

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

1235S.10C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.3084, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.200, 304.820, 323.020, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, and to enact in lieu thereof thirty-eight new sections relating to transportation, with existing penalty provisions and a contingent effective dates for certain sections.

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

Section A. Sections 21.795, 70.441, 144.030, 226.095, 226.520, 227.107, 301.010, 301.3084, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120, 304.200, 304.820, 323.020, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and 577.023, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 21.795, 70.441, 144.030, 226.131, 226.195, 226.520, 227.107, 301.010, 301.3084, 301.4036, 302.181, 302.291, 302.309, 302.341, 302.700, 302.768, 304.120, 304.200, 304.820, 323.020, 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, 537.293, 558.021, 571.101, 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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

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

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

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

55 (3) The proposed allocation and expenditure of moneys and the proposed
56 work plan for the current fiscal year, at least the next four years, and for any
57 period of time expressed in any public transportation plan approved by either the
58 general assembly or by the voters of Missouri. This proposed allocation and
59 expenditure of moneys shall include the amounts of proposed allocation and
60 expenditure of moneys in each of the categories listed in subdivision (1) of this
61 subsection;

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

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

73 (6) The reasons for cost increases or decreases exceeding five million
74 dollars or ten percent relative to cost estimates and final completed costs for
75 projects in the state highway and bridge construction program or any other
76 projects relating to other modes of transportation completed in the preceding

77 state fiscal year. Cost increases or decreases shall be determined by comparing
78 the cost estimate at the time the project was placed on the most recent five-year
79 highway and bridge construction plan and the final completed cost by
80 project. The reasons shall include the amounts resulting from inflation,
81 department-wide design changes, changes in project scope, federal mandates, or
82 other factors;

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

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

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

90 3. Prior to [December first] **February fifteenth** of each year, the
91 committee shall hold an annual meeting and call before its members, officials or
92 employees of the state highways and transportation commission or department
93 of transportation, as determined by the committee, for the sole purpose of
94 receiving and examining the report required pursuant to subsection 2 of this
95 section. The committee shall not have the power to modify projects or priorities
96 of the state highways and transportation commission or department of
97 transportation. The committee may make recommendations to the state highways
98 and transportation commission or the department of transportation. Disposition
99 of those recommendations shall be reported by the commission or the department
100 to the joint committee on transportation oversight.

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

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

107 (2) Discussion of department efficiencies and expenditure of cost-savings
108 within the department;

109 (3) Presentation of a status report on department of transportation
110 revenues and expenditures, including a detailed summary of projects funded by
111 new state revenue as provided in paragraph (a) of subdivision (1) of subsection
112 2 of this section; and

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

118 5. The committee shall also review all applications for the development
119 of specialty plates submitted to it by the department of revenue. The committee
120 shall approve such application by a majority vote. The committee shall approve
121 any application unless the committee receives:

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

125 (2) Notification that the organization seeking authorization to establish
126 a new specialty license plate has not met all the requirements of section
127 301.3150;

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

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

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

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

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

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

8 (3) "Facilities" includes all property and equipment, including, without
9 limitation, rights-of-way and related trackage, rails, signals, power, fuel,
10 communication and ventilation systems, power plants, stations, terminals,
11 signage, storage yards, depots, repair and maintenance shops, yards, offices,
12 parking lots and other real estate or personal property used or held for or

13 incidental to the operation, rehabilitation or improvement of any public mass
14 transportation system of the agency;

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

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

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

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

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

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

33 3. (1) No person shall use or enter upon the light rail conveyances of the
34 agency without payment of the fare or other lawful charges established by the
35 agency. Any person on any such conveyance must have properly validated fare
36 media in his possession. This ticket must be valid to or from the station the
37 passenger is using, and must have been used for entry for the trip then being
38 taken;

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

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

47 (4) Except for employees of the agency acting within the scope of their
48 employment, no person shall sell, provide, copy, reproduce or produce, or create

49 any version of any token, pass, badge, ticket, document, transfer, card or any
50 other fare media or otherwise authorize access to or use of the facilities,
51 conveyances or services of the agency without the written permission of an
52 authorized representative of the agency;

