

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

96TH GENERAL ASSEMBLY

1235L.20T

2011

AN ACT

To repeal sections 21.795, 70.441, 226.540, 227.107, 301.010, 301.147, 301.225, 301.559, 301.560, 301.562, 301.3084, 302.302, 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, and 577.023, RSMo, and to enact in lieu thereof forty-two new sections relating to transportation, with penalty provisions, a contingent effective date for certain sections, and an effective date for a certain section.

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

Section A. Sections 21.795, 70.441, 226.540, 227.107, 301.010, 301.147, 301.225, 301.559, 301.560, 301.562, 301.3084, 302.302, 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304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, and 577.023, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 21.795, 70.441, 226.540, 226.541, 227.107, 301.010, 301.147, 301.225, 301.425, 301.559, 301.560, 301.562, 301.3084, 301.4036, 302.302, 302.309, 302.341, 302.700, 302.768, 304.120, 304.180, 304.200, 304.890, 304.892, 304.894, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, 390.280, 444.771, 537.293, 577.023, and 1, to read as follows:

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

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.

5 appointed to the joint committee, the seven senate members of the joint committee shall be
6 appointed by the president pro tem of the senate and minority leader of the senate and the seven
7 house members shall be appointed by the speaker of the house of representatives and the
8 minority floor leader of the house of representatives. **The seven senate members shall be**
9 **composed, as nearly as may be, of majority and minority party members in the same**
10 **proportion as the number of majority and minority party members in the senate bears to**
11 **the total membership of the senate.** No major party shall be represented by more than four
12 members from the house of representatives [nor more than four members from the senate]. The
13 ex officio members shall be the state auditor, the director of the oversight division of the
14 committee on legislative research, and the commissioner of the office of administration or the
15 designee of such auditor, director or commissioner. The joint committee shall be chaired jointly
16 by both chairs of the senate and house transportation committees. A majority of the committee
17 shall constitute a quorum, but the concurrence of a majority of the members, other than the ex
18 officio members, shall be required for the determination of any matter within the committee's
19 duties.

20 2. The department of transportation shall submit a written report prior to [November
21 tenth] **December thirty-first** of each year to the governor, lieutenant governor, and every
22 member of the senate and house of representatives. The report shall be posted to the
23 department's Internet website so that general assembly members may elect to access a copy of
24 the report electronically. The written report shall contain the following:

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

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

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

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

38 (d) Total state and federal revenue compared to the revenue estimate in the fifteen-year
39 highway plan as adopted in 1992. All expenditures made by, or on behalf of, the department for
40 personal services including fringe benefits, all categories of expense and equipment, real estate
41 and capital improvements shall be assigned to the categories listed in this subdivision in
42 conformity with generally accepted government accounting principles;

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

47 (3) The proposed allocation and expenditure of moneys and the proposed work plan for
48 the current fiscal year, at least the next four years, and for any period of time expressed in any
49 public transportation plan approved by either the general assembly or by the voters of Missouri.
50 This proposed allocation and expenditure of moneys shall include the amounts of proposed
51 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
52 subsection;

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

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

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

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

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

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

77 3. Prior to [December first] **February fifteenth** of each year, the committee shall hold
78 an annual meeting and call before its members, officials or employees of the state highways and
79 transportation commission or department of transportation, as determined by the committee, for
80 the sole purpose of receiving and examining the report required pursuant to subsection 2 of this
81 section. The committee shall not have the power to modify projects or priorities of the state

82 highways and transportation commission or department of transportation. The committee may
83 make recommendations to the state highways and transportation commission or the department
84 of transportation. Disposition of those recommendations shall be reported by the commission
85 or the department to the joint committee on transportation oversight.

86 4. In addition to the annual meeting required by subsection 3 of this section, the
87 committee shall meet two times each year. The co-chairs of the committee shall establish an
88 agenda for each meeting that may include, but not be limited to, the following items to be
89 discussed with the committee members throughout the year during the scheduled meeting:

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

91 (2) Discussion of department efficiencies and expenditure of cost-savings within the
92 department;

93 (3) Presentation of a status report on department of transportation revenues and
94 expenditures, including a detailed summary of projects funded by new state revenue as provided
95 in paragraph (a) of subdivision (1) of subsection 2 of this section; and

96 (4) Implementation of any actions as may be deemed necessary by the committee as
97 authorized by law. The co-chairs of the committee may call special meetings of the committee
98 with ten days' notice to the members of the committee, the director of the department of
99 transportation, and the department of transportation.

100 5. The committee shall also review all applications for the development of specialty
101 plates submitted to it by the department of revenue. The committee shall approve such
102 application by a majority vote. The committee shall approve any application unless the
103 committee receives:

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

106 (2) Notification that the organization seeking authorization to establish a new specialty
107 license plate has not met all the requirements of section 301.3150;

108 (3) A proposed new specialty license plate containing objectionable language or design;

109 (4) A proposed license plate not meeting the requirements of any reason promulgated
110 by rule. The committee shall notify the director of the department of revenue upon approval or
111 denial of an application for the development of a specialty plate.

112 6. The committee shall submit records of its meetings to the secretary of the senate and
113 the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.

70.441. 1. As used in this section, the following terms have the following meanings:

2 (1) "Agency", the bi-state development agency created by compact under section 70.370;

3 (2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive,
4 or other vehicle used or held for use by the agency as a means of transportation of passengers;

5 (3) "Facilities" includes all property and equipment, including, without limitation,
6 rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation
7 systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance

8 shops, yards, offices, parking lots and other real estate or personal property used or held for or
9 incidental to the operation, rehabilitation or improvement of any public mass transportation
10 system of the agency;

11 (4) "Person", any individual, firm, copartnership, corporation, association or company;
12 and

13 (5) "Sound production device" includes, but is not limited to, any radio receiver,
14 phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker
15 device and any sound amplifier.

16 2. In interpreting or applying this section, the following provisions shall apply:

17 (1) Any act otherwise prohibited by this section is lawful if specifically authorized by
18 agreement, permit, license or other writing duly signed by an authorized officer of the agency or
19 if performed by an officer, employee or designated agent of the agency acting within the scope
20 of his or her employment or agency;

21 (2) Rules shall apply with equal force to any person assisting, aiding or abetting another,
22 including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting
23 another in the avoidance of any of the requirements of the rules; and

24 (3) The singular shall mean and include the plural; the masculine gender shall mean the
25 feminine and the neuter genders; and vice versa.

26 3. (1) No person shall use or enter upon the light rail conveyances of the agency without
27 payment of the fare or other lawful charges established by the agency. Any person on any such
28 conveyance must have properly validated fare media in his possession. This ticket must be valid
29 to or from the station the passenger is using, and must have been used for entry for the trip then
30 being taken;

31 (2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare
32 media to gain entry to the facilities or conveyances of, or make use of the services of, the agency,
33 except as provided, authorized or sold by the agency and in accordance with any restriction on
34 the use thereof imposed by the agency;

35 (3) No person shall enter upon parking lots designated by the agency as requiring
36 payment to enter, either by electronic gate or parking meters, where the cost of such parking fee
37 is visibly displayed at each location, without payment of such fees or other lawful charges
38 established by the agency;

39 (4) Except for employees of the agency acting within the scope of their employment, no
40 person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass,
41 badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to
42 or use of the facilities, conveyances or services of the agency without the written permission of
43 an authorized representative of the agency;

44 (5) No person shall put or attempt to put any paper, article, instrument or item, other than
45 a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare
46 media issued by the agency and valid for the place, time and manner in which used, into any fare

47 box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection
48 instrument, receptacle, device, machine or location;

49 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have
50 been forged, counterfeited, imitated, altered or improperly transferred or that have been used in
51 a manner inconsistent with this section shall be confiscated;

52 (7) No person may perform any act which would interfere with the provision of transit
53 service or obstruct the flow of traffic on facilities or conveyances or which would in any way
54 interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances
55 of the agency;

56 (8) All persons on or in any facility or conveyance of the agency shall:

57 (a) Comply with all lawful orders and directives of any agency employee acting within
58 the scope of his employment;

59 (b) Obey any instructions on notices or signs duly posted on any agency facility or
60 conveyance; and

61 (c) Provide accurate, complete and true information or documents requested by agency
62 personnel acting within the scope of their employment and otherwise in accordance with law;

63 (9) No person shall falsely represent himself or herself as an agent, employee or
64 representative of the agency;

65 (10) No person on or in any facility or conveyance shall:

66 (a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or
67 unsanitary condition, including, but not limited to, spitting and urinating, except in facilities
68 provided;

69 (b) Drink any alcoholic beverage or possess any opened or unsealed container of
70 alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such
71 as bars and restaurants;

72 (c) Enter or remain in any facility or conveyance while his ability to function safely in
73 the environment of the agency transit system is impaired by the consumption of alcohol or by the
74 taking of any drug;

75 (d) Loiter or stay on any facility of the agency;

76 (e) Consume foods or liquids of any kind, except in those areas specifically authorized
77 by the agency;

78 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except
79 in those areas or locations specifically authorized by the agency; or

80 (g) Throw or cause to be propelled any stone, projectile or other article at, from, upon
81 or in a facility or conveyance;

82 (11) No weapon or other instrument intended for use as a weapon may be carried in or
83 on any facility or conveyance, except for law enforcement personnel. For the purposes hereof,
84 a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any
85 instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather

86 bands studded with metal, wood impregnated with metal filings or razor blades; except that this
87 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed
88 case, box or other container which completely conceals the item from view and identification as
89 a weapon;

90 (12) No explosives, flammable liquids, acids, fireworks or other highly combustible
91 materials or radioactive materials may be carried on or in any facility or conveyance, except as
92 authorized by the agency;

93 (13) No person, except as specifically authorized by the agency, shall enter or attempt
94 to enter into any area not open to the public, including, but not limited to, motorman's cabs,
95 conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms,
96 concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,
97 train yards, garages, depots or any area marked with a sign restricting access or indicating a
98 dangerous environment;

99 (14) No person may ride on the roof, the platform between rapid transit cars, or on any
100 other area outside any rapid transit car or bus or other conveyance operated by the agency;

101 (15) No person shall extend his hand, arm, leg, head or other part of his or her person
102 or extend any item, article or other substance outside of the window or door of a moving rapid
103 transit car, bus or other conveyance operated by the agency;

104 (16) No person shall enter or leave a rapid transit car, bus or other conveyance operated
105 by the agency except through the entrances and exits provided for that purpose;

106 (17) No animals may be taken on or into any conveyance or facility except the following:

107 (a) An animal enclosed in a container, accompanied by the passenger and carried in a
108 manner which does not annoy other passengers; and

109 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly
110 harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs
111 accompanying trainers carrying a certificate of identification issued by a dog school;

112 (18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights
113 or safety of others or without due caution and circumspection, or at a speed in such a manner as
114 to be likely to endanger persons or property on facilities of the agency. The speed limit on
115 parking lots and access roads shall be posted as fifteen miles per hour unless otherwise
116 designated.

117 4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any
118 violation of this section shall constitute a misdemeanor, and any person committing a violation
119 thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall
120 pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty
121 dollars per violation, in addition to court costs. Any default in the payment of a fine imposed
122 pursuant to this section without good cause shall result in imprisonment for not more than thirty
123 days;

124 (2) Unless a greater penalty is provided by the laws of the state, any person convicted
125 a second or subsequent time for the same offense under this section shall be guilty of a
126 misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred
127 dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such
128 fine and imprisonment;

129 (3) Any person failing to pay the proper fare, fee or other charge for use of the facilities
130 and conveyances of the agency shall be subject to payment of such charge as part of the judgment
131 against the violator. All proceeds from judgments for unpaid fares or charges shall be directed
132 to the appropriate agency official;

133 (4) All juvenile offenders violating the provisions of this section shall be subject to the
134 jurisdiction of the juvenile court as provided in chapter 211;

135 (5) As used in this section, the term "conviction" shall include all pleas of guilty and
136 findings of guilt.

137 **5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing**
138 **to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of**
139 **the bi-state development agency, as described in subdivision (3) of subsection 4 of this**
140 **section, shall, in addition to the unpaid fares or charges and any fines, penalties, or**
141 **sentences imposed by law, be required to reimburse the reasonable costs attributable to the**
142 **enforcement, investigation, and prosecution of such offense by the bi-state development**
143 **agency. The court shall direct the reimbursement proceeds to the appropriate agency**
144 **official.**

145 **6. (1)** Stalled or disabled vehicles may be removed from the roadways of the agency
146 property by the agency and parked or stored elsewhere at the risk and expense of the owner;

147 (2) Motor vehicles which are left unattended or abandoned on the property of the agency
148 for a period of over seventy-two hours may be removed as provided for in section 304.155,
149 except that the removal may be authorized by personnel designated by the agency under section
150 70.378.

