to the effective date of this act, is hereby
5 validated, approved, ratified, and confirmed, so that any red light violation found and all
6 fines, penalties, fees, and costs collected pursuant to said ordinance during that period of
7 time shall be valid and fully enforceable.

304.297. 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 until the end of the primary term of such contract and any extension thereto.

304.582. 1. Upon the first conviction or plea of guilty by any person for a moving
2 violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo,
3 the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be
4 imposed by law, if the offense occurred within a construction zone or a work zone. Upon a
5 second or subsequent such conviction or plea of guilty, the court shall assess a fine of
6 seventy-five dollars in addition to any other fine authorized to be imposed by law.

7 2. Upon the first conviction or plea of guilty by any person for a speeding violation under
8 either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the

9 court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by
10 law if the offense occurred within a construction zone or a work zone and at the time the
11 speeding or passing violation occurred there was any highway worker in such zone. Upon a
12 second or subsequent such conviction or plea of guilty, the court shall assess a fine of three
13 hundred dollars in addition to any other fine authorized by law. However, no person assessed
14 an additional fine under this subsection shall also be assessed an additional fine under subsection
15 1 of this section, and no person shall be assessed an additional fine under this subsection if no
16 signs have been posted under subsection 3 of this section.

17 3. The penalty authorized by subsection 2 of this section shall only be assessed by the
18 court if the department of transportation or a contractor or subcontractor performing work for
19 the department of transportation has erected signs upon or around a construction zone or work
20 zone which are clearly visible from the highway and which state substantially the following
21 message: "Warning: Minimum \$250 fine for speeding or passing in this work zone when
22 workers are present."

23 4. The driver of a motor vehicle may not overtake or pass another motor vehicle within
24 a work zone or construction zone as provided in this subsection. Violation of this subsection is
25 a class C misdemeanor.

26 (1) This subsection applies to a construction zone or work zone located upon a highway
27 divided into two or more marked lanes for traffic moving in the same direction and for which
28 motor vehicles are instructed to merge from one lane into another lane and not pass by
29 appropriate signs or traffic control devices erected by the department of transportation or a
30 contractor or subcontractor performing work for the department of transportation.

31 (2) This subsection also prohibits the operator of a motor vehicle from passing or
32 attempting to pass another motor vehicle in a work zone or construction zone located upon a
33 two-lane highway when highway workers or equipment are working and when appropriate signs
34 or traffic control devices have been erected by the department of transportation or a contractor
35 or subcontractor performing work for the department of transportation.

36 5. The additional fines imposed by this section shall not be construed to enhance the
37 assessment of court costs or the assessment of points under section 302.302, RSMo.

38 **6. Notwithstanding any provision of this section to the contrary, no person shall be**
39 **cited for a violation of this section when no highway workers are located or working within**
40 **the construction zone or work zone at the time the alleged violation occurred.**

304.870. No person shall climb on, or stand or work atop any tanker trailer stopped
2 **along any highway of this state unless proper safety precautions are taken, including use**
3 **of safety tie-off apparatus or other supporting structure. Any person who fails to comply**

4 **with the requirements of this section is guilty of an infraction and upon conviction thereof**
5 **shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.**

307.010. 1. All motor vehicles, and every trailer and semitrailer operating upon the
2 public highways of this state and carrying goods or material or farm products which may
3 reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as
4 a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or
5 semitrailer shall have a protective cover or be sufficiently secured so that no portion of such
6 goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while
7 being transported or carried.

8 2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be
9 [a class C misdemeanor] **an infraction**, and any person [convicted] **who pleads or is found**
10 **guilty** thereof shall be punished as provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders,
2 attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall
3 be equipped with mud flaps for the rear wheels when operated on the public highways of this
4 state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire
5 or tires being protected; shall be so installed that they extend from the underside of the vehicle
6 body in a vertical plane behind the rear wheels to within eight inches of the ground; and shall be
7 constructed of a rigid material or a flexible material which is of a sufficiently rigid character to
8 provide adequate protection when the vehicle is in motion. No provisions of this section shall
9 apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps,
10 to farm implements, or to any vehicle which is not required to be registered.