53 (5) No person shall put or attempt to put any paper, article, instrument
54 or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other
55 access authorization or other fare media issued by the agency and valid for the
56 place, time and manner in which used, into any fare box, pass reader, ticket
57 vending machine, parking meter, parking gate or other fare collection instrument,
58 receptacle, device, machine or location;

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

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

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

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

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

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

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

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

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

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

84 (c) Enter or remain in any facility or conveyance while his ability to

85 function safely in the environment of the agency transit system is impaired by the
86 consumption of alcohol or by the taking of any drug;

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

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

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

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

95 (11) No weapon or other instrument intended for use as a weapon may be
96 carried in or on any facility or conveyance, except for law enforcement
97 personnel. For the purposes hereof, a weapon shall include, but not be limited
98 to, a firearm, switchblade knife, sword, or any instrument of any kind known as
99 blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with
100 metal, wood impregnated with metal filings or razor blades; except that this
101 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in
102 any enclosed case, box or other container which completely conceals the item from
103 view and identification as a weapon;

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

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

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

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

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

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

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

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

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

137 4. (1) Unless a greater penalty is otherwise provided by the laws of the
138 state, any violation of this section shall constitute a misdemeanor, and any
139 person committing a violation thereof shall be subject to arrest and, upon
140 conviction in a court of competent jurisdiction, shall pay a fine in an amount not
141 less than twenty-five dollars and no greater than two hundred fifty dollars per
142 violation, in addition to court costs. Any default in the payment of a fine imposed
143 pursuant to this section without good cause shall result in imprisonment for not
144 more than thirty days;

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

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

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

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

159 5. Any person who is convicted, pleads guilty, or pleads nolo
160 contendere for failing to pay the proper fare, fee, or other charge for
161 the use of the facilities and conveyances of the bi-state development
162 agency, as described in subdivision (3) of subsection 4 of this section,
163 shall, in addition to the unpaid fares or charges and any fines,
164 penalties, or sentences imposed by law, be required to reimburse the
165 reasonable costs attributable to the enforcement, investigation, and
166 prosecution of such offense by the bi-state development agency. The
167 court shall direct the reimbursement proceeds to the appropriate
168 agency official.

169 6. (1) Stalled or disabled vehicles may be removed from the roadways of
170 the agency property by the agency and parked or stored elsewhere at the risk and
171 expense of the owner;

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

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

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,

18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

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

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

44 (4) Replacement machinery, equipment, and parts and the materials and
45 supplies solely required for the installation or construction of such replacement
46 machinery, equipment, and parts, used directly in manufacturing, mining,
47 fabricating or producing a product which is intended to be sold ultimately for
48 final use or consumption; and machinery and equipment, and the materials and
49 supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or
51 expand existing, material recovery processing plants in this state. For the
52 purposes of this subdivision, a "material recovery processing plant" means a
53 facility that has as its primary purpose the recovery of materials into a useable

54 product or a different form which is used in producing a new product and shall
55 include a facility or equipment which are used exclusively for the collection of
56 recovered materials for delivery to a material recovery processing plant but shall
57 not include motor vehicles used on highways. For purposes of this section, the
58 terms motor vehicle and highway shall have the same meaning pursuant to
59 section 301.010. Material recovery is not the reuse of materials within a
60 manufacturing process or the use of a product previously recovered. The material
61 recovery processing plant shall qualify under the provisions of this section
62 regardless of ownership of the material being recovered;

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

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

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

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

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

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

81 (11) Railroad rolling stock for use in transporting persons or property in
82 interstate commerce and motor vehicles licensed for a gross weight of twenty-four
83 thousand pounds or more or trailers used by [common] carriers[, as defined in
84 section 390.020,] **who have received federal authority to haul for hire** in
85 the transportation of persons or property;

86 (12) Electrical energy used in the actual primary manufacture, processing,
87 compounding, mining or producing of a product, or electrical energy used in the
88 actual secondary processing or fabricating of the product, or a material recovery
89 processing plant as defined in subdivision (4) of this subsection, in facilities