226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor
2 advertising shall be permitted within six hundred and sixty feet of the nearest edge of the
3 right-of-way of highways located on the interstate, federal-aid primary system as it existed on
4 June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial
5 or the like and in unzoned commercial and industrial areas as defined in this section, subject to
6 the following regulations which are consistent with customary use in this state:

7 (1) Lighting:

8 (a) No revolving or rotating beam or beacon of light that simulates any emergency light
9 or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or
10 lights will be permitted except scoreboards and other illuminated signs designating public service
11 information, such as time, date, or temperature, or similar information, will be allowed;

12 tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri
13 highways and transportation commission regulations;

14 (b) External lighting, such as floodlights, thin line and gooseneck reflectors are
15 permitted, provided the light source is directed upon the face of the sign and is effectively
16 shielded so as to prevent beams or rays of light from being directed into any portion of the main
17 traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated
18 as part of the National Highway System by the National Highway System Designation Act of
19 1995 and those highways subsequently designated as part of the National Highway System and
20 the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor
21 vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

22 (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures,
23 an official traffic sign, device, or signal;

24 (2) Size of signs:

25 (a) The maximum area for any one sign shall be eight hundred square feet with a
26 maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border
27 and trim but excluding the base or apron, supports, and other structural members. The area shall
28 be measured as established herein and in rules promulgated by the commission. In determining
29 the size of a conforming or nonconforming sign structure, temporary cutouts and extensions
30 installed for the length of a specific display contract shall not be considered a substantial increase
31 to the size of the permanent display; provided the actual square footage of such temporary
32 cutouts or extensions may not exceed thirty-three percent of the permanent display area. Signs
33 erected in accordance with the provisions of sections 226.500 to 226.600 prior to August 28,
34 2002, which fail to meet the requirements of this provision shall be deemed legally
35 nonconforming as defined herein;

36 (b) The maximum size limitations shall apply to each side of a sign structure, and signs
37 may be placed back to back, double faced, or in V-type construction with not more than two
38 displays to each facing, but such sign structure shall be considered as one sign;

39 (c) After August 28, 1999, no new sign structure shall be erected in which two or more
40 displays are stacked one above the other. Stacked structures existing on or before August 28,
41 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming
42 and may be maintained in accordance with the provisions of sections 226.500 to 226.600.
43 Structures displaying more than one display on a horizontal basis shall be allowed, provided that
44 total display areas do not exceed the maximum allowed square footage for a sign structure
45 pursuant to the provisions of paragraph (a) of this subdivision;

46 (3) Spacing of signs:

47 (a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways
48 as of June 1, 1991, and all highways designated as part of the National Highway System by the
49 National Highway System Designation Act of 1995 and those highways subsequently designated
50 as part of the National Highway System:

51 a. No sign structure shall be erected within one thousand four hundred feet of an existing
52 sign on the same side of the highway;

53 b. Outside of incorporated municipalities, no structure may be located adjacent to or
54 within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five
55 hundred feet shall be measured from the beginning or ending of the pavement widening at the
56 exit from or entrance to the main traveled way. For purpose of this subparagraph, the term
57 "incorporated municipalities" shall include "urban areas", except that such "urban areas" shall
58 not be considered "incorporated municipalities" if it is finally determined that such would have
59 the effect of making Missouri be in noncompliance with the requirements of Title 23, United
60 States Code, Section 131;

61 (b) The spacing between structure provisions of this subdivision do not apply to signs
62 which are separated by buildings, natural surroundings, or other obstructions in such manner that
63 only one sign facing located within such distance is visible at any one time. Directional or other
64 official signs or those advertising the sale or lease of the property on which they are located, or
65 those which advertise activities on the property on which they are located, including products
66 sold, shall not be counted, nor shall measurements be made from them for the purpose of
67 compliance with spacing provisions;

68 (c) No sign shall be located in such manner as to obstruct or otherwise physically
69 interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or
70 physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting
71 traffic;

72 (d) The measurements in this section shall be the minimum distances between outdoor
73 advertising sign structures measured along the nearest edge of the pavement between points
74 directly opposite the signs along each side of the highway and shall apply only to outdoor
75 advertising sign structures located on the same side of the highway involved;

76 (4) As used in this section, the words "unzoned commercial and industrial land" shall
77 be defined as follows: that area not zoned by state or local law or ordinance and on which there
78 is located one or more permanent structures used for a commercial business or industrial activity
79 or on which a commercial or industrial activity is actually conducted together with the area along
80 the highway extending outwardly seven hundred fifty feet from and beyond the edge of such
81 activity. All measurements shall be from the outer edges of the regularly used improvements,
82 buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial
83 activity and along and parallel to the edge of the pavement of the highway. Unzoned land shall
84 not include:

85 (a) Land on the opposite side of the highway from an unzoned commercial or industrial
86 area as defined in this section and located adjacent to highways located on the interstate,
87 federal-aid primary system as it existed on June 1, 1991, or the national highway system as
88 amended, unless the opposite side of the highway qualifies as a separate unzoned commercial
89 or industrial area; or

90 (b) Land zoned by a state or local law, regulation, or ordinance;

91 (5) "Commercial or industrial activities" as used in this section means those which are
92 generally recognized as commercial or industrial by zoning authorities in this state, except that
93 none of the following shall be considered commercial or industrial:

94 (a) Outdoor advertising structures;

95 (b) Agricultural, forestry, ranching, grazing, farming, and related activities, including
96 seasonal roadside fresh produce stands;

97 (c) Transient or temporary activities;

98 (d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way
99 or not visible from the main traveled way;

100 (e) Activities conducted in a building principally used as a residence;

101 (f) Railroad tracks and minor sidings;

102 (6) The words "unzoned commercial or industrial land" shall also include all areas not
103 specified in this section which constitute an "unzoned commercial or industrial area" within the
104 meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may
105 be amended. As used in this section, the words "zoned commercial or industrial area" shall refer
106 to those areas zoned commercial or industrial by the duly constituted zoning authority of a
107 municipality, county, or other lawfully established political subdivision of the state, or by the
108 state and which is within seven hundred fifty feet of one or more permanent commercial or
109 industrial activities. Commercial or industrial activities as used in this section are limited to those
110 activities:

111 (a) In which the primary use of the property is commercial or industrial in nature;

112 (b) Which are clearly visible from the highway and recognizable as a commercial
113 business;

114 (c) Which are permanent as opposed to temporary or transitory and of a nature that
115 would customarily be restricted to commercial or industrial zoning in areas comprehensively
116 zoned; and

117 (d) In determining whether the primary use of the property is commercial or industrial
118 pursuant to paragraph (a) of this subdivision, the state highways and transportation commission
119 shall consider the following factors:

120 a. The presence of a permanent and substantial building;

121 b. The existence of utilities and local business licenses, if any, for the commercial
122 activity;

123 c. On-premise signs or other identification;

124 d. The presence of an owner or employee on the premises for at least twenty hours per
125 week;

126 (7) In zoned commercial and industrial areas, whenever a state, county or municipal
127 zoning authority has adopted laws or ordinances which include regulations with respect to the
128 size, lighting and spacing of signs, which regulations are consistent with the intent of sections

129 226.500 to 226.600 and with customary use, then from and after the effective date of such
130 regulations, and so long as they shall continue in effect, the provisions of this section shall not
131 apply to the erection of signs in such areas. Notwithstanding any other provisions of this section,
132 after August 28, 1992, with respect to any outdoor advertising which is regulated by the
133 provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

134 (a) No county or municipality shall issue a permit to allow a regulated sign to be newly
135 erected without a permit issued by the state highways and transportation commission;

136 (b) A county or municipality may charge a reasonable one-time permit or inspection fee
137 to assure compliance with local wind load and electrical requirements when the sign is first
138 erected, but a county or municipality may not charge a permit or inspection fee for such sign after
139 such initial fee. Changing the display face or performing routine maintenance shall not be
140 considered as erecting a new sign;

141 (c) **Local regulations adopted pursuant to this section or section 71.288 may be**
142 **more restrictive than the size, height, lighting, and spacing provisions specified in this**
143 **section, provided such local regulations allow for customary usage and comply with the**
144 **intent of this section. Local regulations may not prohibit off-premise outdoor advertising**
145 **structures on commercial or industrial property within six hundred sixty feet of federal aid**
146 **primary or interstate highways. The term "prohibit" as used in this subsection shall only**
147 **mean an absolute prohibition of outdoor advertising, and shall not be interpreted as**
148 **limiting local authorities' discretion in determining appropriate size, height, lighting, and**
149 **spacing provisions, or in determining appropriate zoning districts for outdoor advertising**
150 **or imposing other regulations deemed necessary by the local authorities;**

151 (8) The state highways and transportation commission on behalf of the state of Missouri,
152 may seek agreement with the Secretary of Transportation of the United States under Section 131
153 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in
154 conformance with that Section 131 and provides effective control of outdoor advertising signs
155 as set forth therein. If such agreement cannot be reached and the penalties under subsection (b)
156 of Section 131 are invoked, the attorney general of this state shall institute proceedings described
157 in subsection (1) of that Section 131.

226.541. 1. As used in this section, the following words or phrases mean:

2 (1) **"Conforming out of standard signs", signs that fail to meet the current statutory**
3 **and administrative rule requirements for outdoor advertising but currently comply with**
4 **the terms of the federal/state agreement and meet the August 27, 1999, statutory and**
5 **administrative rule requirements that governed outdoor advertising and the highway**
6 **beautification act of 1965;**

7 (2) **"Federal/state agreement", an agreement executed between the United States**
8 **Department of Transportation and the state highways and transportation commission on**
9 **February 22, 1972, for carrying out national policy relative to control of outdoor**

10 advertising in areas adjacent to the national system of interstate and defense highways and
11 the federal-aid primary system;

12 (3) "Reset", movement of a sign structure from one location to another location on
13 the same or adjoining property, if the adjoining property is zoned commercial or industrial
14 and the owner of the sign has obtained the legal right to erect a sign on the adjoining
15 property from its owner, as authorized by a sign permit amendment and the terms of an
16 executed written partial waiver and reset agreement between the permit owner and the
17 state highways and transportation commission;

18 (4) "Substantially rebuilt", any reconstruction or repair of a sign that requires the
19 replacement of fifty-one percent or more of the sign structure's support poles in a twelve-
20 month period.

21 2. Subject to the provisions of this section, and if allowed by applicable local
22 regulations, conforming out of standard signs shall be treated as conforming signs under
23 commission administrative rules, including new display technologies, lighting, cutouts, and
24 extensions, except that such signs shall not be substantially rebuilt except in accordance
25 with the provisions of this section. If allowed by applicable local regulations, new
26 technologies, lighting, cutouts, and extensions may be utilized on conforming and
27 conforming out of standard signs in accordance with Missouri department of
28 transportation regulations.

29 3. On the date the commission approves funding for any phase or portion of
30 construction or reconstruction of any street or highway, the rules in effect for outdoor
31 advertising on August 27, 1999, shall be reinstated for that section of highway scheduled
32 for construction and there shall immediately be a moratorium imposed on the issuance of
33 state sign permits for new sign structures.

34 4. Owners of existing signs which meet the requirements for outdoor advertising
35 in effect on August 27, 1999, and the requirements of the federal/state agreement and who
36 voluntarily execute a partial waiver and reset agreement may reset such signs on the same
37 or adjoining property. Such reset agreements shall be contingent upon obtaining any
38 required local approval to reset the sign structure. Any sign which has been reset must still
39 comply with the August 27, 1999, outdoor advertising regulations after it has been reset.

40 5. Owners of existing signs who elect to reset qualifying signs shall receive
41 compensation representing the actual cost to reset the existing sign. Signs which have been
42 reset under these provisions must be reconstructed of the same type materials and may not
43 exceed the square footage of the original sign structure.

44 6. Sign owners may elect to reset existing qualifying signs by executing a partial
45 waiver and reset agreement with the commission. Such agreement shall specify the size,
46 type, and location of the rebuilt sign and the reset expenses to be paid to the owner by the
47 commission. In the event the owner fails to execute such an agreement within one hundred
48 twenty days of receiving written notice the sign will be displaced by construction, the

49 commission shall have the right at its sole discretion to initiate normal condemnation
50 procedures for the compensated removal of the sign.

51 **7. Immediately upon the completion of construction on any section of highway, the**
52 **moratorium on new permits shall be lifted and the rules for outdoor advertising in effect**
53 **on the date the construction is completed shall apply to such section of highway.**

54 **8. Local zoning authorities may prohibit the resetting of qualifying signs which fail**
55 **to comply with local regulations.**

56 **9. All signs shall be subject to the biennial inspection fees under section 226.550.**

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an
2 alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state
3 highways and transportation commission is authorized to enter into highway design-build project
4 contracts. The total number of highway design-build project contracts awarded by the
5 commission in any state fiscal year shall not exceed two percent of the total number of all state
6 highway system projects **awarded to contracts for construction from projects** listed in the
7 commission's approved statewide transportation improvement project for that state fiscal year.
8 Authority to enter into design-build projects granted by this section shall expire on July 1, [2012]
9 **2018**, unless extended by statute.

10 2. Notwithstanding provisions of subsection 1 of this section to the contrary, the state
11 highways and transportation commission is authorized to enter into additional design-build
12 contracts for the design, construction, reconstruction, or improvement of Missouri Route 364 as
13 contained in any county with a charter form of government and with more than two hundred fifty
14 thousand but fewer than three hundred fifty thousand inhabitants and in any county with a charter
15 form of government and with more than one million inhabitants, and the State Highway 169 and
16 96th Street intersection located within a home rule city with more than four hundred thousand
17 inhabitants and located in more than one county. The state highways and transportation
18 commission is authorized to enter into an additional design-build contract for the design,
19 construction, reconstruction, or improvement of State Highway 92, contained in a county of the
20 first classification with more than one hundred eighty-four thousand but fewer than one hundred
21 eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its
22 intersection with State Highway E. **The state highways and transportation commission is**
23 **authorized to enter into an additional design-build contract for the design, construction,**
24 **reconstruction, or improvement of US 40/61 I-64 Missouri River Bridge as contained in**
25 **any county with a charter form of government and with more than one million inhabitants**
26 **and any county with a charter form of government and with more than two hundred fifty**
27 **thousand but fewer than three hundred fifty thousand inhabitants.** The authority to enter
28 into a design-build highway project under this subsection shall not be subject to the time
29 limitation expressed in subsection 1 of this section.