11 2. Any person who violates this section is guilty of [a class B misdemeanor] **an**
12 **infraction** and, upon [conviction] **plea or finding of guilt**, shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one spotlight but
2 every lighted spotlight shall be so aimed and used so as not to be dazzling or glaring to any
3 person.

4 2. Notwithstanding the provisions of section 307.120, violation of this section is [a class
5 C misdemeanor] **an infraction**.

307.120. Any person violating any of the provisions of sections 307.020 to 307.120
2 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an infraction**. The term
3 "person" as used in sections 307.020 to 307.120 shall mean and include any individual,
4 association, joint stock company, copartnership or corporation.

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon
2 or along any state or supplementary state highway of this state any animal-driven vehicle

3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have
4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not
5 less than three inches in diameter of effective area or its equivalent in area. When such device
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection
8 of every such device shall be no less than sixty degrees and the spread and efficiency of the
9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor
10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five
11 hundred feet.

12 2. In addition, any person who operates any such animal-driven vehicle during the hours
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and
15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance
17 of at least five hundred feet. Any person violating the provisions of this section shall be guilty
18 of [a class C misdemeanor] **an infraction**.

19 3. Any person operating an animal-driven vehicle during the hours between sunset and
20 one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use
21 lamps or lanterns complying with the rules promulgated by the director of the department of
22 public safety.

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
24 is created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
26 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
27 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
28 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
29 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
30 invalid and void.

 307.155. Any person violating any of the provisions of sections 307.130 to 307.160 shall
2 be deemed guilty of [a class C misdemeanor] **an infraction** and shall be punished by a fine [of]
3 not to exceed fifty dollars for each offense.

 307.172. 1. No person shall operate any passenger motor vehicle upon the public streets
2 or highways of this state, the body of which has been altered in such a manner that the front or
3 rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street
4 or highway in front or to the rear of the vehicle.

2. Every motor vehicle which is licensed in this state and operated upon the public streets or highways of this state shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR)		
4,500 lbs and under	24 inches	26 inches
4,501 lbs through 7,500 lbs	27 inches	29 inches
7,501 lbs through 9,000 lbs	28 inches	30 inches
9,001 lbs through 11,500 lbs	29 inches	31 inches

3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390.

4. Any person knowingly violating the provisions of this section is guilty of [a class C misdemeanor] **an infraction**.

307.173. 1. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent. Except as provided in subsection 5 of this section, any sun screening

6 device applied to front sidewing vents or windows located immediately to the left and right of
7 the driver in excess of the requirements of this section shall be prohibited without a permit
8 pursuant to a physician's prescription as described below. A permit to operate a motor vehicle
9 with front sidewing vents or windows located immediately to the left and right of the driver that
10 have a sun screening device, in conjunction with safety glazing material, which permits less light
11 transmission and luminous reflectance than allowed under the requirements of this subsection,
12 may be issued by the department of public safety to a person having a serious medical condition
13 which requires the use of a sun screening device if the permittee's physician prescribes its use.
14 The director of the department of public safety shall promulgate rules and regulations for the
15 issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or
16 relative within the second degree by consanguinity or affinity, which shall mean a spouse, each
17 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person,
18 who resides in the household. Except as provided in subsection 2 of this section, all sun
19 screening devices applied to the windshield of a motor vehicle are prohibited.

20 2. This section shall not prohibit labels, stickers, decalcomania, or informational signs
21 on motor vehicles or the application of tinted or solar screening material to recreational vehicles
22 as defined in section 700.010, RSMo, provided that such material does not interfere with the
23 driver's normal view of the road. This section shall not prohibit factory-installed tinted glass,
24 the equivalent replacement thereof or tinting material applied to the upper portion of the motor
25 vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

26 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
27 is created under the authority delegated in this section shall become effective only if it complies
28 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
29 536.028, 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, then the
32 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
33 invalid and void.

34 4. Any person who violates the provisions of this section is guilty of [a class C
35 misdemeanor] **an infraction**.

36 5. Any vehicle licensed with a historical license plate shall be exempt from the
37 requirements of this section.