90 owned or leased by the taxpayer, if the total cost of electrical energy so used
91 exceeds ten percent of the total cost of production, either primary or secondary,
92 exclusive of the cost of electrical energy so used or if the raw materials used in
93 such processing contain at least twenty-five percent recovered materials as
94 defined in section 260.200. There shall be a rebuttable presumption that the raw
95 materials used in the primary manufacture of automobiles contain at least
96 twenty-five percent recovered materials. For purposes of this subdivision,
97 "processing" means any mode of treatment, act or series of acts performed upon
98 materials to transform and reduce them to a different state or thing, including
99 treatment necessary to maintain or preserve such processing by the producer at
100 the production facility;

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

104 (14) Machinery, equipment, appliances and devices purchased or leased
105 and used solely for the purpose of preventing, abating or monitoring air pollution,
106 and materials and supplies solely required for the installation, construction or
107 reconstruction of such machinery, equipment, appliances and devices;

108 (15) Machinery, equipment, appliances and devices purchased or leased
109 and used solely for the purpose of preventing, abating or monitoring water
110 pollution, and materials and supplies solely required for the installation,
111 construction or reconstruction of such machinery, equipment, appliances and
112 devices;

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

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

121 (18) All sales of insulin and prosthetic or orthopedic devices as defined on
122 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the
123 Social Security Act of 1965, including the items specified in Section 1862(a)(12)
124 of that act, and also specifically including hearing aids and hearing aid supplies
125 and all sales of drugs which may be legally dispensed by a licensed pharmacist

126 only upon a lawful prescription of a practitioner licensed to administer those
127 items, including samples and materials used to manufacture samples which may
128 be dispensed by a practitioner authorized to dispense such samples and all sales
129 of medical oxygen, home respiratory equipment and accessories, hospital beds and
130 accessories and ambulatory aids, all sales of manual and powered wheelchairs,
131 stairway lifts, Braille writers, electronic Braille equipment and, if purchased by
132 or on behalf of a person with one or more physical or mental disabilities to enable
133 them to function more independently, all sales of scooters, reading machines,
134 electronic print enlargers and magnifiers, electronic alternative and augmentative
135 communication devices, and items used solely to modify motor vehicles to permit
136 the use of such motor vehicles by individuals with disabilities or sales of
137 over-the-counter or nonprescription drugs to individuals with disabilities;

138 (19) All sales made by or to religious and charitable organizations and
139 institutions in their religious, charitable or educational functions and activities
140 and all sales made by or to all elementary and secondary schools operated at
141 public expense in their educational functions and activities;

142 (20) All sales of aircraft to common carriers for storage or for use in
143 interstate commerce and all sales made by or to not-for-profit civic, social, service
144 or fraternal organizations, including fraternal organizations which have been
145 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
146 1986 Internal Revenue Code, as amended, in their civic or charitable functions
147 and activities and all sales made to eleemosynary and penal institutions and
148 industries of the state, and all sales made to any private not-for-profit institution
149 of higher education not otherwise excluded pursuant to subdivision (19) of this
150 subsection or any institution of higher education supported by public funds, and
151 all sales made to a state relief agency in the exercise of relief functions and
152 activities;

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

161 (22) All sales made to any private not-for-profit elementary or secondary

162 school, all sales of feed additives, medications or vaccines administered to
163 livestock or poultry in the production of food or fiber, all sales of pesticides used
164 in the production of crops, livestock or poultry for food or fiber, all sales of
165 bedding used in the production of livestock or poultry for food or fiber, all sales
166 of propane or natural gas, electricity or diesel fuel used exclusively for drying
167 agricultural crops, natural gas used in the primary manufacture or processing of
168 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
169 used by an eligible new generation cooperative or an eligible new generation
170 processing entity as defined in section 348.432, and all sales of farm machinery
171 and equipment, other than airplanes, motor vehicles and trailers. As used in this
172 subdivision, the term "feed additives" means tangible personal property which,
173 when mixed with feed for livestock or poultry, is to be used in the feeding of
174 livestock or poultry. As used in this subdivision, the term "pesticides" includes
175 adjuvants such as crop oils, surfactants, wetting agents and other assorted
176 pesticide carriers used to improve or enhance the effect of a pesticide and the
177 foam used to mark the application of pesticides and herbicides for the production
178 of crops, livestock or poultry. As used in this subdivision, the term "farm
179 machinery and equipment" means new or used farm tractors and such other new
180 or used farm machinery and equipment and repair or replacement parts thereon,
181 and supplies and lubricants used exclusively, solely, and directly for producing
182 crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for
183 producing milk for ultimate sale at retail, including field drain tile, and one-half
184 of each purchaser's purchase of diesel fuel therefor which is:

185 (a) Used exclusively for agricultural purposes;
186 (b) Used on land owned or leased for the purpose of producing farm
187 products; and

188 (c) Used directly in producing farm products to be sold ultimately in
189 processed form or otherwise at retail or in producing farm products to be fed to
190 livestock or poultry to be sold ultimately in processed form at retail;

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

195 (a) "Domestic use" means that portion of metered water service,
196 electricity, electrical current, natural, artificial or propane gas, wood, coal or
197 home heating oil, and in any city not within a county, metered or unmetered

198 water service, which an individual occupant of a residential premises uses for
199 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
200 a single or master meter for residential apartments or condominiums, including
201 service for common areas and facilities and vacant units, shall be deemed to be
202 for domestic use. Each seller shall establish and maintain a system whereby
203 individual purchases are determined as exempt or nonexempt;

204 (b) Regulated utility sellers shall determine whether individual purchases
205 are exempt or nonexempt based upon the seller's utility service rate
206 classifications as contained in tariffs on file with and approved by the Missouri
207 public service commission. Sales and purchases made pursuant to the rate
208 classification "residential" and sales to and purchases made by or on behalf of the
209 occupants of residential apartments or condominiums through a single or master
210 meter, including service for common areas and facilities and vacant units, shall
211 be considered as sales made for domestic use and such sales shall be exempt from
212 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
213 classified as nondomestic use. The seller's utility service rate classification and
214 the provision of service thereunder shall be conclusive as to whether or not the
215 utility must charge sales tax;

216 (c) Each person making domestic use purchases of services or property
217 and who uses any portion of the services or property so purchased for a
218 nondomestic use shall, by the fifteenth day of the fourth month following the year
219 of purchase, and without assessment, notice or demand, file a return and pay
220 sales tax on that portion of nondomestic purchases. Each person making
221 nondomestic purchases of services or property and who uses any portion of the
222 services or property so purchased for domestic use, and each person making
223 domestic purchases on behalf of occupants of residential apartments or
224 condominiums through a single or master meter, including service for common
225 areas and facilities and vacant units, under a nonresidential utility service rate
226 classification may, between the first day of the first month and the fifteenth day
227 of the fourth month following the year of purchase, apply for credit or refund to
228 the director of revenue and the director shall give credit or make refund for taxes
229 paid on the domestic use portion of the purchase. The person making such
230 purchases on behalf of occupants of residential apartments or condominiums shall
231 have standing to apply to the director of revenue for such credit or refund;

232 (24) All sales of handicraft items made by the seller or the seller's spouse
233 if the seller or the seller's spouse is at least sixty-five years of age, and if the total

234 gross proceeds from such sales do not constitute a majority of the annual gross
235 income of the seller;

236 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,
237 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
238 States Code. The director of revenue shall promulgate rules pursuant to chapter
239 536 to eliminate all state and local sales taxes on such excise taxes;

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

246 (27) All sales made to an interstate compact agency created pursuant to
247 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the
248 functions and activities of such agency as provided pursuant to the compact;

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

254 (29) All livestock sales when either the seller is engaged in the growing,
255 producing or feeding of such livestock, or the seller is engaged in the business of
256 buying and selling, bartering or leasing of such livestock;

257 (30) All sales of barges which are to be used primarily in the
258 transportation of property or cargo on interstate waterways;

259 (31) Electrical energy or gas, whether natural, artificial or propane, water,
260 or other utilities which are ultimately consumed in connection with the
261 manufacturing of cellular glass products or in any material recovery processing
262 plant as defined in subdivision (4) of this subsection;

263 (32) Notwithstanding other provisions of law to the contrary, all sales of
264 pesticides or herbicides used in the production of crops, aquaculture, livestock or
265 poultry;