30 3. For the purpose of this section a "design-builder" is defined as an individual,
31 corporation, partnership, joint venture or other entity, including combinations of such entities
32 making a proposal to perform or performing a design-build highway project contract.

33 4. For the purpose of this section, "design-build highway project contract" is defined as
34 the procurement of all materials and services necessary for the design, construction,
35 reconstruction or improvement of a state highway project in a single contract with a
36 design-builder capable of providing the necessary materials and services.

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

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

44 7. In any design-build highway project contract, whether involving state or federal funds,
45 the commission shall require that each person submitting a request for qualifications provide a
46 detailed disadvantaged business enterprise participation plan. The plan shall provide information
47 describing the experience of the person in meeting disadvantaged business enterprise
48 participation goals, how the person will meet the department of transportation's disadvantaged
49 business enterprise participation goal and such other qualifications that the commission considers
50 to be in the best interest of the state.

51 8. The commission is authorized to issue a request for proposals to a maximum of five
52 design-builders prequalified in accordance with subsection 6 of this section.

53 9. The commission may require approval of any person performing subcontract work on
54 the design-build highway project.

55 10. Notwithstanding the provisions of sections 107.170, and 227.100, to the contrary,
56 the commission shall require the design-builder to provide to the commission directly such bid,
57 performance and payment bonds, or such letters of credit, in such terms, durations, amounts, and
58 on such forms as the commission may determine to be adequate for its protection and provided
59 by a surety or sureties authorized to conduct surety business in the state of Missouri or a federally
60 insured financial institution or institutions, satisfactory to the commission, including but not
61 limited to:

62 (1) A bid or proposal bond, cash or a certified or cashier's check;

63 (2) A performance bond or bonds for the construction period specified in the
64 design-build highway project contract equal to a reasonable estimate of the total cost of
65 construction work under the terms of the design-build highway project contract. If the
66 commission determines in writing supported by specific findings that the reasonable estimate of
67 the total cost of construction work under the terms of the design-build highway project contract
68 is expected to exceed two-hundred fifty million dollars and a performance bond or bonds in such

69 amount is impractical, the commission shall set the performance bond or bonds at the largest
70 amount reasonably available, but not less than two-hundred fifty million dollars, and may require
71 additional security, including but not limited to letters of credit, for the balance of the estimate
72 not covered by the performance bond or bonds;

73 (3) A payment bond or bonds that shall be enforceable under section 522.300 for the
74 protection of persons supplying labor and material in carrying out the construction work provided
75 for in the design-build highway project contract. The aggregate amount of the payment bond or
76 bonds shall equal a reasonable estimate of the total amount payable for the cost of construction
77 work under the terms of the design-build highway project contract unless the commission
78 determines in writing supported by specific findings that a payment bond or bonds in such
79 amount is impractical, in which case the commission shall establish the amount of the payment
80 bond or bonds; except that the amount of the payment bond or bonds shall not be less than the
81 aggregate amount of the performance bond or bonds and any additional security to such
82 performance bond or bonds; and

83 (4) Upon award of the design-build highway project contract, the sum of the performance
84 bond and any required additional security established under subdivisions (2) and (3) of this
85 subsection shall be stated, and shall be a matter of public record.

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

87 12. The commission is empowered to make all final decisions concerning the
88 performance of the work under the design-build highway project contract, including claims for
89 additional time and compensation.

90 13. The provisions of sections 8.285 to 8.291 shall not apply to the procurement of
91 architectural, engineering or land surveying services for the design-build highway project, except
92 that any person providing architectural, engineering or land surveying services for the
93 design-builder on the design-build highway project must be licensed in Missouri to provide such
94 services.

95 14. The commission shall pay a reasonable stipend to prequalified responsive
96 design-builders who submit a proposal, but are not awarded the design-build highway project.

97 15. The commission shall comply with the provisions of any act of congress or any
98 regulations of any federal administrative agency which provides and authorizes the use of federal
99 funds for highway projects using the design-build process.

100 16. The commission shall promulgate administrative rules to implement this section or
101 to secure federal funds. Such rules shall be published for comment in the Missouri Register and
102 shall include prequalification criteria, the make-up of the prequalification review team,
103 specifications for the design criteria package, the method of advertising, receiving and evaluating
104 proposals from design-builders, the criteria for awarding the design-build highway project based
105 on the design criteria package and a separate proposal stating the cost of construction, and other
106 methods, procedures and criteria necessary to administer this section.

17. The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the joint transportation oversight committee in accordance with the provisions of section 21.795. The annual report prior to advertisement of the design-build highway project contracts shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design-builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

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

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

20. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

21. For any highway design-build project constructed under this section, the commission shall negotiate and reach agreements with affected railroads. Such agreements shall include clearance, safety, insurance, and indemnification provisions, but are not required to include provisions on right-of-way acquisitions.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, 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 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;

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

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 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, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 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, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

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, adjacent thereto, forming a part of a public transportation system within such
111 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 motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing

163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
168 exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of one thousand eight hundred fifty pounds or less, traveling on four or more
170 nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV
171 trails;

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

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

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

184 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

185 (a) Was damaged during a year that is no more than six years after the manufacturer's
186 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
187 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
188 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
189 immediately preceding the time it was damaged;

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

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

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

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

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

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

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

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

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

217 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
218 primarily for the transportation of persons or property and incidentally operated or moved over
219 the highways, including farm equipment, implements of husbandry, road construction or
220 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
221 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
222 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
223 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

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

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

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

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

238 (60) "Trailer", any vehicle without motive power designed for carrying property or
239 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
240 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed

241 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
242 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
243 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
244 as defined in section 700.010;

245 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
246 property;

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

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

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

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

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

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

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

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

301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary,
2 beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than
3 commercial motor vehicles licensed in excess of [twelve] **fifty-four** thousand pounds gross
4 weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an
5 even-numbered model year vehicle shall be renewed each even-numbered calendar year and any
6 such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each
7 odd-numbered calendar year, subject to the following requirements:

8 (1) The fee collected at the time of biennial registration shall include the annual
9 registration fee plus a pro rata amount for the additional twelve months of the biennial
10 registration;

11 (2) Presentation of all documentation otherwise required by law for vehicle registration
12 including, but not limited to, a personal property tax receipt or certified statement for the
13 preceding year that no such taxes were due as set forth in section 301.025, proof of a motor
14 vehicle safety inspection and any applicable emission inspection conducted within sixty days
15 prior to the date of application and proof of insurance as required by section 303.026.

16 2. The director of revenue may prescribe rules and regulations for the effective
17 administration of this section. The director is authorized to adopt those rules that are reasonable
18 and necessary to accomplish the limited duties specifically delegated within this section. Any
19 rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant
20 to the authority delegated in this section shall become effective only if it has been promulgated
21 pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and
22 if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
23 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
24 the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be
25 invalid and void.

26 3. The director of revenue shall have the authority to stagger the registration period of
27 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand
28 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial
29 registration, such registration must be maintained for the full twenty-four month period.

301.225. Every person licensed or required to be licensed shall maintain for three years
2 on vehicles not more than seven years old a record of:

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

7 (2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its
8 wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.
9 Every such record shall be retained by the person licensed or required to be licensed at his
10 principal place of business and shall be open to inspection by any representative of the
11 department, member or authorized or designated employee of the Missouri highway patrol, or
12 any police officer during reasonable business hours. Members of the patrol, **any representative**
13 **of the department**, or any police officer may inspect the premises of every person licensed or
14 required to be licensed at any time that business is being conducted or work is being performed,
15 whether or not open to the public to enforce the provisions of sections 301.217 to 301.229.

301.425. If any peace officer or the director of revenue or his or her designated
2 **representative has probable cause to believe that a certificate of ownership, a license plate,**
3 **a license plate tab, a Missouri drivers license, or a Missouri nondriver identification card**
4 **was obtained fraudulently, any person in possession of said item shall surrender same to**
5 **the peace officer or the director of revenue or his or her designated representative upon**
6 **request. Any person failing to do so shall be deemed guilty of a class A misdemeanor.**

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
2 vehicle dealer, boat dealer, manufacturer , boat manufacturer, public motor vehicle auction,
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
4 license from the department as required in sections 301.550 to 301.573. Any person who
5 maintains or operates any business wherein a license is required pursuant to the provisions of
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class
8 D felony.

9 2. All dealer licenses shall expire on December thirty-first of [each year] **the designated**
10 **license period.** The department shall notify each person licensed under sections 301.550 to
11 301.573 of the date of license expiration and the amount of the fee required for renewal. The
12 notice shall be mailed at least ninety days before the date of license expiration to the licensee's
13 last known business address. **The director shall have the authority to issue licenses valid for**
14 **a period of up to two years and to stagger the license periods for administrative efficiency**
15 **and equalization of workload, at the sole discretion of the director.**

16 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
17 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
18 application to the department for issuance of a license. The application shall be on forms
19 prescribed by the department and shall be issued under the terms and provisions of sections
20 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a
21 license, to provide such information as the department may deem necessary to determine that the
22 applicant is bona fide and of good moral character, except that every application for a license
23 shall contain, in addition to such information as the department may require, a statement to the
24 following facts:

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which
54 resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws
55 which resulted in a felony conviction or finding of guilt.

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

(5) Notwithstanding any provision of this chapter or any rule promulgated by the department to the contrary, a wholesale motor vehicle dealer that maintains an inventory of historic and non-historic motor vehicles in one licensed location, none of which are encumbered by a security interest, with an insured value in excess of ten million dollars, and sells or offers to sell motor vehicles primarily through public motor vehicle auctions or wholesale motor vehicle auctions licensed pursuant to chapter 343 shall be exempt from:

(a) Maintaining the books, records, files, and other matters required and necessary to conduct the business at the licensed place of business, as long as such books, records, files, and other matters required and necessary to conduct business are maintained and available for inspection by the department or any law enforcement officer at an office of the dealer in this state that is identified on the application to the department; and

(b) Maintaining or posting minimum hours of operation.

As used in this subdivision, "primarily" means ninety percent or more of the dealer's sales by dollar amount, in each calendar year, are through public motor vehicle auctions or wholesale motor vehicle auctions;

(6) Notwithstanding any provision of this chapter or any rule promulgated by the department to the contrary, a new motor vehicle franchise dealer shall be exempt from maintaining the books, records, files, and other matters required and necessary to conduct the business at the licensed place of business, as long as such books, records, files, and other matters required and necessary to conduct business are maintained and available for inspection by the department or any law enforcement officer, at an office of the dealer in this state that is identified on the application to the department.

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

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

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

126 New motor vehicle franchise dealers D-0 through D-999

127 New powersport dealers and motorcycle franchise dealers D-1000 through D-1999

128 Used motor vehicle, used powersport, and used motorcycle dealers . D-2000 through D-9999

129 Wholesale motor vehicle dealers W-0 through W-1999

130 Wholesale motor vehicle auctions WA-0 through WA-999

131 New and used trailer dealers T-0 through T-9999

132 Motor vehicle, trailer, and boat manufacturers DM-0 through DM-999

133 Public motor vehicle auctions A-0 through A-1999

134 Boat dealers M-0 through M-9999

135 New and used recreational motor vehicle dealers RV-0 through RV-999

136 For purposes of this subsection, qualified transactions shall include the purchase of salvage titled
137 vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage
138 dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified
139 transactions annually. In order for salvage dealers to obtain number plates or certificates under
140 this section, dealers shall submit to the department of revenue on August first of each year a
141 statement certifying, under penalty of perjury, the dealer's number of purchases during the
142 reporting period of July first of the immediately preceding year to June thirtieth of the present
143 year. The provisions of this subsection shall become effective on the date the director of the
144 department of revenue begins to reissue new license plates under section 301.130, or on
145 December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new
146 license plates under the authority granted under section 301.130 prior to December 1, 2008, the
147 director of the department of revenue shall notify the revisor of statutes of such fact.

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

151 6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport
152 dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one
153 number plate bearing the distinctive dealer license number and may issue two additional number
154 plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the
155 number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each
156 additional number plate. Such license plates shall be made with fully reflective material with
157 a common color scheme and design, shall be clearly visible at night, and shall be aesthetically
158 attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be
159 entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee.
160 Additional number plates and as many additional certificates of number may be obtained upon
161 payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor
162 vehicle manufacturers shall not be issued or possess more than three hundred forty-seven

163 additional number plates or certificates of number annually. New and used motor vehicle
164 dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are
165 limited to one additional plate or certificate of number per ten-unit qualified transactions
166 annually. New and used recreational motor vehicle dealers are limited to two additional plates
167 or certificate of number per ten-unit qualified transactions annually for their first fifty
168 transactions and one additional plate or certificate of number per ten-unit qualified transactions
169 thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her
170 initial application the applicant's proposed annual number of sales in order for the director to
171 issue the appropriate number of additional plates or certificates of number. A motor vehicle
172 dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor
173 vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a
174 distinctive dealer license plate or certificate of number or additional license plate or additional
175 certificate of number, throughout the calendar year, shall be required to pay a fee for such license
176 plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed
177 for the original and duplicate number plates or certificates of number for such dealers' licenses,
178 multiplied by the number of months remaining in the licensing period for which the dealer or
179 manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at
180 the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a
181 certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain
182 number plates or certificates under this section, dealers shall submit to the department of revenue
183 on August first of each year a statement certifying, under penalty of perjury, the dealer's number
184 of sales during the reporting period of July first of the immediately preceding year to June
185 thirtieth of the present year.