307.195. 1. No person shall operate a motorized bicycle on any highway or street in this
2 state unless the person has a valid license to operate a motor vehicle.

3 2. No motorized bicycle may be operated on any public thoroughfare located within this
4 state which has been designated as part of the federal interstate highway system.

5 3. Violation of this section shall be deemed [a class C misdemeanor] **an infraction.**

307.198. 1. Every all-terrain vehicle, except those used in competitive events, shall have
2 the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any time in which
4 an all-terrain vehicle is being used on any street or highway in this state pursuant to section
5 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least
7 two feet above the roadway when such vehicle is operated upon any street or highway pursuant
8 to section 300.348, RSMo, or 304.013, RSMo. The emblem shall be constructed of substantial
9 material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in
10 width. Each side of the emblem shall measure at least ten inches;

11 (3) A braking system maintained in good operating condition;

12 (4) An adequate muffler system in good working condition, and a United States Forest
13 Service qualified spark arrester.

14 2. A violation of this section shall be [a class C misdemeanor] **an infraction.**

307.365. 1. No permit for an official inspection station shall be assigned or transferred
2 or used at any location other than therein designated and every permit shall be posted in a
3 conspicuous place at the location designated. The superintendent of the Missouri state highway
4 patrol shall design and furnish each official inspection station, at no cost, one official sign made
5 of metal or other durable material to be displayed in a conspicuous location to designate the
6 station as an official inspection station. Additional signs may be obtained by an official
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be
8 supplied with one or more posters which must be displayed in a conspicuous location at the place
9 of inspection and which informs the public that required repairs or corrections need not be made
10 at the inspection station.

11 2. No person operating an official inspection station pursuant to the provisions of
12 sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle
13 except upon an official form furnished by the superintendent of the Missouri state highway patrol
14 for that purpose and only after inspecting the vehicle and determining that its brakes, lighting
15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
16 wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety
17 equipment as required by the state are in proper condition and adjustment to be operated upon
18 the public highways of this state with safety to the driver or operator, other occupants therein,

19 as well as other persons and property upon the highways, as provided by sections 307.350 to
20 307.390 and the regulations prescribed by the superintendent of the Missouri state highway
21 patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake
22 testing. No person operating an official inspection station shall furnish, loan, give or sell a
23 certificate of inspection and approval to any other person except those entitled to receive it under
24 provisions of sections 307.350 to 307.390. No person shall have in such person's possession any
25 certificate of inspection and approval and/or inspection sticker with knowledge that the
26 certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

27 3. The superintendent of the Missouri state highway patrol may require officially
28 designated stations to furnish reports upon forms furnished by the superintendent for that purpose
29 as the superintendent considers reasonably necessary for the proper and efficient administration
30 of sections 307.350 to 307.390.

31 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct
32 them or shall have them corrected at any place the owner chooses within twenty days after the
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the
36 official inspection station must inform the owner that the corrections need not be made at the
37 inspection station.

38 5. A fee, not to exceed twelve dollars, as determined by each official inspection station,
39 may be charged by an official inspection station for each official inspection including the
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for
42 an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate
43 of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted
44 on the premises of each such official inspection station. No owner shall be charged an additional
45 inspection fee upon having corrected defects or unsafe conditions found in an inspection
46 completed within the previous twenty consecutive days, excluding Saturdays, Sundays and
47 holidays, if such follow-up inspection is made by the station making the initial inspection. Every
48 inspection for which a fee is charged shall be a complete inspection, and upon completion of the
49 inspection, if any defects are found the owner of the vehicle shall be furnished a list of the
50 defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have
51 any necessary repairs or corrections made at the official inspection station, the owner shall be
52 furnished a written estimate of the cost of such repairs before such repairs or corrections are
53 made by the official inspection station. The written estimate shall have plainly written upon it

54 that the owner understands that the corrections need not be made by the official inspection
55 station and shall have a signature line for the owner. The owner must sign below the statement
56 on the signature line before any repairs are made.