266 (33) Tangible personal property and utilities purchased for use or
267 consumption directly or exclusively in the research and development of
268 agricultural/biotechnology and plant genomics products and prescription
269 pharmaceuticals consumed by humans or animals;

270 (34) All sales of grain bins for storage of grain for resale;

271 (35) All sales of feed which are developed for and used in the feeding of
272 pets owned by a commercial breeder when such sales are made to a commercial
273 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325
274 to 273.357;

275 (36) All purchases by a contractor on behalf of an entity located in another
276 state, provided that the entity is authorized to issue a certificate of exemption for
277 purchases to a contractor under the provisions of that state's laws. For purposes
278 of this subdivision, the term "certificate of exemption" shall mean any document
279 evidencing that the entity is exempt from sales and use taxes on purchases
280 pursuant to the laws of the state in which the entity is located. Any contractor
281 making purchases on behalf of such entity shall maintain a copy of the entity's
282 exemption certificate as evidence of the exemption. If the exemption certificate
283 issued by the exempt entity to the contractor is later determined by the director
284 of revenue to be invalid for any reason and the contractor has accepted the
285 certificate in good faith, neither the contractor or the exempt entity shall be liable
286 for the payment of any taxes, interest and penalty due as the result of use of the
287 invalid exemption certificate. Materials shall be exempt from all state and local
288 sales and use taxes when purchased by a contractor for the purpose of fabricating
289 tangible personal property which is used in fulfilling a contract for the purpose
290 of constructing, repairing or remodeling facilities for the following:

291 (a) An exempt entity located in this state, if the entity is one of those
292 entities able to issue project exemption certificates in accordance with the
293 provisions of section 144.062; or

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

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

301 (38) Sales of tickets to any collegiate athletic championship event that is
302 held in a facility owned or operated by a governmental authority or commission,
303 a quasi-governmental agency, a state university or college or by the state or any
304 political subdivision thereof, including a municipality, and that is played on a
305 neutral site and may reasonably be played at a site located outside the state of

306 Missouri. For purposes of this subdivision, "neutral site" means any site that is
307 not located on the campus of a conference member institution participating in the
308 event;

309 (39) All purchases by a sports complex authority created under section
310 64.920, and all sales of utilities by such authority at the authority's cost that are
311 consumed in connection with the operation of a sports complex leased to a
312 professional sports team;

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

317 (41) Sales of sporting clays, wobble, skeet, and trap targets to any
318 shooting range or similar places of business for use in the normal course of
319 business and money received by a shooting range or similar places of business
320 from patrons and held by a shooting range or similar place of business for
321 redistribution to patrons at the conclusion of a shooting event.

**226.131. 1. Notwithstanding any other provision of law to the
2 contrary, the commission may delegate to a designated hearing
3 examiner and/or appeals board the authority to conduct hearings and
4 render final decisions and orders on behalf of the commission in all
5 contested case administrative hearings that are required by federal or
6 state law.**

**7 2. The commission may adopt rules and regulations to implement
8 and administer this section. Any rule or portion of a rule, as that term
9 is defined in section 536.010 that is created under the authority
10 delegated in this section shall become effective only if it complies with
11 and is subject to all of the provisions of chapter 536, and, if applicable,
12 section 536.028. This section and chapter 536 are nonseverable and if
13 any of the powers vested with the general assembly pursuant to chapter
14 536, to review, to delay the effective date, or to disapprove and annul
15 a rule are subsequently held unconstitutional, then the grant of
16 rulemaking authority and any rule proposed or adopted after August
17 28, 2011, shall be invalid and void.**

226.195. 1. As used in this section, the following terms mean:

**2 (1) "Commission", the Missouri highways and transportation
3 commission;**

4 (2) "Department", the Missouri department of transportation;

5 (3) "Public mass transportation service provider", a city, a city
6 transit authority, a city utilities board, or an interstate transportation
7 authority as such terms are defined in section 94.600, an intrastate
8 transportation authority, or an agency receiving funding from either
9 the federal transit administration urban or nonurban formula transit
10 program.

11 2. There is hereby created the Missouri state transit assistance
12 program. The purpose of this program is to provide state financial
13 assistance to defray the operating and capital costs incurred by public
14 mass transportation service providers.