186 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
187 motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to
188 subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held
189 for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle,
190 for use and display purposes during, but not limited to, parades, private events, charitable events,
191 or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer
192 hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle
193 dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under
194 a loaded condition. Trailer dealers may display their dealer license plates in like manner, except
195 such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

196 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
197 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
198 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
199 an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor
200 vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer
201 hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers

202 and boat manufacturers may display their certificate of number on a vessel or vessel trailer when
203 transporting a vessel or vessels to an exhibit or show.

204 9. (1) Every application for the issuance of a used motor vehicle dealer's license shall
205 be accompanied by proof that the applicant, within the last twelve months, has completed an
206 educational seminar course approved by the department as prescribed by subdivision (2) of this
207 subsection. Wholesale and public auto auctions and applicants currently holding a new or used
208 license for a separate dealership shall be exempt from the requirements of this subsection. The
209 provisions of this subsection shall not apply to current new motor vehicle franchise dealers or
210 motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle
211 leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers
212 who were licensed prior to August 28, 2006.

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

301.562. 1. The department may refuse to issue or renew any license required pursuant
2 to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2
3 of this section. The department shall notify the applicant or licensee in writing at his or her last
4 known address of the reasons for the refusal to issue or renew the license and shall advise the
5 applicant or licensee of his or her right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any license issued under sections
9 301.550 to 301.573 for any one or any combination of the following causes:

10 (1) The applicant or license holder was previously the holder of a license issued under
11 sections 301.550 to 301.573, which license was revoked for cause and never reissued by the
12 department, or which license was suspended for cause and the terms of suspension have not been
13 fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and
17 the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense
21 reasonably related to the qualifications, functions, or duties of any business licensed under
22 sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty,
23 or an act of violence; or for any offense involving moral turpitude, whether or not sentence is
24 imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
26 pursuant to sections 301.550 to 301.573;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters **143**, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters **143, 144**, 306, 307, 407, 578, and 643;

32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a
46 conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, **except for the matters set forth in**
50 **subsection 5 of this section**, be conducted in accordance with the provisions of chapter 621.
51 Upon a finding by the administrative hearing commission that the grounds, provided in
52 subsection 2 of this section, for disciplinary action are met, the department may, singly or in
53 combination, refuse to issue the person a license, **issue a license for a period of less than two**
54 **years**, issue a private reprimand, place the person on probation on such terms and conditions as
55 the department deems appropriate for a period of one day to five years, suspend the person's
56 license from one day to six days, or revoke the person's license for such period as the department
57 deems appropriate. The applicant or licensee shall have the right to appeal the decision of the
58 administrative hearing commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
61 to that licensee. **If any licensee who has been suspended or revoked shall neglect or refuse**
62 **to surrender his or her license or distinctive number license plates issued under sections**
63 **301.550 to 301.580, the director shall direct any agent or employee of the department or**

64 any law enforcement officer, to secure possession thereof and return such items to the
65 director. For purposes of this subsection, a "law enforcement officer" means any member
66 of the highway patrol or water patrol, any sheriff or deputy sheriff, or any peace officer
67 certified under chapter 590 acting in his or her official capacity. Failure of the licensee to
68 surrender his or her license or distinctive number license plates upon demand by the
69 director, any agent or employee of the department, or any law enforcement officer shall be
70 a class A misdemeanor.

71 5. Notwithstanding the foregoing provisions of this section, the following events or
72 acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to
73 present a clear and present danger to the public welfare and shall be considered cause for
74 suspension or revocation of such license under the procedure set forth in subsection 6 of
75 this section, at the discretion of the director:

76 (1) The expiration or revocation of any corporate surety bond or irrevocable letter
77 of credit, as required by section 301.560, without submission of a replacement bond or
78 letter of credit which provides coverage for the entire period of licensure;

79 (2) The failure to maintain a bona fide established place of business as required by
80 section 301.560;

81 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of section
82 301.562; or

83 (4) Three or more occurrences of violations, which have been established following
84 proceedings before the administrative hearing commission under subsection 3 of this
85 section, or which have been established following proceedings before the director under
86 subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643
87 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306,
88 307, 578, and 643, not previously set forth herein.

89 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
90 revoked, following an evidentiary hearing before the director or his or her designated
91 hearing officer, if affidavits or sworn testimony by an authorized agent of the department
92 alleges the occurrence of any of the events or acts described in subsection 5 of this section.

93 (2) For any license which the department believes may be subject to suspension or
94 revocation under this subsection, the director shall immediately issue a notice of hearing
95 to the licensee of record. The director's notice of hearing:

96 (a) Shall be served upon the licensee personally or by first class mail to the dealer's
97 last known address, as registered with the director;

98 (b) Shall be based on affidavits or sworn testimony presented to the director, and
99 shall notify the licensee that such information presented therein constitutes cause to
100 suspend or revoke the licensee's license;

101 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

102 (d) Shall specify the events or acts which may provide cause for suspension or
103 revocation of the license, and shall include with the notice a copy of all affidavits, sworn
104 testimony or other information presented to the director which support discipline of the
105 license; and

106 (e) Shall inform the licensee that he or she has the right to attend the hearing and
107 present any evidence in his or her defense, including evidence to show that the event or act
108 which may result in suspension or revocation has been corrected to the director's
109 satisfaction, and that he or she may be represented by counsel at the hearing.

110 (3) At any hearing before the director conducted under this subsection, the director
111 or his or her designated hearing officer shall consider all evidence relevant to the issue of
112 whether the license should be suspended or revoked due to the occurrence of any of the
113 acts set forth in subsection 5 herein. Within twenty business days after such hearing, the
114 director or his or her designated hearing officer shall issue a written order, with findings
115 of fact and conclusions of law, which either grants or denies the issuance of an order of
116 suspension or revocation. The suspension or revocation shall be effective ten days after the
117 date of the order. The written order of the director or his or her hearing officer shall be
118 the final decision of the director and shall be subject to judicial review under the provisions
119 of chapter 536.

120 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621, to the
121 contrary, the proceedings under this section shall be closed and no order shall be made
122 public until it is final, for purposes of appeal.

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

19 **any other documentation required by law for each set of "Breast Cancer Awareness"**
20 **plates issued pursuant to this section. Notwithstanding the provisions of section 301.144,**
21 **no additional fee shall be charged for the personalization of license plates issued pursuant**
22 **to this section.**

23 2. [Upon annual application and payment of a twenty-five dollar emblem-use contribution
24 to the Friends of the Missouri Women's Council, the organization shall issue to the vehicle
25 owner, without further charge, an emblem-use authorization statement, which shall be presented
26 by the owner to the department of revenue at the time of registration of a motor vehicle. Upon
27 presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration
28 fee and documents which may be required by law, the department of revenue shall issue to the
29 vehicle owner a personalized] **The "Breast Cancer Awareness"** license plate [which] shall bear
30 a graphic design depicting the breast cancer awareness pink ribbon symbol [with the words
31 "Breast Cancer Awareness" forming an oval around the symbol,] and shall bear the words
32 ["MISSOURI WOMEN'S COUNCIL"] **"BREAST CANCER AWARENESS"** in place of the
33 words "SHOW-ME STATE". Such license plates shall be made with fully reflective material
34 with a common color scheme and design, shall be clearly visible at night, and shall be
35 aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of
36 section 301.144, no additional fee shall be charged for the personalization of license plates
37 pursuant to this section.

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

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

50 **5. The state treasurer or the director of revenue shall deposit the twenty-five dollar**
51 **annual contribution in the breast cancer awareness fund. Funds deposited pursuant to**
52 **subsection 1 of this section shall be used to support breast cancer awareness activities**
53 **conducted by the department of health and senior services.**

54 **6. The state treasurer shall be custodian of the fund and may approve**
55 **disbursements from the fund in accordance with sections 30.170 and 30.180.**
56 **Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining**
57 **in the fund at the end of the biennium shall not revert to the credit of the general revenue**

58 fund. The state treasurer shall invest moneys in the fund in the same manner as other
59 funds are invested. Any interest and moneys earned on such investments shall be credited
60 to the fund.

301.4036. 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 multiyear 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, and 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". Notwithstanding
25 the 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 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.**

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

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

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

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

14 (4) Careless and imprudent driving in violation of subsection 4 of
 15 section 304.016 4 points
 16 In violation of a county or municipal ordinance 2 points

17 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection
 18 1 of section 302.020:

19 (a) For the first conviction 2 points

20 (b) For the second conviction 4 points

21 (c) For the third conviction 6 points

22 (6) Operating with a suspended or revoked license prior to restoration of operating
 23 privileges 12 points

24 (7) Obtaining a license by misrepresentation 12 points

25 (8) For the first conviction of driving while in an intoxicated condition or under the
 26 influence of controlled substances or drugs 8 points

27 (9) For the second or subsequent conviction of any of the following offenses however
 28 combined: driving while in an intoxicated condition, driving under the influence of controlled
 29 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
 30 or more by weight 12 points

- 31 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
32 one percent or more by weight
33 In violation of state law 8 points
34 In violation of a county or municipal ordinance or federal law or regulation 8 points
35 (11) Any felony involving the use of a motor vehicle 12 points
36 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points
37 (13) For a conviction for failure to maintain financial responsibility pursuant to county
38 or municipal ordinance or pursuant to section 303.025 4 points
39 (14) Endangerment of a highway worker in violation of section 304.585 ... 4 points
40 (15) Aggravated endangerment of a highway worker in violation of
41 section 304.585 12 points
42 (16) For a conviction of violating a municipal ordinance that prohibits tow truck
43 operators from stopping at or proceeding to the scene of an accident unless they have been
44 requested to stop or proceed to such scene by a party involved in such accident or by an officer
45 of a public safety agency 4 points
46 **(17) Endangerment of an emergency responder in violation of**
47 **section 304.894 4 points**
48 **(18) Aggravated endangerment of an emergency responder in violation**
49 **of section 304.894 12 points**
50 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
51 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
52 302.020, when the director issues such operator a license or permit pursuant to the provisions
53 of sections 302.010 to 302.340.
54 3. An additional two points shall be assessed when personal injury or property damage
55 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
56 found to be warranted and certified by the reporting court.
57 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
58 section constitutes both a violation of a state law and a violation of a county or municipal
59 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
60 offense arising out of the same occurrence could be construed to be a violation of subdivisions
61 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
62 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
63 offenses arising out of the same occurrence.
64 5. The director of revenue shall put into effect a system for staying the assessment of
65 points against an operator. The system shall provide that the satisfactory completion of a
66 driver-improvement program or, in the case of violations committed while operating a
67 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
68 commission, by an operator, when so ordered and verified by any court having jurisdiction over
69 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a

70 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
71 committed by an individual who has been issued a commercial driver's license or is required to
72 obtain a commercial driver's license in this state or any other state, shall be accepted by the
73 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
74 of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a
75 centralized violation bureau established under section 476.385 may elect to have the bureau order
76 and verify completion of a driver-improvement program or motorcycle-rider training course as
77 prescribed by order of the court. For the purposes of this subsection, the driver-improvement
78 program shall meet or exceed the standards of the National Safety Council's eight-hour
79 "Defensive Driving Course" or, in the case of a violation which occurred during the operation
80 of a motorcycle, the program shall meet the standards established by the state highways and
81 transportation commission pursuant to sections 302.133 to 302.137. The completion of a
82 driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu
83 of points more than one time in any thirty-six-month period and shall be completed within sixty
84 days of the date of conviction in order to be accepted in lieu of the assessment of points. Every
85 court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days
86 after completion of the driver-improvement program or motorcycle-rider training course by an
87 operator, forward a record of the completion to the director, all other provisions of the law to the
88 contrary notwithstanding. The director shall establish procedures for record keeping and the
89 administration of this subsection.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
9 granting limited driving privileges. Any application may be made in writing to the director of
10 revenue and the person's reasons for requesting the limited driving privilege shall be made
11 therein.

12 (2) When any court of record having jurisdiction or the director of revenue finds that an
13 operator is required to operate a motor vehicle in connection with any of the following:

14 (a) [A business, occupation, or] **Driving to or from the operator's places of**
15 employment;

16 (b) [Seeking medical treatment for such operator;

17 (c)] Attending school or other institution of higher education;

18 [(d)] (c) Attending alcohol or drug treatment programs; **or**

19 [(e)] (d) Seeking the required services of a certified ignition interlock device provider;
20 [or

21 (f) Any other circumstance the court or director finds would create an undue hardship
22 on the operator;] the court or director may grant such limited driving privilege as the
23 circumstances of the case justify if the court or director finds undue hardship would result to the
24 individual, and while so operating a motor vehicle within the restrictions and limitations of the
25 limited driving privilege the driver shall not be guilty of operating a motor vehicle without a
26 valid license.

