



Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SS SCS HCS HRB 430

entitled:

AN ACT

To repeal sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.147, 301.225, 301.559, 301.560, 301.562, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.180, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, and to enact in lieu thereof forty-three new sections relating to transportation, with penalty provisions, a contingent effective dates for certain sections, and effective dates for certain sections.

With SA1, 2, 3, 4, 7, 8, 9, 11, 12,

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler
Secretary of the Senate

RECEIVED

MAY 11 2011

CHIEF CLERK

SENATE AMENDMENT NO. 1Offered by Stoutter of SalineAmend SS/SCS/HCS/House Bill No. 430, Pages 79-83, Section 302.181, Line _____,

2 by striking all of said section from the bill; and

3 Further amend said bill, pages 83 to 87, section 302.291, by
4 striking all of said section from the bill; and5 Further amend said bill, pages 137 to 146, section 571.101
6 by striking all of said section from the bill; and

7 Further amend the title and enacting clause accordingly.

OFFERED 5-10-11
ADOPTED 5-10-11

RECEIVED
MAY 11 2011
CHIEF CLERK

SENATE AMENDMENT NO. 2Offered by Stouffer of SalineAmend SS/SCS/HCS/House Bill No. 430, Page 116, Section 304.180, Line 12,

2 of said page, by striking the following: "the Arkansas state
3 line" and inserting in lieu thereof the following: "U.S. Highway
4 36".

5

Adopted 5-10-11
Adopted 5-11-11

SENATE AMENDMENT NO. 3Offered by Stoutter of SalineAmend SS/SCS/HCS/House Bill No. 430, Page 18, Section 144.030, Line 13,

2 of said page, by striking said line and inserting in lieu thereof
3 the following: "trailers used by [common] carriers [, as defined
4 in section"; and further amend line 14 of said page, by inserting
5 after "390.020,]" the following: "who have received federal
6 authority to haul for hire".

approved 5-10-11
adopted 5-10-11

SENATE AMENDMENT NO. 4Offered by Lembke of 1stAmend SS SCS/HCS/House Bill No. 430, Page 62, Section 304.200, Line 49

2 by inserting immediately after said line the following:

3 "304.289. The timing of any traffic-control signal shall
4 conform to regulations promulgated by the Department of
5 Transportation. The department of transportation shall establish
6 minimal yellow light change interval times for traffic-control
7 devices. The minimal yellow light change interval time shall be
8 established in accordance with nationally recognized engineering
9 standards set forth in the Manual on Uniform Traffic Control
10 Devices, and any such established time shall not be less than the
11 recognized national standard."; and

12 Further amend the title and enacting clause accordingly.
13

ordered 5-10-11
adopted 5-10-11

SENATE AMENDMENT NO. 7

Offered by

Leubke

of

1st

Amend

SSSCSHCSH^W

Bill No.

HB430

Page

28

Section

144.030

Line

20

by inserting after all of said line the following:

"136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--two dollars and fifty cents;

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

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 5-11-11

1 a period exceeding three years;

2 (4) For each notice of lien processed--two dollars and
3 fifty cents;

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

7 2. The director of revenue shall award fee office contracts
8 under this section through a competitive bidding process. The
9 competitive bidding process shall give priority to organizations
10 and entities that are exempt from taxation under Section
11 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as
12 amended, and political subdivisions, including but not limited
13 to, municipalities, counties, and fire protection districts. The
14 director of the department of revenue may promulgate rules and
15 regulations necessary to carry out the provisions of this
16 subsection. Any rule or portion of a rule, as that term is
17 defined in section 536.010, that is created under the authority
18 delegated in this subsection shall become effective only if it
19 complies with and is subject to all of the provisions of chapter
20 536 and, if applicable, section 536.028. This section and
21 chapter 536 are nonseverable and if any of the powers vested with
22 the general assembly pursuant to chapter 536 to review, to delay
23 the effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after August 28, 2009,
26 shall be invalid and void.

27 3. All fees collected by a tax-exempt organization may be
28 retained and used by the organization.

29 4. All fees charged shall not exceed those in this section.

The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. Any person acting as agent of the department of revenue for the collection of sales and use tax when required under sections 144.070 and 144.440 shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax under section 144.140 to offset the actual cost incurred by such person, on behalf of the department of revenue, in the collection of such taxes in accordance with the provisions of Article IV Section 30(b) of the Missouri Constitution.

7. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

[7.] 8. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information."; and

1

Further amend the title and enacting clause accordingly.

13571 F

Amend SS/SCS/HCS/House Bill No. 430, Page 155, Section C, Lines 2-13

by striking all of said section from the bill.

opened 5-10-11

Sept 5-11-11

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SENATE AMENDMENT NO. 7Offered by Wasson of 20thAmend SS/SS/HCS/HR Bill No. 430, Page 87, Section 302.291, Line 12,

by inserting after all of said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303..... 2 points (except any violation of municipal stop sign ordinance where no accident is involved..... 1 point)

(2) Speeding
In violation of a state law..... 3 points
In violation of a county or municipal ordinance..... 2 points

(3) Leaving the scene of an accident
in violation of section 577.060..... 12 points
In violation of any county or municipal ordinance..... 6 points

APPROVED 1-17-01
SIGNED 1-17-01

- 1 (4) Careless and imprudent driving
2 in violation of subsection 4 of section 304.016 4 points
3 In violation of a county or
4 municipal ordinance..... 2 points
- 5 (5) Operating without a valid license
6 in violation of subdivision (1) or (2) of
7 subsection 1 of section 302.020:
- 8 (a) For the first conviction..... 2 points
9 (b) For the second conviction..... 4 points
10 (c) For the third conviction..... 6 points
- 11 (6) Operating with a suspended or
12 revoked license prior to restoration of
13 operating privileges..... 12 points
- 14 (7) Obtaining a license by
15 misrepresentation..... 12 points
- 16 (8) For the first conviction of driving
17 while in an intoxicated condition or
18 under the influence of controlled
19 substances or drugs..... 8 points
- 20 (9) For the second or subsequent
21 conviction of any of the following
22 offenses however combined:
23 driving while in an intoxicated
24 condition, driving under the
25 influence of controlled substances
26 or drugs or driving with a blood
27 alcohol content of eight-hundredths
28 of one percent or more by weight..... 12 points
- 29 (10) For the first conviction

1 for driving with blood alcohol
2 content eight-hundredths of one
3 percent or more by weight
4 In violation of state law..... 8 points
5 In violation of a county or
6 municipal ordinance or federal
7 law or regulation..... 8 points
8 (11) Any felony involving the
9 use of a motor vehicle..... 12 points
10 (12) Knowingly permitting
11 unlicensed operator to operate a
12 motor vehicle..... 4 points
13 (13) For a conviction for failure
14 to maintain financial responsibility
15 pursuant to county or municipal
16 ordinance or pursuant to section 303.025 4 points
17 (14) Endangerment of a highway
18 worker in violation of section 304.585 4 points
19 (15) Aggravated endangerment of
20 a highway worker in violation of
21 section 304.585..... 12 points
22 (16) For a conviction of violating
23 a municipal ordinance that prohibits
24 tow truck operators from stopping
25 at or proceeding to the scene of an
26 accident unless they have been
27 requested to stop or proceed to
28 such scene by a party involved in
29 such accident or by an officer of a

public safety agency..... 4 points

(17) Endangerment of an emergency
responder in violation of section 304.894 4 points

(18) Aggravated endangerment of
an emergency responder in violation of
section 304.894..... 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a

1 driver-improvement program or, in the case of violations
2 committed while operating a motorcycle, a motorcycle-rider
3 training course approved by the state highways and transportation
4 commission, by an operator, when so ordered and verified by any
5 court having jurisdiction over any law of this state or county or
6 municipal ordinance, regulating motor vehicles, other than a
7 violation committed in a commercial motor vehicle as defined in
8 section 302.700 or a violation committed by an individual who has
9 been issued a commercial driver's license or is required to
10 obtain a commercial driver's license in this state or any other
11 state, shall be accepted by the director in lieu of the
12 assessment of points for a violation pursuant to subdivision (1),
13 (2) or (4) of subsection 1 of this section or pursuant to
14 subsection 3 of this section. A court using a centralized
15 violation bureau established under section 476.385 may elect to
16 have the bureau order and verify completion of a
17 driver-improvement program or motorcycle-rider training course as
18 prescribed by order of the court. For the purposes of this
19 subsection, the driver-improvement program shall meet or exceed
20 the standards of the National Safety Council's eight-hour
21 "Defensive Driving Course" or, in the case of a violation which
22 occurred during the operation of a motorcycle, the program shall
23 meet the standards established by the state highways and
24 transportation commission pursuant to sections 302.133 to
25 302.137. The completion of a driver-improvement program or a
26 motorcycle-rider training course shall not be accepted in lieu of
27 points more than one time in any thirty-six-month period and
28 shall be completed within sixty days of the date of conviction in
29 order to be accepted in lieu of the assessment of points. Every