15 3. Funds appropriated to the Missouri state transit assistance
16 program shall be appropriated to the department and administered by
17 the department on behalf of the commission. The distribution of funds
18 to public mass transportation service providers shall be determined by
19 evaluating factors including but not limited to the following:

20 (1) Population;

21 (2) Ridership;

22 (3) Cost and efficiency of the program;

23 (4) Availability of alternative transportation in the area;

24 (5) Local effort or tax support.

25 4. The commission shall promulgate rules to implement the
26 provisions of this section. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the authority delegated
28 in this section shall become effective only if it complies with and is
29 subject to all of the provisions of chapter 536 and, if applicable, section
30 536.028. This section and chapter 536 are nonseverable and if any of
31 the powers vested with the general assembly pursuant to chapter 536
32 to review, to delay the effective date, or to disapprove and annul a rule
33 are subsequently held unconstitutional, then the grant of rulemaking
34 authority and any rule proposed or adopted after August 28, 2011, shall
35 be invalid and void.

226.520. On and after March 30, 1972, no outdoor advertising shall be
2 erected or maintained within six hundred sixty feet of the nearest edge of the
3 right-of-way and visible from the main traveled way of any highway which is part
4 of the federal-aid primary highways as of June 1, 1991, and all highways
5 designated as part of the National Highway System by the National Highway

6 System Designation Act of 1995 and those highways subsequently designated as
7 part of the National Highway System in this state except the following:

8 (1) Directional and other official signs, including, but not limited to, signs
9 pertaining to natural wonders, scenic, **cultural (including agricultural**
10 **activities or attractions), scientific, educational, religious sites,** and
11 historical attractions, which are required or authorized by law, and which comply
12 with regulations which shall be promulgated by the department relative to their
13 lighting, size, number, spacing and such other requirements as may be
14 appropriate to implement sections 226.500 to 226.600, but such regulations shall
15 not be inconsistent with, nor more restrictive than, such national standards as
16 may be promulgated from time to time by the Secretary of the Department of
17 Transportation of the United States, under subsection (c) of Section 131 of Title
18 23 of the United States Code;

19 (2) Signs, displays, and devices advertising activities conducted on the
20 property upon which they are located, or services and products therein provided;

21 (3) Outdoor advertising located in areas which are zoned industrial,
22 commercial or the like as provided in sections 226.500 to 226.600 or under other
23 authority of law;

24 (4) Outdoor advertising located in unzoned commercial or industrial areas
25 as defined and determined pursuant to sections 226.500 to 226.600;

26 (5) Outdoor advertising for tourist-oriented businesses, and scoreboards
27 used in sporting events or other electronic signs with changeable messages which
28 are not prohibited by federal regulations or local zoning ordinances. Outdoor
29 advertising which is authorized by this subdivision (5) shall only be allowed to
30 the extent that such outdoor advertising is not prohibited by Title 23, United
31 States Code, Section 131, as now or thereafter amended, and lawful regulations
32 promulgated thereunder. The general assembly finds and declares it to be the
33 policy of the state of Missouri that the tourism industry is of major and critical
34 importance to the economic well-being of the state and that directional signs,
35 displays and devices providing directional information about goods and services
36 in the interest of the traveling public are essential to the economic welfare of the
37 tourism industry. The general assembly further finds and declares that the
38 removal of directional signs advertising tourist-oriented businesses is harmful to
39 the tourism industry in Missouri and that the removal of directional signs within
40 or near areas of the state where there is high concentration of tourist-oriented
41 businesses would have a particularly harmful effect upon the economies within

42 such areas. The state highways and transportation commission is authorized and
43 directed to determine those specific areas of the state of Missouri in which there
44 is high concentration of tourist-oriented businesses, and within such areas, no
45 directional signs, displays and devices which are lawfully erected, which are
46 maintained in good repair, which provide directional information about goods and
47 services in the interest of the traveling public, and which would otherwise be
48 required to be removed because they are not allowed to be maintained under the
49 provisions of sections 226.500 through 226.600 shall be required to be removed
50 until such time as such removal has been finally ordered by the United States
51 Secretary of Transportation;

52 (6) The provisions of this section shall not be construed to require removal
53 of signs advertising churches or items of religious significance, items of native
54 arts and crafts, woodworking in native products, or native items of artistic,
55 historical, geologic significance, or hospitals or airports.