27 (3) An operator may make application to the proper court in the county in which such
28 operator resides or in the county in which is located the operator's principal place of business or
29 employment. Any application for a limited driving privilege made to a circuit court shall name
30 the director as a party defendant and shall be served upon the director prior to the grant of any
31 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
32 certified by the director. Any applicant for a limited driving privilege shall have on file with the
33 department of revenue proof of financial responsibility as required by chapter 303. Any
34 application by a person who transports persons or property as classified in section 302.015 may
35 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of
36 financial responsibility does not accompany the application, or if the applicant does not have on
37 file with the department of revenue proof of financial responsibility, the court or the director has
38 discretion to grant the limited driving privilege to the person solely for the purpose of operating
39 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
40 privilege must state such restriction. When operating such vehicle under such restriction the
41 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

42 (4) No limited driving privilege shall be issued to any person otherwise eligible under
43 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation
44 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license
45 denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has
46 filed proof with the department of revenue that any motor vehicle operated by the person is
47 equipped with a functioning, certified ignition interlock device as a required condition of limited
48 driving privilege.

49 (5) The court order or the director's grant of the limited or restricted driving privilege
50 shall indicate the termination date of the privilege, which shall be not later than the end of the
51 period of suspension or revocation. A copy of any court order shall be sent by the clerk of the
52 court to the director, and a copy shall be given to the driver which shall be carried by the driver
53 whenever such driver operates a motor vehicle. The director of revenue upon granting a limited
54 driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant
55 shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction
56 which results in the assessment of points pursuant to section 302.302, other than a violation of
57 a municipal stop sign ordinance where no accident is involved, against a driver who is operating

58 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points
59 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the
60 limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain
61 proof of financial responsibility, as required by chapter 303, or to maintain proof of installation
62 of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege.
63 The director shall notify by ordinary mail the driver whose privilege is so terminated.

64 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
65 receive a limited driving privilege who at the time of application for a limited driving privilege
66 has previously been granted such a privilege within the immediately preceding five years, or
67 whose license has been suspended or revoked for the following reasons:

68 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar
69 provision of any federal or state law, or a municipal or county law where the judge in such case
70 was an attorney and the defendant was represented by or waived the right to an attorney in
71 writing, until the person has completed the first thirty days of a suspension or **forty-five days**
72 **of a** revocation imposed pursuant to this chapter;

73 (b) A conviction of any felony in the commission of which a motor vehicle was used;

74 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
75 (6), (7), (8), (9), (10) or (11) of section 302.060;

76 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a
77 controlled substance as defined in chapter 195, or having left the scene of an accident as
78 provided in section 577.060;

79 (e) Due to a revocation for the first time for failure to submit to a chemical test pursuant
80 to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such
81 person has not completed the first ninety days of such revocation;

82 (f) Violation more than once of the provisions of section 577.041 or a similar implied
83 consent law of any other state; or

84 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
85 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
86 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525
87 if such person has not completed such revocation.

88 (7) No person who possesses a commercial driver's license shall receive a limited driving
89 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
90 privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall
91 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
92 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
93 otherwise ineligible for a limited driving privilege.

94 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
95 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
96 manner prescribed in this subsection, allow a person who has had such person's license to operate

97 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
98 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege
99 pursuant to this subsection if such person has served at least three years of such disqualification
100 or revocation. Such person shall present evidence satisfactory to the court or the director that
101 such person has not been convicted of any offense related to alcohol, controlled substances or
102 drugs during the preceding three years and that the person's habits and conduct show that the
103 person no longer poses a threat to the public safety of this state.

104 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
105 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
106 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
107 manner prescribed in this subsection, allow a person who has had such person's license to operate
108 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
109 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
110 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person
111 has served at least two years of such disqualification or revocation. Such person shall present
112 evidence satisfactory to the court or the director that such person has not been convicted of any
113 offense related to alcohol, controlled substances or drugs during the preceding two years and that
114 the person's habits and conduct show that the person no longer poses a threat to the public safety
115 of this state. Any person who is denied a license permanently in this state because of an
116 alcohol-related conviction subsequent to a restoration of such person's driving privileges
117 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege
118 pursuant to the provisions of this subdivision.

119 (9) A DWI docket or court established under section 478.007 may grant a limited driving
120 privilege to a participant in or graduate of the program who would otherwise be ineligible for
121 such privilege under another provision of law. The DWI docket or court shall not grant a limited
122 driving privilege to a participant during his or her initial forty-five days of participation.

123 4. Any person who has received notice of denial of a request of limited driving privilege
124 by the director of revenue may make a request for a review of the director's determination in the
125 circuit court of the county in which the person resides or the county in which is located the
126 person's principal place of business or employment within thirty days of the date of mailing of
127 the notice of denial. Such review shall be based upon the records of the department of revenue
128 and other competent evidence and shall be limited to a review of whether the applicant was
129 statutorily entitled to the limited driving privilege.

130 5. The director of revenue shall promulgate rules and regulations necessary to carry out
131 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
132 536.010, that is created under the authority delegated in this section shall become effective only
133 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
134 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
135 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove

136 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
137 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

26 2. If any city, town or village receives more than thirty-five percent of its annual general
27 operating revenue from fines and court costs for traffic violations occurring on state highways,
28 all revenues from such violations in excess of thirty-five percent of the annual general operating
29 revenue of the city, town or village shall be sent to the director of the department of revenue and
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
32 distributed. For the purpose of this section the words "state highways" shall mean any state or
33 federal highway, including any such highway continuing through the boundaries of a city, town
34 or village with a designated street name other than the state highway number. The director of
35 the department of revenue shall set forth by rule a procedure whereby excess revenues as set
36 forth above shall be sent to the department of revenue. If any city, town, or village disputes a
37 determination that it has received excess revenues required to be sent to the department of

38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
40 that term is defined in section 536.010, 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 of
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
46 be invalid and void.

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) **"CDLIS driver record", the electronic record of the individual commercial**
10 **driver's status and history stored by the state of record as part of the Commercial Driver's**
11 **License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**

12 (4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the**
13 **CDLIS driver record which meets the requirements for access to CDLIS information and**
14 **is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of**
15 **the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

16 (5) "Commercial driver's instruction permit", a permit issued pursuant to section
17 302.720;

18 [(4)] (6) "Commercial driver's license", a license issued by this state to an individual
19 which authorizes the individual to operate a commercial motor vehicle;

20 [(5)] (7) **"Commercial driver's license downgrade", occurs when:**

21 (a) **A driver changes the self-certification to interstate, but operates exclusively in**
22 **transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part**
23 **390.3(f), 391.2, 391.68, or 398.3;**

24 (b) **A driver changes the self-certification to intrastate only, if the driver qualifies**
25 **under the state's physical qualification requirements for intrastate only;**

26 (c) **A driver changes the self-certification to intrastate, but operating exclusively in**
27 **transportation or operations excepted from all or part of the state driver qualification**
28 **requirements; or**

29 (d) **The state removes the commercial driver's license privilege from the driver's**
30 **license;**

31 (8) "Commercial driver's license information system (**CDLIS**)", the information system
32 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
33 Law 99-570) to serve as a clearinghouse for locating information related to the licensing and
34 identification of commercial motor vehicle drivers;

35 [(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport
36 passengers or property:

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

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

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

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

46 [(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of
47 the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
48 I through V of 21 CFR part 1308, as they may be revised from time to time;

49 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and
50 nolo contendere, or a determination that a person has violated or failed to comply with the law in
51 a court of original jurisdiction or an authorized administrative proceeding, an unvacated
52 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment
53 of a fine or court cost, or violation of a condition of release without bail, regardless of whether
54 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

55 [(9)] (12) "Director", the director of revenue or his authorized representative;

56 [(10)] (13) "Disqualification", any of the following three actions:

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

58 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
59 state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local
60 law relating to motor vehicle traffic control or violations committed through the operation of
61 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

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

64 [(11)] (14) "Drive", to drive, operate or be in physical control of a commercial motor
65 vehicle;

66 [(12)] (15) "Driver", any person who drives, operates, or is in physical control of a motor
67 vehicle, or who is required to hold a commercial driver's license;

68 (16) "**Driver applicant**", an individual who applies to obtain, transfer, upgrade, or
69 **renew a commercial driver's license in this state;**

70 [(13)] (17) "Driving under the influence of alcohol", the commission of any one or more
71 of the following acts:

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

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

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

80 (d) Refusing to submit to a chemical test in violation of section 577.041, section
81 302.750, any federal or state law, or a county or municipal ordinance; or

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

90 [(14)] (18) "Driving under the influence of a controlled substance", the commission of
91 any one or more of the following acts in a commercial or noncommercial motor vehicle:

92 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
93 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
94 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
95 may be revised from time to time;

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

98 (c) Refusing to submit to a chemical test in violation of section 577.041, section
99 302.750, any federal or state law, or a county or municipal ordinance;

100 [(15)] (19) "Employer", any person, including the United States, a state, or a political
101 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
102 operate such a vehicle;

103 (20) "Endorsement", an authorization on an individual's commercial driver's
104 license permitting the individual to operate certain types of commercial motor vehicles;

105 [(16)] (21) "Farm vehicle", a commercial motor vehicle controlled and operated by a
106 farmer used exclusively for the transportation of agricultural products, farm machinery, farm
107 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one
108 which requires placarding for hazardous materials as defined in this section, or used in the

109 operation of a common or contract motor carrier, except that a farm vehicle shall not be a
110 commercial motor vehicle when the total combined gross weight rating does not exceed
111 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (21) of
112 this subsection;

113 [(17)] **(22) "Fatality", the death of a person as a result of a motor vehicle accident;**

114 [(18)] **(23) "Felony", any offense under state or federal law that is punishable by death**
115 **or imprisonment for a term exceeding one year;**

116 **(24) "Foreign", outside the United States and the District of Columbia;**

117 [(19)] **(25) "Gross combination weight rating" or "GCWR", the value specified by the**
118 **manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a**
119 **value specified by the manufacturer, GCWR will be determined by adding the GVWR of the**
120 **power unit and the total weight of the towed unit and any load thereon;**

121 [(20)] **(26) "Gross vehicle weight rating" or "GVWR", the value specified by the**
122 **manufacturer as the loaded weight of a single vehicle;**

123 [(21)] **(27) "Hazardous materials", any material that has been designated as hazardous**
124 **under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any**
125 **quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including**
126 **but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,**
127 **motor fuel or special fuel, shall not be considered hazardous materials when transported by a**
128 **farm vehicle provided all other provisions of this definition are followed;**

129 [(22)] **(28) "Imminent hazard", the existence of a condition that presents a substantial**
130 **likelihood that death, serious illness, severe personal injury, or a substantial endangerment to**
131 **health, property, or the environment may occur before the reasonably foreseeable completion**
132 **date of a formal proceeding begins to lessen the risk of that death, illness, injury, or**
133 **endangerment;**

134 [(23)] **(29) "Issuance", the initial licensure, license transfers, license renewals, and**
135 **license upgrades;**

136 **(30) "Medical examiner", a person who is licensed, certified, or registered, in**
137 **accordance with applicable state laws and regulations, to perform physical examinations.**
138 **The term includes, but is not limited to, doctors of medicine, doctors of osteopathy,**
139 **physician assistants, advanced practice nurses, and doctors of chiropractic;**

140 **(31) "Medical variance", when a driver has received one of the following that**
141 **allows the driver to be issued a medical certificate:**

142 **(a) An exemption letter permitting operation of a commercial motor vehicle under**
143 **49 CFR Part 381, Subpart C or 49 CFR Part 391.64;**

144 **(b) A skill performance evaluation certificate permitting operation of a commercial**
145 **motor vehicle under 49 CFR Part 391.49;**

146 [(24)] **(32) "Motor vehicle", any self-propelled vehicle not operated exclusively upon**
147 **tracks;**

148 [(25)] **(33)** "Noncommercial motor vehicle", a motor vehicle or combination of motor
149 vehicles not defined by the term "commercial motor vehicle" in this section;

150 [(26)] **(34)** "Out of service", a temporary prohibition against the operation of a
151 commercial motor vehicle by a particular driver, or the operation of a particular commercial
152 motor vehicle, or the operation of a particular motor carrier;

153 [(27)] **(35)** "Out-of-service order", a declaration by [the Federal Highway
154 Administration, or any] **an** authorized enforcement officer of a federal, state, [Commonwealth
155 of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial
156 motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5,**
157 **392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-**
158 **Service Criteria;**

159 [(28)] **(36)** "School bus", a commercial motor vehicle used to transport preprimary,
160 primary, or secondary school students from home to school, from school to home, or to and from
161 school-sponsored events. School bus does not include a bus used as a common carrier as defined
162 by the Secretary;

163 [(29)] **(37)** "Secretary", the Secretary of Transportation of the United States;

164 [(30)] **(38)** "Serious traffic violation", driving a commercial motor vehicle in such a
165 manner that the driver receives a conviction for the following offenses or driving a
166 noncommercial motor vehicle when the driver receives a conviction for the following offenses
167 and the conviction results in the suspension or revocation of the driver's license or
168 noncommercial motor vehicle driving privilege:

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

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

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

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

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

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

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

193 [(31)] (39) "State", a state[, territory or possession] of the United States[, the District of
194 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

195 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or commercial driver's
2 instruction permit shall comply with the Federal Motor Carrier Safety Administration
3 application requirements of 49 CFR Part 383.71 by certifying to one of the following
4 applicable statements relating to federal and state driver qualification rules:**

5 (1) **Nonexcepted interstate: Certifies the applicant is a driver operating or
6 expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets
7 requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate
8 as defined in 49 CFR Part 391.45;**