1 court having jurisdiction pursuant to the provisions of this
2 subsection shall, within fifteen days after completion of the
3 driver-improvement program or motorcycle-rider training course by
4 an operator, forward a record of the completion to the director,
5 all other provisions of the law to the contrary notwithstanding.
6 The director shall establish procedures for record keeping and
7 the administration of this subsection."; and

8 Further amend said bill, Page 118, Section 304.200,
9 Line 11, by inserting after all of said line the following:

10 "304.890. As used in sections 304.890 to 304.894, the
11 following terms shall mean:

12 (1) "Active emergency", any incident occurring on a
13 highway, as the term "highway" is defined in section 302.010,
14 that requires emergency services from any emergency responder;

15 (2) "Active emergency zone", any area upon or around any
16 highway, which is visibly marked by emergency responders
17 performing work for the purpose of emergency response, and where
18 an active emergency, or incident removal, is temporarily
19 occurring. This area includes the lanes of highway leading up to
20 an active emergency or incident removal, beginning within three
21 hundred feet of visual sighting of:

22 (a) Appropriate signs or traffic control devices posted or
23 placed by emergency responders; or

24 (b) An emergency vehicle displaying active emergency lights
25 or signals;

26 (3) "Emergency responder", any law enforcement officer,
27 paid or volunteer firefighter, first responder, emergency medical
28 worker, tow truck operator, or other emergency personnel
29 responding to an emergency on a highway.

1 304.892. 1. Upon the first conviction, finding of guilt,
2 or plea of guilty by any person for a moving violation, as the
3 term "moving violation" is defined in section 302.010, or any
4 offense listed in section 302.302, other than a violation
5 described in subsection 2 of this section, when the violation or
6 offense occurs within an active emergency zone, the court shall
7 assess a fine of thirty-five dollars in addition to any other
8 fine authorized by law. Upon a second or subsequent conviction,
9 finding of guilt, or plea of guilty, the court shall assess a
10 fine of seventy-five dollars in addition to any other fine
11 authorized by law.

12 2. Upon the first conviction, finding of guilt, or plea of
13 guilty by any person for a speeding violation under either
14 section 304.009 or 304.010, or a passing violation under
15 subsection 3 of this section, when the violation or offense
16 occurs within an active emergency zone and emergency responders
17 were present in such zone at the time of the offense or
18 violation, the court shall assess a fine of two hundred fifty
19 dollars in addition to any other fine authorized by law. Upon a
20 second or subsequent conviction, finding of guilt, or plea of
21 guilty, the court shall assess a fine of three hundred dollars in
22 addition to any other fine authorized by law. However, no person
23 assessed an additional fine under this subsection shall also be
24 assessed an additional fine under subsection 1 of this section.

25 3. The driver of a motor vehicle may not overtake or pass
26 another motor vehicle within an active emergency zone. Violation
27 of this subsection is a class C misdemeanor.

28 4. The additional fines imposed by this section shall not
29 be construed to enhance the assessment of court costs or the

1 assessment of points under section 302.302.

2 304.894. 1. A person commits the offense of endangerment
3 of an emergency responder for any of the following offenses when
4 the offense occurs within an active emergency zone:

5 (1) Exceeding the posted speed limit by fifteen miles per
6 hour or more;

7 (2) Passing in violation of subsection 3 of section
8 304.892;

9 (3) Failure to stop for an active emergency zone flagman or
10 emergency responder, or failure to obey traffic control devices
11 erected, or personnel posted, in the active emergency zone for
12 purposes of controlling the flow of motor vehicles through the
13 zone;

14 (4) Driving through or around an active emergency zone via
15 any lane not clearly designated for motorists to control the flow
16 of traffic through or around the active emergency zone;

17 (5) Physically assaulting, attempting to assault, or
18 threatening to assault an emergency responder with a motor
19 vehicle or other instrument;