57 6. Certificates of inspection and approval, sticker, seal or other device shall be purchased
58 by the official inspection stations from the superintendent of the Missouri state highway patrol.
59 The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty
60 cents for each certificate of inspection, sticker, seal or other device issued to the official
61 inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal
62 or other device issued to official inspection stations operated by governmental entities. All fees
63 collected shall be deposited in the state treasury with one dollar of each fee collected credited to
64 the state highway fund and, for the purpose of administering and enforcing the state motor
65 vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund"
66 which is hereby created. The moneys collected and deposited in the highway patrol inspection
67 fund shall be expended subject to appropriations by the general assembly for the administration
68 and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The
69 unexpended balance in the fund at the end of each biennium exceeding the amount of the
70 appropriations from the fund for the first two fiscal years shall be transferred to the state road
71 fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general
72 revenue fund at the end of the biennium, shall not apply to the fund.

73 7. The owner or operator of any inspection station who discontinues operation during
74 the period that a station permit is valid or whose station permit is suspended or revoked shall
75 return all official signs and posters and any current unused inspection stickers, seals or other
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund
77 on request except for official signs and posters, provided the request is made during the calendar
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused
80 previous year issue inspection stickers and/or decals for an identical number of current year
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the
83 Missouri state highway patrol.

84 **8. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
85 **this section shall be a class C misdemeanor.**

307.375. 1. The owner of every bus used to transport children to or from school in
2 addition to any other inspection required by law shall submit the vehicle to an official inspection
3 station, and obtain a certificate of inspection, sticker, seal or other device annually, but the

4 inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle
5 during the school year. The inspection shall, in addition to the inspection of the mechanism and
6 equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,
7 include an inspection to ascertain that the following items are correctly fitted, adjusted, and in
8 good working condition:

- 9 (1) All mirrors, including crossview, inside, and outside;
- 10 (2) The front and rear warning flashers;
- 11 (3) The stop signal arm;
- 12 (4) The crossing control arm on public school buses required to have them pursuant to
13 section 304.050, RSMo;
- 14 (5) The rear bumper to determine that it is flush with the bus so that hitching of rides
15 cannot occur;
- 16 (6) The exhaust tailpipe shall be flush with or may extend not more than two inches
17 beyond the perimeter of the body or bumper;
- 18 (7) The emergency doors and exits to determine them to be unlocked and easily opened
19 as required;
- 20 (8) The lettering and signing on the front, side and rear of the bus;
- 21 (9) The service door;
- 22 (10) The step treads;
- 23 (11) The aisle mats or aisle runners;
- 24 (12) The emergency equipment which shall include as a minimum a first aid kit, flares
25 or fuses, and a fire extinguisher;
- 26 (13) The seats, including a determination that they are securely fastened to the floor;
- 27 (14) The emergency door buzzer;
- 28 (15) All hand hold grips;
- 29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and
35 the following:

- 36 (1) The driver seat belts;
- 37 (2) The heating and defrosting systems;
- 38 (3) The reflectors;

- 39 (4) The bus steps;
40 (5) The aisles;
41 (6) The frame.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

51 **5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
52 **this section shall be a class C misdemeanor.**

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is
2 guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea or finding of guilt** shall be
3 punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign qualified persons
5 who are not highway patrol officers to investigate and enforce motor vehicle safety inspection
6 laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355,
7 RSMo. A person assigned by the superintendent pursuant to the authority granted by this
8 subsection shall be designated a motor vehicle inspector and shall have limited powers to issue
9 a uniform complaint and summons for a violation of the motor vehicle inspection laws and
10 regulations. A motor vehicle inspector shall not have authority to exercise the power granted in
11 this subsection until such inspector successfully completes training provided by, and to the
12 satisfaction of, the superintendent.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether
6 intrastate transportation or interstate transportation. Members of the Missouri state highway
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of

10 the department of public safety is hereby authorized to further regulate the safety of commercial
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing rules and regulations consistent
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by
14 the director, require:

15 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in
16 a safe condition at all times;

17 (2) Accidents arising from or in connection with the operation of commercial motor
18 vehicles and trailers to be reported to the department of public safety in such detail and in such
19 manner as the director may require. Except for the provisions of subdivisions (1) and (2) of this
20 subsection, the provisions of this section shall not apply to any commercial motor vehicle
21 operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less
22 when used exclusively for the transportation of solid waste or forty-two thousand pounds or less
23 when the license plate has been designated for farm use by the letter "F" as authorized by the
24 Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined
25 in Title 49, Code of Federal Regulations.