9 (2) **Excepted interstate: Certifies the applicant is a driver operating or expecting
10 to operate entirely in interstate commerce that is not subject to Part 391 and is subject to
11 Missouri driver qualifications and not required to obtain a medical examiner's certificate;**

12 (3) **Nonexcepted intrastate: Certifies the applicant is a driver operating only in
13 intrastate commerce and is subject to Missouri driver qualifications;**

14 (4) **Excepted intrastate: Certifies the applicant operates or expects to operate only
15 in intrastate commerce, and engaging only in operations excepted from all parts of the
16 Missouri driver qualification requirements.**

17 **2. Any applicant who cannot meet certification requirements under one of the
18 categories defined in subsection 1 of this section shall be denied issuance of a commercial
19 driver's license or commercial driver's instruction permit.**

20 **3. An applicant certifying to operation in nonexcepted interstate or nonexcepted
21 intrastate commerce shall provide the state with an original or copy of a current medical
22 examiners certificate or a medical examiners certificate accompanied by a medical variance
23 or waiver. The state shall retain the original or copy of the documentation of physical
24 qualification for a minimum of three years beyond the date the certificate was issued.**

25 **4. Applicants certifying to operation in nonexcepted interstate commerce or
26 nonexcepted intrastate commerce shall provide an updated medical certificate or variance
27 documents to maintain a certified status during the term of the commercial driver's license
28 or commercial driver's instruction permit in order to retain commercial privileges.**

29 **5. The director shall post the medical examiners certificate of information, medical**
30 **variance if applicable, and certification status to the Missouri driver record within ten**
31 **calendar days and such information will become part of the CDLIS driver record.**

32 **6. Applicants certifying to operation in nonexcepted interstate commerce or**
33 **nonexcepted intrastate commerce who fail to provide or maintain a current medical**
34 **examiners certificate, or if the state has received notice of a medical variance or waiver**
35 **expiring or being rescinded, the state shall, within ten calendar days, update the driver's**
36 **medical certification status to "not certified". The state shall notify the driver of the**
37 **change in certification status and require the driver to annually comply with requirements**
38 **for a commercial driver's license downgrade within sixty days of notice.**

39 **7. The department of revenue may, by rule, establish the cost and criteria for**
40 **submission of updated medical certification status information as required under this**
41 **section.**

42 **8. Any person who falsifies any information in an application for or update of**
43 **medical certification status information for a commercial driver's license shall not be**
44 **licensed to operate a commercial motor vehicle, or the person's commercial driver's license**
45 **shall be canceled for a period of one year after the director discovers such falsification.**

46 **9. The director may promulgate rules and regulations necessary to administer and**
47 **enforce this section. Any rule or portion of a rule, as that term is defined in section**
48 **536.010, that is created under the authority delegated in this section shall become effective**
49 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
50 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
51 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
52 **the effective date, or to disapprove and annul a rule are subsequently held**
53 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
54 **after August 28, 2011, shall be invalid and void.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of
3 such municipality and who has not been within the limits thereof for a continuous period of more
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown
5 by competent evidence that there was posted at the place where the boundary of such
6 municipality joins or crosses any highway a sign displaying in black letters not less than four
7 inches high and one inch wide on a white background the speed fixed by such municipality so
8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering
9 such municipality.

10 2. Municipalities, by ordinance, may:

11 (1) Make additional rules of the road or traffic regulations to meet their needs and traffic
12 conditions;

13 (2) Establish one-way streets and provide for the regulation of vehicles thereon;

14 (3) Require vehicles to stop before crossing certain designated streets and boulevards;

15 (4) Limit the use of certain designated streets and boulevards to passenger vehicles,
16 **except that each municipality shall allow at least one street, with lawful traffic movement**
17 **and access from both directions, to be available for use by commercial vehicles to access**
18 **any roads in the state highway system. Under no circumstances shall the provisions of this**
19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**
20 **municipality;**

21 (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid
22 rubber tires;

23 (6) Regulate the parking of vehicles on streets by the installation of parking meters for
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26 (7) Require the use of signaling devices on all motor vehicles; and

27 (8) Prohibit sound producing warning devices, except horns directed forward.

28 3. No ordinance shall be valid which contains provisions contrary to or in conflict with
29 this chapter, except as herein provided.

30 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal
34 authority within three working days from the time of receipt of written request for such
35 information. Any registered owner-lessor who fails or refuses to provide such information
36 within the period required by this subsection shall be liable for the imposition of any fine
37 established by municipal ordinance for the violation. Provided, however, if a leased motor
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal
40 parking of such vehicle.

41 **5. No ordinance shall deny the use of commercial vehicles on all streets within the**
42 **municipality.**

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

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

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

18 Distance in feet

19 between the extremes

20 of any group of two or

21 more consecutive axles,

22 measured to the nearest

23 foot, except where

24 indicated otherwise

Maximum load in pounds

25 feet	2 axles	3 axles	4 axles	5 axles	6 axles
26 4	34,000				
27 5	34,000				
28 6	34,000				
29 7	34,000				
30 8	34,000	34,000			
31 More than 8	38,000	42,000			
32 9	39,000	42,500			
33 10	40,000	43,500			
34 11	40,000	44,000			
35 12	40,000	45,000	50,000		
36 13	40,000	45,500	50,500		
37 14	40,000	46,500	51,500		
38 15	40,000	47,000	52,000		
39 16	40,000	48,000	52,500	58,000	
40 17	40,000	48,500	53,500	58,500	
41 18	40,000	49,500	54,000	59,000	
42 19	40,000	50,000	54,500	60,000	
43 20	40,000	51,000	55,500	60,500	66,000
44 21	40,000	51,500	56,000	61,000	66,500
45 22	40,000	52,500	56,500	61,500	67,000
46 23	40,000	53,000	57,500	62,500	68,000
47 24	40,000	54,000	58,000	63,000	68,500
48 25	40,000	54,500	58,500	63,500	69,000
49 26	40,000	55,500	59,500	64,000	69,500

50	27	40,000	56,000	60,000	65,000	70,000
51	28	40,000	57,000	60,500	65,500	71,000
52	29	40,000	57,500	61,500	66,000	71,500
53	30	40,000	58,500	62,000	66,500	72,000
54	31	40,000	59,000	62,500	67,500	72,500
55	32	40,000	60,000	63,500	68,000	73,000
56	33	40,000	60,000	64,000	68,500	74,000
57	34	40,000	60,000	64,500	69,000	74,500
58	35	40,000	60,000	65,500	70,000	75,000
59	36		60,000	66,000	70,500	75,500
60	37		60,000	66,500	71,000	76,000
61	38		60,000	67,500	72,000	77,000
62	39		60,000	68,000	72,500	77,500
63	40		60,000	68,500	73,000	78,000
64	41		60,000	69,500	73,500	78,500
65	42		60,000	70,000	74,000	79,000
66	43		60,000	70,500	75,000	80,000
67	44		60,000	71,500	75,500	80,000
68	45		60,000	72,000	76,000	80,000
69	46		60,000	72,500	76,500	80,000
70	47		60,000	73,500	77,500	80,000
71	48		60,000	74,000	78,000	80,000
72	49		60,000	74,500	78,500	80,000
73	50		60,000	75,500	79,000	80,000
74	51		60,000	76,000	80,000	80,000
75	52		60,000	76,500	80,000	80,000
76	53		60,000	77,500	80,000	80,000
77	54		60,000	78,000	80,000	80,000
78	55		60,000	78,500	80,000	80,000
79	56		60,000	79,500	80,000	80,000
80	57		60,000	80,000	80,000	80,000

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

84 4. Whenever the state highways and transportation commission finds that any state
85 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
86 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
87 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
88 such bridge. The governing body of any city or county may grant authority by act or ordinance

89 to the state highways and transportation commission to enact the limitations established in this
90 section on those roadways within the purview of such city or county. Notice of the weight limits
91 and speed limits established by the commission shall be given by posting signs at a conspicuous
92 place at each end of any such bridge.

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

96 6. Notwithstanding the weight limitations contained in this section, any vehicle or
97 combination of vehicles operating on highways other than the interstate highway system may
98 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
99 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except
100 as provided in subsection 9 of this section.

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

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

117 9. Notwithstanding subsection 3 of this section or any other provision of law to the
118 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may
119 be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating
120 on U.S. Highway 36 from St. Joseph to U.S. Highway [65, and] **63**, on U.S. Highway 65 from
121 the Iowa state line to U.S. Highway 36, **and on U.S. Highway 63 from U.S. Highway 36 to the**
122 **Iowa state line.**

304.200. 1. The chief engineer of the state department of transportation, for good cause
2 shown and when the public safety or public interest so justifies, shall issue special permits for
3 vehicles or equipment exceeding the limitations on width, length, height and weight herein
4 specified, or which are unable to maintain minimum speed limits. Such permits shall be issued
5 only for a single trip or for a definite period, not beyond the date of expiration of the vehicle

6 registration, and shall designate the highways and bridges which may be used pursuant to the
7 authority of such permit.

8 2. The chief engineer of the state department of transportation shall upon proper
9 application and at no charge issue a special permit to any person allowing the movement on state
10 and federal highways of farm products between sunset and sunrise not in excess of fourteen feet
11 in width. Special permits allowing movement of oversize loads of farm products shall allow for
12 movement between sunset and sunrise, subject to appropriate requirements for safety lighting
13 on the load, appropriate limits on load dimensions and appropriate consideration of high traffic
14 density between sunset and sunrise on the route to be traveled. The chief engineer may also issue
15 upon proper application a special permit to any person allowing the movement on the state and
16 federal highways of concrete pump trucks or well-drillers equipment. For the purposes of this
17 section, "farm products" shall have the same meaning as provided in section 400.9-109.

18 3. Rules and regulations for the issuance of special permits shall be prescribed by the
19 state highways and transportation commission and filed with the secretary of state. No rule or
20 portion of a rule promulgated pursuant to the authority of section 304.010 and this section shall
21 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

22 4. The officer in charge of the maintenance of the streets of any municipality may issue
23 such permits for the use of the streets by such vehicles within the limits of such municipalities.

24 5. In order to transport manufactured homes, as defined in section 700.010, on the roads,
25 highways, bridges and other thoroughfares within this state, only the applicable permits required
26 by this section shall be obtained.

27 **6. No manufactured home, as defined in section 700.010 shall be transported under**
28 **this section unless the owner of such manufactured home has paid property taxes on the**
29 **manufactured home for the taxable year in which the manufactured home is to be**
30 **transported and for all prior taxable years. For the purposes of this section, in determining**
31 **the amount of taxes to be paid in the taxable year in which the manufactured home is to**
32 **be transported, the tax liability shall be the amount paid or owing for the immediate**
33 **preceding taxable year. If the amount paid exceeds the actual tax liability for such year,**
34 **the owner shall be entitled to a refund, and if the amount paid is less than the actual tax**
35 **liability, the owner shall be liable for the unpaid portion at the time and in the manner as**
36 **otherwise provided by law. The owner or title holder of the manufactured home shall**
37 **obtain, prior to transport under this section, a receipt from the county collector or**
38 **collector-treasurer showing all property taxes on the manufactured home have been paid.**

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

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

5 (2) "Active emergency zone", any area upon or around any highway, which is
6 visibly marked by emergency responders performing work for the purpose of emergency

7 response, and where an active emergency, or incident removal, is temporarily occurring.
8 This area includes the lanes of highway leading up to an active emergency or incident
9 removal, beginning within three hundred feet of visual sighting of:

10 (a) Appropriate signs or traffic control devices posted or placed by emergency
11 responders; or

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

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

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

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

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

19 4. The additional fines imposed by this section shall not be construed to enhance
20 the assessment of court costs or the assessment of points under section 302.302.

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

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

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

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

9 **(4) Driving through or around an active emergency zone via any lane not clearly**
10 **designated for motorists to control the flow of traffic through or around the active**
11 **emergency zone;**

12 **(5) Physically assaulting, attempting to assault, or threatening to assault an**
13 **emergency responder with a motor vehicle or other instrument;**

14 **(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other**
15 **devices erected to control the flow of traffic to protect emergency responders and motorists**
16 **unless the action was necessary to avoid an obstacle, an emergency, or to protect the health**
17 **and safety of an occupant of the motor vehicle or of another person; or**

18 **(7) Committing any of the following offenses for which points may be assessed**
19 **under section 302.302:**

20 **(a) Leaving the scene of an accident in violation of section 577.060;**

21 **(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**

22 **(c) Operating without a valid license in violation of subdivision (1) or (2) of**
23 **subsection 1 of section 302.020;**

24 **(d) Operating with a suspended or revoked license;**

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

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

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

33 **3. A person commits the offense of aggravated endangerment of an emergency**
34 **responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of**
35 **this section when such offense results in the injury or death of an emergency responder.**
36 **Upon a finding of guilt or a plea of guilty for committing the offense of aggravated**
37 **endangerment of an emergency responder, in addition to any other penalty authorized by**
38 **law, the court shall assess a fine of not more than five thousand dollars if the offense**
39 **resulted in injury to an emergency responder, and ten thousand dollars if the offense**
40 **resulted in the death of an emergency responder. In addition, twelve points shall be**
41 **assessed to the operator's license pursuant to section 302.302.**

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

46 **5. No person shall be cited for, or found guilty of, endangerment of an emergency**
47 **responder or aggravated endangerment of an emergency responder, for any act or**

48 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**
49 **omission resulted in whole or in part from mechanical failure of the person's vehicle, or**
50 **from the negligence of another person or emergency responder.**

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 **with the state highways**
4 **and transportation commission** and published in accordance with the provisions of this
5 chapter. Any motor carrier, which shall undertake to perform any service or furnish any product
6 or commodity unless or until the rates, tolls, fares, charges, classifications and rules and
7 regulations relating thereto, applicable to such service, product or commodity, have been filed
8 with the highways and transportation commission and published in accordance with the
9 provisions of this chapter, shall be subject to forfeiture to the state pursuant to the provisions of
10 sections 390.156 to 390.176.