20 (6) Intentionally striking, moving, or altering barrels,
21 barriers, signs, or other devices erected to control the flow of
22 traffic to protect emergency responders and motorists unless the
23 action was necessary to avoid an obstacle, an emergency, or to
24 protect the health and safety of an occupant of the motor vehicle
25 or of another person; or

26 (7) Committing any of the following offenses for which
27 points may be assessed under section 302.302:

28 (a) Leaving the scene of an accident in violation of
29 section 577.060;

1 (b) Careless and imprudent driving in violation of
2 subsection 4 of section 304.016;

3 (c) Operating without a valid license in violation of
4 subdivision (1) or (2) of subsection 1 of section 302.020;

5 (d) Operating with a suspended or revoked license;

6 (e) Driving while in an intoxicated condition or under the
7 influence of controlled substances or drugs or driving with an
8 excessive blood alcohol content;

9 (f) Any felony involving the use of a motor vehicle.

10 2. Upon a finding of guilt or a plea of guilty for
11 committing the offense of endangerment of an emergency responder
12 under subsection 1 of this section, if no injury or death to an
13 emergency responder resulted from the offense, the court shall
14 assess a fine of not more than one thousand dollars, and four
15 points shall be assessed to the operator's license pursuant to
16 section 302.302.

17 3. A person commits the offense of aggravated endangerment
18 of an emergency responder upon a finding of guilt or a plea of
19 guilty for any offense under subsection 1 of this section when
20 such offense results in the injury or death of an emergency
21 responder. Upon a finding of guilt or a plea of guilty for
22 committing the offense of aggravated endangerment of an emergency
23 responder, in addition to any other penalty authorized by law,
24 the court shall assess a fine of not more than five thousand
25 dollars if the offense resulted in injury to an emergency
26 responder, and ten thousand dollars if the offense resulted in
27 the death of an emergency responder. In addition, twelve points
28 shall be assessed to the operator's license pursuant to section
29 302.302.

1 4. Except for the offense established under subdivision (6)
2 of subsection 1 of this section, no person shall be deemed to
3 have committed the offense of endangerment of an emergency
4 responder except when the act or omission constituting the
5 offense occurred when one or more emergency responders were
6 responding to an active emergency.

7 5. No person shall be cited for, or found guilty of,
8 endangerment of an emergency responder or aggravated endangerment
9 of an emergency responder, for any act or omission otherwise
10 constituting an offense under subsection 1 of this section, if
11 such act or omission resulted in whole or in part from mechanical
12 failure of the person's vehicle, or from the negligence of
13 another person or emergency responder."; and

14 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 11Offered by SEN GREEN of 18THAmend SS/SCS/HCS/House Bill No. 430, Page 118, Section 304.200, Line 11,

2 by inserting after all of said line the following:

3 "304.920. 1. A county, city, town, village, municipality,
4 state agency, or other political subdivision shall only employ
5 the use of automated speed enforcement systems to enforce
6 speeding violations in a school zone, construction zone, work
7 zone, or a MoDOT-Designated Travel Safe Zone as defined in
8 section 304.590.

9 2. As used in this section, the term "automated speed
10 enforcement system" means a device with one or more motor vehicle
11 sensors, including, but not limited to, photographic devices,
12 radar devices, laser devices, or other electrical or mechanical
13 devices, designed to record the speed of a motor vehicle and to
14 obtain a clear photograph or other recorded image of the motor
15 vehicle and the motor vehicle's license plate, which
16 automatically produces one or more photographs, one or more
17 microphotographs, a videotape, or other recorded image of a motor
18 vehicle at the time it is used or operated in violation of the
19 posted speed limit."; and

20 Further amend the title and enacting clause accordingly.

21
offered 5-10-11
adopted 5-10-11

SENATE AMENDMENT NO. 12Offered by Robin Weber of 5thAmend SS/SCS/HCS/House Bill No. 430, Page 76, Section 301.562, Line 26,

2 of said page, by inserting after all of said line the following:

3 "301.3084. 1. Any person may receive special license
 4 plates as prescribed by this section, for any motor vehicle such
 5 person owns, either solely or jointly, other than an apportioned
 6 motor vehicle or a commercial motor vehicle licensed in excess of
 7 eighteen thousand pounds gross weight[, after an annual
 8 contribution of an emblem-use authorization fee to the Friends of
 9 the Missouri Women's Council. Any contribution to the Friends of
 10 the Missouri Women's Council pursuant to this section, except
 11 reasonable administrative costs, shall be designated for the sole
 12 purpose of providing breast cancer services, including but not
 13 limited to screening, treatment, staging, and follow-up services.
 14 The Friends of the Missouri Women's Council hereby authorizes the
 15 use of its official emblem to be affixed on multiyear
 16 personalized license plates as provided in this section. Any
 17 person may annually apply for the use of the emblem]. Upon
 18 making a twenty-five dollar annual contribution to the breast
 19 cancer awareness fund, established in this section, the vehicle
 20 owner may apply for a "Breast Cancer Awareness" license plate.
 21 If the contribution is made directly to the state treasurer, the

offered 5-12-11
adopted 5-10-11

1 state treasurer shall issue the individual making the
2 contribution a receipt, verifying the contribution, that may be
3 used to apply for the "Breast Cancer Awareness" license plate.
4 If the contribution is made directly to the director of revenue,
5 the director shall note the contribution and the owner may then
6 apply for the "Breast Cancer Awareness" plate. The applicant for
7 such plate must pay a fifteen dollar fee in addition to the
8 regular registration fees and present any other documentation
9 required by law for each set of "Breast Cancer Awareness" plates
10 issued pursuant to this section. Notwithstanding the provisions
11 of section 301.144, no additional fee shall be charged for the
12 personalization of license plates issued pursuant to this
13 section.

14 2. [Upon annual application and payment of a twenty-five
15 dollar emblem-use contribution to the Friends of the Missouri
16 Women's Council, the organization shall issue to the vehicle
17 owner, without further charge, an emblem-use authorization
18 statement, which shall be presented by the owner to the
19 department of revenue at the time of registration of a motor
20 vehicle. Upon presentation of the annual statement, payment of a
21 fifteen dollar fee in addition to the registration fee and
22 documents which may be required by law, the department of revenue
23 shall issue to the vehicle owner a personalized] The "Breast
24 Cancer Awareness" license plate [which] shall bear a graphic
25 design depicting the breast cancer awareness pink ribbon symbol
26 [with the words "Breast Cancer Awareness" forming an oval around
27 the symbol,] and shall bear the words ["MISSOURI WOMEN'S
28 COUNCIL"] "BREAST CANCER AWARENESS" in place of the words
29 "SHOW-ME STATE". Such license plates shall be made with fully

1 reflective material with a common color scheme and design, shall
2 be clearly visible at night, and shall be aesthetically
3 attractive, as prescribed by section 301.130. Notwithstanding the
4 provisions of section 301.144, no additional fee shall be charged
5 for the personalization of license plates pursuant to this
6 section.

7 3. A vehicle owner, who was previously issued a plate with
8 a breast cancer awareness emblem authorized by this section but
9 who does not provide an emblem-use authorization statement at a
10 subsequent time of registration, shall be issued a new plate
11 which does not bear the emblem, as otherwise provided by law.
12 The director of revenue shall make necessary rules and
13 regulations for the administration of this section, and shall
14 design all necessary forms required by this section. No rule or
15 portion of a rule promulgated pursuant to the authority of this
16 section shall become effective unless it has been promulgated
17 pursuant to the provisions of chapter 536.

18 4. There is hereby created in the state treasury the
19 "Breast Cancer Awareness Fund" which shall consist of all gifts,
20 donations, transfers, and moneys appropriated by the general
21 assembly, and bequests to the fund. The fund shall be
22 administered by the department of health and senior services.

23 5. The state treasurer or the director of revenue shall
24 deposit the twenty-five dollar annual contribution in the breast
25 cancer awareness fund. Funds deposited pursuant to subsection 1
26 of this section shall be used to support breast cancer awareness
27 activities conducted by the department of health and senior
28 services.

29 6. The state treasurer shall be custodian of the fund and

1 may approve disbursements from the fund in accordance with
2 sections 30.170 and 30.180. Notwithstanding the provisions of
3 section 33.080, to the contrary, any moneys remaining in the fund
4 at the end of the biennium shall not revert to the credit of the
5 general revenue fund. The state treasurer shall invest moneys in
6 the fund in the same manner as other funds are invested. Any
7 interest and moneys earned on such investments shall be credited
8 to the fund."; and

9 Further amend the title and enacting clause accordingly