26 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
27 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
28 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
29 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.
30 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this
31 state may operate such vehicle intrastate at the age of eighteen years or older, except that any
32 person transporting hazardous material must be at least twenty-one years of age.

33 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service
34 if the vehicles are not equipped and operated according to the requirements of this section.
35 Criteria used for placing vehicles and drivers out of service are the North American Uniform
36 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
37 States Department of Transportation, as such criteria have been and may periodically be
38 amended.

39 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
40 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any
41 vehicle owned or operated by any public utility, rural electric cooperative or other public service
42 organization, or to the driver of such vehicle, while providing restoration of essential utility
43 services during emergencies and operating intrastate. For the purposes of this subsection, the
44 term "essential utility services" means electric, gas, water, telephone and sewer services.

45 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall
46 not apply to drivers transporting agricultural commodities or farm supplies for agricultural
47 purposes in this state if such transportation:

48 (1) Is limited to an area within a one hundred air mile radius from the source of the
49 commodities or the distribution point for the farm supplies; and

50 (2) Is conducted during the planting and harvesting season within this state, as defined
51 by the department of public safety by regulation.

52 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to
53 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations
54 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains
55 and retains for a period of six months accurate and true records showing:

56 (1) The total number of hours the driver is on duty each day; and

57 (2) The time at which the driver reports for, and is released from, duty each day.

58 7. Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts
59 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor
60 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight
61 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception
62 provided by this subsection shall not apply to vehicles transporting hazardous materials or to
63 vehicles designed to transport sixteen or more passengers including the driver as defined by Title
64 49 of the Code of Federal Regulations. Nothing in this subsection shall be construed to prohibit
65 persons designated by the department of public safety from inspecting vehicles defined in this
66 subsection.

67 8. Violation of any provision of this section or any rule promulgated as authorized
68 therein is [a class B misdemeanor] **an infraction**.

69 9. No rule or portion of a rule promulgated under the authority of this chapter shall
70 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
71 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.

387.040. 1. No motor carrier subject to the provisions of this chapter shall engage or
2 participate in the transportation of passengers or household goods, between points within this
3 state, until its schedules of rates, fares and charges shall have been filed and published in
4 accordance with the provisions of this chapter. Any motor carrier, which shall undertake to
5 perform any service or furnish any product or commodity unless or until the rates, tolls, fares,
6 charges, classifications and rules and regulations relating thereto, applicable to such service,
7 product or commodity, have been filed with the [division of motor carrier and railroad safety]
8 **highways and transportation commission** and published in accordance with the provisions of
9 this chapter, shall be subject to forfeiture to the state pursuant to the provisions of sections
10 390.156 to 390.176, RSMo.

11 2. **Notwithstanding subsection 1 of this section, a motor carrier shall not be**
12 **required to file its schedules of rates, fares, and charges for shipments of household goods**
13 **that are transported wholly or exclusively within a commercial zone as defined in 390.020,**
14 **RSMo, or within a commercial zone established by the highways and transportation**
15 **commission pursuant to the provisions of subdivision (4) of section 390.041, RSMo.**

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.**

488.006. For any infraction, unless otherwise provided by law, all court costs, fees,
2 **surcharges, and other miscellaneous charges shall be assessed in the same manner and**
3 **amount as a misdemeanor.**

 556.021. 1. An offense defined by this code or by any other statute of this state
2 constitutes an "infraction" if it is so designated or if [no other sentence than a fine, or fine and
3 forfeiture or other civil penalty is authorized upon conviction] **a violation of the statute can**
4 **result only in a fine, forfeiture, or other civil penalty, or any combination thereof.**