11 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not be required to
12 file its schedules of rates, fares, and charges for shipments of household goods that are
13 transported wholly or exclusively within a commercial zone as defined in 390.020 or within a
14 commercial zone established by the highways and transportation commission pursuant to the
15 provisions of subdivision (4) of section 390.041.] **Notwithstanding any provision of this**
16 **chapter or chapter 390 to the contrary, a motor carrier transporting household goods in**
17 **intrastate commerce shall not be required to file its schedule of rates, fares, and charges**
18 **with the state highways and transportation commission. In lieu of filing its schedules of**
19 **rates, fares, charges, rules, or tolls with the state highways and transportation commission,**
20 **a motor carrier transporting household goods in intrastate commerce shall maintain and**
21 **publish its schedules of rates, fares, charges, rules, and tolls in every station or office as**
22 **described in subsection 3 of section 387.050 and such rates shall be available for inspection**
23 **by the state highways and transportation commission, shippers, and the public upon**
24 **request. Any motor carrier transporting household goods in intrastate commerce that fails**
25 **to comply with the provisions of this subsection shall be subject to forfeiture to the state**
26 **pursuant to the provisions of sections 390.156 to 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor carrier and railroad
2 safety] **state highways and transportation commission** and shall print and keep open to public
3 inspection schedules showing the rates, fares and charges for the transportation of passengers and
4 household goods within this state between each point upon its route and all other points thereon
5 and between each point upon its route and all points upon every route leased, operated or
6 controlled by it and between each point on its route or upon any route leased, operated or
7 controlled by it and all points upon the route of any other motor carrier, whenever a through
8 route and joint rate shall have been established or ordered between any two such points. If no
9 joint rate over a through route has been established, the several carriers in such through route
10 shall file, print and keep open to public inspection, as aforesaid, the separately established rates,

11 fares and charges applied to the through transportation. **Beginning August 28, 2011, motor**
12 **carriers shall not be required to file their schedules showing the rates, fares, rules, and**
13 **charges for the transportation of household goods within this state but shall print and keep**
14 **open for public inspection such schedules in accordance with this section and section**
15 **387.040.**

16 2. The schedules printed as aforesaid shall plainly state the places between which
17 household goods and passengers will be carried, and shall also contain the classification of
18 passengers or household goods in force, and shall also state separately all terminal charges,
19 storage charges, icing charges and all other charges which the [division] **state highways and**
20 **transportation commission** may require to be stated, all privileges or facilities granted or
21 allowed, and any rules or regulations which may in any way change, affect or determine any part
22 or the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered
23 to the passenger, shipper or consignee.

24 3. Such schedules shall be plainly printed in large type, and a copy thereof shall be kept
25 by every such carrier readily accessible to and for convenient inspection by the public in every
26 station or office of such carrier where passengers or household goods are respectively received
27 for transportation, when such station or office is in charge of an agent, and in every station or
28 office of such carrier where passenger tickets for transportation or tickets covering bills of lading
29 or receipts for household goods are issued. All or any of such schedules kept as aforesaid shall
30 be immediately produced by such carrier for inspection upon the demand of any person.

31 4. A notice printed in bold type and stating that such schedules are on file with the agent
32 and open to inspection by any person and that the agent will assist any such person to determine
33 from such schedules any transportation rates or fares or rules or regulations which are in force
34 shall be kept posted by the carrier in two public and conspicuous places in every such station or
35 office.

36 5. The form of every such schedule shall be prescribed by the [division] **state highways**
37 **and transportation commission.**

38 6. The [division] **state highways and transportation commission** shall have power,
39 from time to time, in its discretion, to determine and prescribe by order such changes in the form
40 of such schedules as may be found expedient, and to modify the requirements of this section in
41 respect to publishing, posting and filing of schedules either in particular instances or by general
42 order applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any joint tariff shall
2 be specified therein, and each of the parties thereto, other than the one filing the same, shall file
3 with the [division of motor carrier and railroad safety] **state highways and transportation**
4 **commission** such evidence of concurrence therein or acceptance thereof as may be required or
5 approved by the [division] **state highways and transportation commission**; and where such
6 evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the
7 same also to file copies of the tariffs in which they are named as parties. **The provisions of this**

8 subsection shall not apply to motor carriers of household goods. Carriers of household
9 goods participating in through routes or interline service shall publish joint tariffs and
10 evidence of concurrence or acceptance thereof or individual tariffs for each participating
11 carrier in accordance with sections 387.040 and 387.050.

12 2. Every motor carrier shall file with the [division] state highways and transportation
13 commission sworn copies of every contract, agreement or arrangement with any other motor
14 carrier or motor carriers relating in any way to the transportation of passengers [or property].

15 3. Motor carriers of household goods are prohibited from participation in any joint
16 tariff pursuant to the provisions of this chapter, except that this subsection shall not
17 prohibit joint tariffs relating to joint rates for household goods transportation over any
18 through routes or by interline service performed by two or more separate motor carriers.

387.110. [1.] No motor carrier shall make or give any undue or unreasonable preference
2 or advantage to any person or corporation or to any locality or to any particular description of
3 traffic in any respect whatsoever, or subject any particular person or corporation or locality or
4 any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in
5 any respect whatsoever.

6 [2. Notwithstanding any other provision of law to the contrary, no common carrier of
7 household goods shall use any schedule of rates or charges, or both, for the transportation of
8 household goods within this state which divides this state into territorial rate areas. Any
9 schedule of rates or charges, or both, which divides, or attempts to divide, this state into
10 territorial rate areas is unjust, unreasonable, and invalid.]

387.137. The state highways and transportation commission shall establish
2 consumer protection requirements for motor carriers transporting household goods in
3 intrastate commerce and establish a system for filing, logging, and responding to consumer
4 complaints.

387.139. 1. The division of motor carrier services shall keep an information file
2 about each complaint filed with it regarding the movement of household goods in intrastate
3 commerce. The division of motor carrier service's information file shall be kept current
4 and contain a record for each complaint of:

- 5 (1) All persons contacted in relation to the complaint;
- 6 (2) A summary of findings in response to the complaint;
- 7 (3) An explanation of the reason for a complaint that is dismissed; and
- 8 (4) Any other relevant information.

9 2. If a written complaint is filed with the division that is within the division's
10 jurisdiction, the division, at least as frequently as quarterly and until final disposition of
11 the complaint, shall notify the complainant of the status of the complaint unless the notice
12 would jeopardize an ongoing investigation.

13 3. The highways and transportation commission shall adopt by rule a form to
14 standardize information concerning complaints made to the division of motor carriers

15 regarding the transportation of household goods. The commission shall prescribe by rule
16 information to be provided to a person when the person files a complaint with the division
17 of motor carrier services.

18 **4. The state highways and transportation commission shall promulgate rules and**
19 **regulations for the implementation and administration of this section. Any rule or portion**
20 **of a rule, as that term is defined in section 536.010 that is created under the authority**
21 **delegated in this section shall become effective only if it complies with and is subject to all**
22 **of the provisions of chapter 536, and, if applicable, section 536.028. This section and**
23 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
24 **pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul**
25 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
26 **any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

387.207. 1. All rates, tolls, charges, schedules and joint rates fixed by the [division]
2 **highways and transportation commission** with reference to the transportation of passengers
3 [or household goods] by motor carrier shall be in force and shall be prima facie lawful, and all
4 regulations, practices and services prescribed by the [division] **commission** shall be in force and
5 shall be prima facie lawful and reasonable until found otherwise in a suit brought for that
6 purpose pursuant to the provisions of this chapter.

7 **2. All rates, tolls, charges, schedules, and joint rates published in accordance with**
8 **subsection 3 of section 387.050 with reference to the transportation of household goods by**
9 **motor carrier shall be in force and shall be prima facie lawful, and all regulations,**
10 **practices and services prescribed by the highways and transportation commission shall be**
11 **in force and shall be prima facie lawful and reasonable until found otherwise in a suit**
12 **brought for that purpose pursuant to the provisions of this chapter.**

387.355. On August 28, 2011, all rate orders issued by the state highways and
2 **transportation commission or its predecessors affecting the transportation of household**
3 **goods by common carriers in intrastate commerce, pursuant to the authority of any of the**
4 **provisions in this chapter or chapter 390, shall be vacated and set aside, but only to the**
5 **extent that those rate orders require or prescribe any minimum rates, maximum rates, or**
6 **minimum-and-maximum rates for the transportation of household goods by common**
7 **carriers in intrastate commerce. This section shall not vacate or set aside any other**
8 **requirements or provisions contained in those rate orders.**

390.051. 1. Except as otherwise provided in section 390.030, no person shall engage in
2 the business of a common carrier **of household goods or passengers** in intrastate commerce on
3 any public highway in this state unless there is in force with respect to such carrier a certificate
4 issued by the [division] **state highways and transportation commission** authorizing such
5 operations.

6 2. Application for a certificate shall be made in writing to the [division] **state highways**
7 **and transportation commission** and shall contain such information as the [division] **state**
8 **highways and transportation commission** shall, by rule, require and shall include:

9 (1) Full information concerning the ownership, financial [condition] **status** of applicant
10 **through the submission of documentation describing assets, liabilities, and capital**,
11 equipment to be used and a statement listing the physical equipment of applicant and the
12 reasonable value thereof;

13 (2) The complete route or routes over which the applicant desires to operate, or territory
14 to be served; **except that the state highways and transportation commission shall not restrict**
15 **any certificate or permit authorizing the transportation of household goods or passengers**
16 **with reference to any route or routes; except that the state highways and transportation**
17 **commission shall restrict the applicant's registration against the transportation of any**
18 **hazardous material as designated in Title 49, Code of Federal Regulations, if the state**
19 **highways and transportation commission finds that the applicant has not shown it is**
20 **qualified to safely transport that hazardous material in compliance with all registration,**
21 **liability insurance, and safety requirements applicable to the transportation of that**
22 **hazardous material pursuant to Title 49, Code of Federal Regulations;**

23 (3) The proposed rates, schedule or schedules, or timetable of the applicant.

24 3. [Except as provided for in subsection 4 of this section, if the division] **If the state**
25 **highways and transportation commission** finds that an applicant seeking to transport [general
26 and specialized commodities in truckload lots, agricultural commodities in bulk in dump trucks]
27 **household goods**, or passengers [in charter service] is fit, willing and able to properly perform
28 the service proposed and to conform to the provisions of this chapter and the requirements, rules
29 and regulations of the [division] **state highways and transportation commission** established
30 thereunder, a certificate therefor shall be issued.

31 4. [If the division finds that an applicant seeking to transport:

32 (1) General and specialized commodities in less-than-truckload lots;

33 (2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in
34 dump trucks, as defined in section 390.020;

35 (3) Mobile homes;

36 (4) Household goods;

37 (5) Passengers other than in charter service;

38 (6) Gasoline, fuel oil or liquefied petroleum gas;

39 (7) Boats; is fit, willing and able to properly perform the service proposed, and to
40 conform to the provisions of this chapter and the requirement, rules and regulations of the
41 division, and that the service proposed will serve a useful present or future public purpose, a
42 certificate therefor specifying the service authorized shall be issued, unless the division finds on
43 the basis of evidence presented by persons objecting to the issuance of a certificate that the

44 transportation to be authorized by the certificate will be inconsistent with the public convenience
45 and necessity.

46 5. In making findings under subsection 4 of this section, the division shall consider the
47 testimony of the applicant, the proposed users of the service contemplated by the applicant, and
48 any other relevant testimony or evidence, and the division shall consider, and to the extent
49 applicable, make findings on at least the following:

50 (1) The transportation policy of section 390.011; and

51 (2) The criteria set forth in this subsection. In cases where persons object to the issuance
52 of a certificate, the diversion of revenue or traffic from existing carriers shall be considered.

53 6.] The [division] **state highways and transportation commission** shall streamline and
54 simplify to the maximum extent practicable the process for issuance of certificates to which the
55 provisions of this section apply.

56 [7.] 5. The [division] **state highways and transportation commission** shall dismiss on
57 its motion any application for substantially the same common [or contract] authority that has
58 been previously denied within six months of filing the subsequent application.

390.054. Beginning August 28, 2011, and continuing thereafter, no certificate or
2 **permit to transport household goods in intrastate commerce shall be issued or renewed**
3 **unless the applicant demonstrates that the applicant has workers' compensation insurance**
4 **coverage that complies with chapter 287, for all employees. If any household goods carrier**
5 **subject to the provisions of this chapter or chapter 387 is found by the division of workers'**
6 **compensation to be out of compliance with chapter 287, the division shall report such fact**
7 **to the state highways and transportation commission. The commission shall suspend the**
8 **household goods carrier's certificate or permit pursuant to section 390.106 until such time**
9 **the carrier demonstrates that it has procured workers' compensation insurance coverage**
10 **that complies with chapter 287.**

390.061. 1. Except as otherwise provided in section 390.030, no person shall engage in
2 the business of a contract carrier **of household goods or passengers** in intrastate commerce on
3 any public highway in this state unless there is in force with respect to such carrier a permit
4 issued by the [division of motor carrier and railroad safety] **state highways and transportation**
5 **commission** authorizing such operations.