5 2. [An infraction does not constitute a crime and conviction of an infraction shall not
6 give rise to any disability or legal disadvantage based on conviction of a crime.] **A**
7 **determination of whether an infraction has occurred shall be made by the filing of a civil**
8 **action. The action shall be filed by a person who is authorized to bring a criminal action**
9 **or an action to enforce an ordinance if the conduct constituted a crime or ordinance**
10 **violation. The action shall be brought in the name of the state of Missouri or appropriate**
11 **political subdivision. An infraction violation shall be proven by a preponderance of the**
12 **evidence but shall not be tried to a jury. If an infraction violation is proven, judgment**
13 **shall be entered for the plaintiff.**

14 **3. Notwithstanding any other provision of law to the contrary, it shall be the duty**
15 **of the operator or driver of any vehicle or the rider of any animal traveling on the roads**
16 **of this state to stop on signal of any law enforcement officer and to obey any other**
17 **reasonable signal or direction of such law enforcement officer given in the course of**
18 **enforcing any infraction. Any person who willfully fails or refuses to obey any signal or**
19 **direction of a law enforcement officer given in the course of enforcing any infraction, or**
20 **who willfully resists or opposes a law enforcement officer in the proper discharge of his or**
21 **her duties in the course of enforcing any infraction, shall be guilty of a class A**

22 **misdemeanor and on plea or finding of guilt thereof shall be punished as provided by law**
23 **for such offenses.**

24 **4. The supreme court of Missouri may promulgate rules for the enforcement of this**
25 **section.**

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
3 **zone**, or probation and parole officer in the first degree if such person attempts to kill or
4 knowingly causes or attempts to cause serious physical injury to a law enforcement officer [or]
5 **, corrections officer**, emergency personnel, **highway worker in a construction zone or work**
6 **zone, or probation and parole officer.**

7 2. As used in this section, "emergency personnel" means any paid or volunteer
8 firefighter, emergency room or trauma center personnel, or emergency medical technician as
9 defined in subdivisions (15), (16), [and] (17), **and (18)** of section 190.100, RSMo.

10 3. **As used in this section the term "corrections officer" includes any jailer or**
11 **corrections officer of the state or any political subdivision of the state.**

12 **4. When used in this section, the terms "highway worker", "construction zone",**
13 **or "work zone" shall have the same meaning as such terms are defined in section 304.580,**
14 **RSMo.**

15 **5. Assault of a law enforcement officer, corrections officer**, emergency personnel,
16 **highway worker in a construction zone or work zone**, or probation and parole officer in the
17 first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
3 **zone**, or probation and parole officer in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly
6 weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
8 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
9 **zone**, or probation and parole officer by means other than a deadly weapon or dangerous
10 instrument;

11 (3) Recklessly causes serious physical injury to a law enforcement officer, **corrections**
12 **officer**, emergency personnel, **highway worker in a construction zone or work zone**, or
13 probation and parole officer; or

14 (4) While in an intoxicated condition or under the influence of controlled substances or
15 drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal
16 negligence to cause physical injury to a law enforcement officer, **corrections officer**, emergency
17 personnel, **highway worker in a construction zone or work zone**, or probation and parole
18 officer;

19 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
20 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
21 **zone**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

22 (6) Purposely or recklessly places a law enforcement officer, **corrections officer**,
23 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
24 parole officer in apprehension of immediate serious physical injury; or

25 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
26 injury to a law enforcement officer, **corrections officer**, emergency personnel, **highway worker**
27 **in a construction zone or work zone**, or probation and parole officer.

28 2. As used in this section, "emergency personnel" means any paid or volunteer
29 firefighter, emergency room or trauma center personnel, or emergency medical technician as
30 defined in subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

31 3. As used in this section the term "corrections officer" includes any jailer or
32 **corrections officer of the state or any political subdivision of the state.**

33 4. When used in this section, the terms "highway worker", "construction zone",
34 or "work zone" shall have the same meaning as such terms are defined in section 304.580,
35 RSMo.

36 5. Assault of a law enforcement officer, **corrections officer**, emergency personnel,
37 **highway worker in a construction zone or work zone**, or probation and parole officer in the
38 second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7)
39 of subsection 1 of this section in which case it is a class C felony. **For any violation of**
40 **subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve**
41 **mandatory jail time as part of his or her sentence.**

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
3 **zone**, or probation and parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
6 **zone**, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer without the consent of the law enforcement officer [or] , **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

3. As used in this section the term "corrections officer" includes any jailor or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580, RSMo.

5. Assault of a law enforcement officer, **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the third degree is a class A misdemeanor.

Section 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to the state highways and transportation commission all interest of the state of Missouri in real property located in part of City Block Number 239 and 240 in the city of St. Louis. The property to be conveyed is more particularly described as follows:

Commencing at the Northwest corner of City Block Number 239; thence South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline Station 68+00.00; on the centerline of Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East for a distance of 239.19 feet to centerline P.C. Station 70+39.19; thence Northeasterly along the arc of a curve to the right having a radius of 1,892.60 for a distance of 81.74 feet to centerline Station 71+20.93; thence Southeasterly leaving the centerline of said Interstate Route 70 to a point 4.87 feet Southeasterly of and radial to said centerline Station 71+20.93, BEING THE POINT OF BEGINNING; thence Southerly to a point 73.35 feet Southeasterly of and radial to centerline Station 71+08.40; thence

19 Southwesterly along the arc of a curve to the left having a radius of 1910 feet
20 a distance of 76.83 feet to a point 74.77 feet Southeasterly of and at a right
21 angle to centerline Station 70+31.57; thence Southwesterly to a point 66.72
22 feet Southeasterly of and at a right angle to centerline Station 68+99.79;
23 thence southwesterly to a point 79.31 feet southeasterly of and at right angle
24 to centerline Station 68+04.62; thence southwesterly to a point 79.83 feet
25 southeasterly of and at right angle to centerline station 67+78.62; thence
26 Northerly to a point 61.35 feet Northwesterly of and at a right angle to
27 centerline Station 68+09.88; thence Easterly to the point of BEGINNING,
28 and containing 32,682 square feet, more or less.
29

30 Also, all of abutter's rights of direct access between the highway now known as Interstate
31 Highway 70 and grantor's abutting land in City Block Number 239 and 240, St. Louis City,
32 Missouri.

 Section 2. The governor is also hereby authorized and empowered to give, grant,
2 bargain, and convey a permanent transmission easement for construction and maintenance
3 of utilities to the state highways and transportation commission, and any successors or
4 assigns as designated by the commission, which is located in part of City Block Number 239
5 and 240 in the city of St. Louis, Missouri. The permanent transmission easement is more
6 particularly described as follows:

7 Commencing at the Northwest corner of City Block Number 239; thence
8 South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to
9 centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds
10 West for a distance of 241.54 feet to centerline P.T. Station 65+58.46;
11 BEGINNING AGAIN at centerline Station 68+00.00 on the centerline of
12 Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East
13 for a distance of 4.62 feet to centerline Station 68+04.62; thence
14 Southeasterly to a point 79.31 feet Southeasterly of and at a right angle to
15 said centerline Station 68+04.62, BEING THE POINT OF BEGINNING;
16 thence Southerly to a point 265.03 feet Southeasterly of and at a right angle
17 to centerline Station 67+63.71; thence Southerly to a point 703.22 feet
18 Southeasterly of and at a right angle to centerline Station 66+15.05; thence
19 continuing Southerly to a point 759.86 feet Southeasterly of and at a right
20 angle to centerline Station 65+66.31; thence Northerly to a point 278.24 feet
21 Southeasterly of and at a right angle to centerline Station 67+34.70; thence
22 Northerly to a point 79.83 feet Southeasterly of and at a right angle to
23 centerline Station 67+78.62; thence Northeasterly to the point of
24 BEGINNING, and containing 17,333 square feet, more or less.

 Section 3. In addition, the instruments of conveyance noted in sections 1 and 2 of
2 this act shall contain such other restrictions, temporary easements, and any other

3 conditions as are deemed necessary by the governor and the commission to construct a new
4 Mississippi River bridge and necessary accompanying state highways.

Section 4. Consideration for the conveyance shall be as negotiated by the
2 commissioner of administration and the state highways and transportation commission.

Section 5. The attorney general shall approve the form of the instrument of
2 conveyance.

✓