6 2. Applications for such permits shall be made to the [division] **state highways and**
7 **transportation commission** in writing and shall contain such information as the [division] **state**
8 **highways and transportation commission** shall, by rule, require and shall include:

9 (1) Full information concerning the ownership, financial [condition] **status** of applicant
10 **through the submission of documentation describing assets, liabilities, and capital,**
11 **equipment to be used and a statement listing the physical equipment of applicant and the**
12 **reasonable value thereof;**

13 (2) The complete route or routes over which the applicant desires to operate, or territory
14 to be served; **except that the state highways and transportation commission shall not**

15 **restrict any certificate or permit authorizing the transportation of household goods or**
16 **passengers with reference to any route or routes; except that the state highways and**
17 **transportation commission shall restrict the applicant's registration against the**
18 **transportation of any hazardous material as designated in Title 49, Code of Federal**
19 **Regulations, if the state highways and transportation commission finds that the applicant**
20 **has not shown it is qualified to safely transport that hazardous material in compliance with**
21 **all registration, liability insurance, and safety requirements applicable to the**
22 **transportation of that hazardous material pursuant to Title 49, Code of Federal**
23 **Regulations.**

24 3. If the [division] **state highways and transportation commission** shall find that the
25 applicant is seeking to transport [general and specialized commodities in truckload lots,
26 agricultural commodities in bulk,] **household goods**, or passengers [in charter service], and is
27 fit, willing and able to properly perform the service proposed and to conform to the provisions
28 of this chapter and the requirements, rules and regulations of the [division] **state highways and**
29 **transportation commission** thereunder, a permit therefor shall be issued.

30 4. [If the division finds that an applicant seeking to transport commodities or passengers
31 as described in subsection 4 of section 390.051 is fit, willing and able to properly perform the
32 service proposed, and to conform to the provisions of this chapter and the requirements, rules
33 and regulations of the division, and that the service proposed will serve a useful present or future
34 purpose, a permit therefor specifying the service authorized shall be issued, unless the division
35 finds on the basis of evidence presented by persons objecting to the issuance of a permit that the
36 transportation to be authorized by the permit will be inconsistent with the public convenience
37 and necessity.

38 5.] Any permit issued under this section shall specify the service to be rendered, the
39 contracting parties, and the [points or] area to be served.

40 [6.] **5.** The [division] **state highways and transportation commission** will not have
41 jurisdiction over contract rates. A copy of the original contract must be filed with the [division]
42 **state highways and transportation commission** prior to issuance of a permit. In the event the
43 applicant chooses not to disclose contract rates in the application, the contract shall contain in
44 lieu of rates a specific provision which incorporates by reference a schedule of rates, in writing,
45 to be effective between carrier and shipper. Current contracts and rate schedules must be
46 maintained by the carrier and contracting shippers. A contract permit, authorizing the
47 transportation of [commodities] **household goods** or passengers [other than as described in
48 subsection 4 of section 390.051], may be amended to include additional contracting parties by
49 the filing of said contracts with the [division] **state highways and transportation commission**
50 and acknowledgment by the [division] **state highways and transportation commission**.

390.116. 1. Common carriers of [property] **household goods** may establish reasonable
2 through routes **or interline service** and joint rates, charges and classifications with other such
3 carriers or with common carriers by railroad or express; and common carriers of passengers may

4 establish reasonable through routes and joint rates, fares or charges with other such carriers or
5 with common carriers by railroad. In case of such joint rates, fares, charges or classifications,
6 it shall be the duty of the **participating** carriers[, parties thereto,] to establish just and reasonable
7 regulations and practices in connection therewith, and just, reasonable and equitable divisions
8 thereof as between the carriers participating therein which shall not unduly prefer or prejudice
9 any of such participating carriers **and shall not result in any rate, fare, charge, classification,**
10 **regulation, or practice that is unjust or unreasonable to the shipper or receiver of the**
11 **household goods. Carriers of household goods participating in through routes or interline**
12 **service shall publish joint tariffs and evidence of concurrence or acceptance thereof, in**
13 **accordance with section 387.080, or individual tariffs for each participating carrier, which**
14 **shall set forth the joint or individual rates, fares, charges, classifications, regulations,**
15 **practices, and division of rates applicable to such through routes or interline service, all**
16 **in accordance with the applicable provisions in chapter 387.**

17 2. The [division] **state highways and transportation commission** may, whenever
18 deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or
19 upon its own motion, order the establishment of just and reasonable through routes and joint
20 rates, fares, charges, regulations or practices, applicable to the transportation of passengers [or
21 property] by common carriers.

390.280. 1. Certificates or permits, or both, which were issued before January 1, 1995,
2 and which authorized a person to transport any property in intrastate commerce by motor vehicle
3 as a common carrier or contract carrier, or both, are void, except that to the extent such
4 certificates or permits, or portions thereof, authorized a person to transport household goods over
5 irregular routes or passengers in intrastate commerce, or any property or passengers in interstate
6 commerce, those certificates or permits, or portions thereof, are exempt from the provisions of
7 this subsection.

8 2. Persons who owned certificates or permits, or both, that were in active status with the
9 division on December 31, 1994, and persons to whom the division issued certificates and permits
10 after December 31, 1994, pursuant to emergency rules adopted by the division, are deemed to
11 be qualified as registered property carriers, unless the person's certificate or permit has been
12 suspended, revoked or transferred to another person as provided by law. A person deemed
13 qualified pursuant to this subsection is not required to file an application pursuant to section
14 390.290 to continue providing intrastate transportation as a registered property carrier, but rather,
15 upon such person's compliance with the licensing and insurance requirements of the division the
16 person is deemed to have a property carrier registration in force as required pursuant to section
17 390.270, authorizing the person to transport property except household goods in intrastate
18 commerce on the public highways, unless the person's property carrier registration is suspended,
19 revoked or transferred to another person as provided by law. Within a reasonable time after
20 August 28, 1996, the division shall issue property carrier registrations to all persons who are

21 deemed to be qualified as registered property carriers and deemed to have property carrier
22 registrations in force pursuant to this subsection.

23 3. Notwithstanding any provision of this section to the contrary, this section shall not be
24 construed as authorizing any person to transport any hazardous material as designated in Title
25 49, Code of Federal Regulations, except hazardous materials which that person was expressly
26 authorized to transport in intrastate commerce within this state on August 28, 1996. A person
27 may file an application for property carrier registration pursuant to section 390.290 to transport
28 additional hazardous materials. Nothing in this section shall be construed to conflict with
29 chapter 260, or of relieving an applicant of any duty to obtain a license pursuant to chapter 260.

30 **4. Notwithstanding any provision of the law to the contrary, any geographic**
31 **restriction or provision limiting the carrier's scope of authority to particular routes within**
32 **this state contained in a certificate or permit, or both, authorizing the transportation of**
33 **household goods in intrastate commerce, which was issued prior to August 28, 2011, and**
34 **any similar provision contained in a carrier's tariff schedule filed prior to such date, shall**
35 **be deemed void. In lieu of the geographic restrictions expressed in such certificates,**
36 **permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate**
37 **transportation of household goods between all points and destinations within the state until**
38 **such time the certificates, permits, and tariff schedules are reissued or amended to reflect**
39 **the motor carrier's statewide operating authority. Nothing contained in the provisions of**
40 **sections 390.051 to 390.116 shall be construed to exempt or to alter the obligation of**
41 **compliance by carriers transporting passengers point-to-point within the jurisdiction**
42 **described in 67.1802 from the provisions of sections 67.1800 to 67.1822.**

444.771. Notwithstanding any other provision of law to the contrary, the
2 **commission and the department shall not issue any permits under this chapter or under**
3 **chapters 643 or 644, to any person whose mine plan boundary is within one thousand feet**
4 **of any real property where an accredited school has been located for at least five years**
5 **prior to any such application for permits made pursuant to such provisions, except that the**
6 **provisions of this section shall not apply to any request for an expansion to an existing**
7 **mine and/or to any underground mining operation.**

537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a
2 **public street or highway in a manner which is legal under state and local law shall not**
3 **constitute a public or private nuisance, and shall not be the basis of a civil action for public**
4 **or private nuisance.**

5 **2. No individual or business entity shall be subject to any civil action in law or**
6 **equity for a public or private nuisance on the basis of such individual or business entity**
7 **legally using vehicles on a public street or highway. Any actions by a court in this state to**
8 **enjoin the use of a public street or highway in violation of this section and any damages**
9 **awarded or imposed by a court, or assessed by a jury, against an individual or business**
10 **entity for public or private nuisance in violation of this section shall be null and void.**

11 **3. Notwithstanding any other provision of law, nothing in this section shall be**
12 **construed to limit civil liability for compensatory damages arising from physical injury to**
13 **another human being.**

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

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

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

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

12 (2) A "chronic offender" is:

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

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

22 (c) A person who has pleaded guilty to or has been found guilty of two or more
23 intoxication-related traffic offenses and, in addition, any of the following: involuntary
24 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the
25 second degree under section 565.021, where the underlying felony is an intoxication-related
26 traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section
27 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of
28 subsection 1 of section 565.082;

29 (3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
30 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
31 location of the person who is being monitored, and regularly transmitting the data. Continuous
32 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
33 section 217.690;

34 (4) An "intoxication-related traffic offense" is driving while intoxicated, driving with
35 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of
36 subsection 1 of section 565.024, murder in the second degree under section 565.021, where the

37 underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant
38 to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the
39 second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under
40 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

41 (5) A "persistent offender" is one of the following:

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

44 (b) A person who has pleaded guilty to or has been found guilty of involuntary
45 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the
46 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law
47 enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section
48 565.082; and

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

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

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

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

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

64 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
65 prior offender, persistent offender, aggravated offender, or chronic offender under this section
66 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the
67 contrary notwithstanding.

68 (1) No prior offender shall be eligible for parole or probation until he or she has served
69 a minimum of ten days imprisonment:

70 (a) Unless as a condition of such parole or probation such person performs at least thirty
71 days **involving at least two hundred forty hours** of community service under the supervision
72 of the court in those jurisdictions which have a recognized program for community service; or

73 (b) The offender participates in and successfully completes a program established
74 pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part**

75 **of either program, the offender performs at least thirty days of community service under**
76 **the supervision of the court.**

77 (2) No persistent offender shall be eligible for parole or probation until he or she has
78 served a minimum of thirty days imprisonment:

79 (a) Unless as a condition of such parole or probation such person performs at least sixty
80 days **involving at least four hundred eighty hours** of community service under the supervision
81 of the court; or

82 (b) The offender participates in and successfully completes a program established
83 pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part**
84 **of either program, the offender performs at least sixty days of community service under**
85 **the supervision of the court.**

86 (3) No aggravated offender shall be eligible for parole or probation until he or she has
87 served a minimum of sixty days imprisonment.

88 (4) No chronic offender shall be eligible for parole or probation until he or she has
89 served a minimum of two years imprisonment. In addition to any other terms or conditions of
90 probation, the court shall consider, as a condition of probation for any person who pleads guilty
91 to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain
92 from consuming or using alcohol or any products containing alcohol as demonstrated by
93 continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of
94 four times per day as scheduled by the court for such duration as determined by the court, but not
95 less than ninety days. The court may, in addition to imposing any other fine, costs, or
96 assessments provided by law, require the offender to bear any costs associated with continuous
97 alcohol monitoring or verifiable breath alcohol testing.

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

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

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

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

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

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

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

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

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

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

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

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

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.

Section 1. 1. Any member of the National Rifle Association, after an annual payment of an emblem-use authorization fee to the National Rifle Association, may receive special 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 National Rifle Association hereby authorizes the use of its official emblem to be affixed on multi-year personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, that organization 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 registration. Upon

16 **presentation of the annual statement and payment of a fifteen dollar fee in addition to the**
17 **regular registration fees, and presentation of any documents which may be required by**
18 **law, the director of revenue shall issue to the vehicle owner a special license plate which**
19 **shall bear the emblem of the National Rifle Association and the words "National Rifle**
20 **Association" in place of the words "SHOW-ME STATE". Such license plates shall be**
21 **made with fully reflective material with a common color scheme and design of the standard**
22 **license plate, shall be clearly visible at night, shall have a reflective white background in**
23 **the area of the plate configuration, and shall be aesthetically attractive, as prescribed by**
24 **section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall**
25 **be charged for the personalization of license plates pursuant to this section.**

26 **3. A vehicle owner who was previously issued a plate with the National Rifle**
27 **Association 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 organization's emblem, as otherwise provided by law. The**
30 **director of revenue shall make necessary rules and regulations for the enforcement of this**
31 **section, and shall design all necessary forms required by this section.**

Section B. The repeal and reenactment of section 302.700 and the enactment of section
2 302.768 of this act shall become effective on the date the director of the department of revenue
3 begins accepting commercial driver license medical certifications under sections 302.700 and
4 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting
5 commercial driver license medical certifications under sections 302.700 and 302.768 prior to
6 May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such
7 fact.

Section C. The repeal and reenactment of section 301.147 shall become effective July 1,
2 2012.

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