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

12 2. Notwithstanding provisions of subsection 1 of this section to the
13 contrary, the state highways and transportation commission is authorized to
14 enter into additional design-build contracts for the design, construction,
15 reconstruction, or improvement of Missouri Route 364 as contained in any county
16 with a charter form of government and with more than two hundred fifty
17 thousand but fewer than three hundred fifty thousand inhabitants and in any
18 county with a charter form of government and with more than one million
19 inhabitants, and the State Highway 169 and 96th Street intersection located
20 within a home rule city with more than four hundred thousand inhabitants and
21 located in more than one county. The state highways and transportation
22 commission is authorized to enter into an additional design-build contract for the

23 design, construction, reconstruction, or improvement of State Highway 92,
24 contained in a county of the first classification with more than one hundred
25 eighty-four thousand but fewer than one hundred eighty-eight thousand
26 inhabitants, from its intersection with State Highway 169, east to its intersection
27 with State Highway E. **The state highways and transportation commission**
28 **is authorized to enter into an additional design-build contract for the**
29 **design, construction, reconstruction, or improvement of US 40/61 I-64**
30 **Missouri River Bridge as contained in any county with a charter form**
31 **of government and with more than one million inhabitants and any**
32 **county with a charter form of government and with more than two**
33 **hundred fifty thousand but fewer than three hundred fifty thousand**
34 **inhabitants.** The authority to enter into a design-build highway project under
35 this subsection shall not be subject to the time limitation expressed in subsection
36 1 of this section.

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

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

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

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

53 7. In any design-build highway project contract, whether involving state
54 or federal funds, the commission shall require that each person submitting a
55 request for qualifications provide a detailed disadvantaged business enterprise
56 participation plan. The plan shall provide information describing the experience
57 of the person in meeting disadvantaged business enterprise participation goals,
58 how the person will meet the department of transportation's disadvantaged

59 business enterprise participation goal and such other qualifications that the
60 commission considers to be in the best interest of the state.

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

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

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

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

75 (2) A performance bond or bonds for the construction period specified in
76 the design-build highway project contract equal to a reasonable estimate of the
77 total cost of construction work under the terms of the design-build highway
78 project contract. If the commission determines in writing supported by specific
79 findings that the reasonable estimate of the total cost of construction work under
80 the terms of the design-build highway project contract is expected to exceed
81 two-hundred fifty million dollars and a performance bond or bonds in such
82 amount is impractical, the commission shall set the performance bond or bonds
83 at the largest amount reasonably available, but not less than two-hundred fifty
84 million dollars, and may require additional security, including but not limited to
85 letters of credit, for the balance of the estimate not covered by the performance
86 bond or bonds;

87 (3) A payment bond or bonds that shall be enforceable under section
88 522.300 for the protection of persons supplying labor and material in carrying out
89 the construction work provided for in the design-build highway project
90 contract. The aggregate amount of the payment bond or bonds shall equal a
91 reasonable estimate of the total amount payable for the cost of construction work
92 under the terms of the design-build highway project contract unless the
93 commission determines in writing supported by specific findings that a payment
94 bond or bonds in such amount is impractical, in which case the commission shall

95 establish the amount of the payment bond or bonds; except that the amount of the
96 payment bond or bonds shall not be less than the aggregate amount of the
97 performance bond or bonds and any additional security to such performance bond
98 or bonds; and

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

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

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

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

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

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

120 16. The commission shall promulgate administrative rules to implement
121 this section or to secure federal funds. Such rules shall be published for comment
122 in the Missouri Register and shall include prequalification criteria, the make-up
123 of the prequalification review team, specifications for the design criteria package,
124 the method of advertising, receiving and evaluating proposals from
125 design-builders, the criteria for awarding the design-build highway project based
126 on the design criteria package and a separate proposal stating the cost of
127 construction, and other methods, procedures and criteria necessary to administer
128 this section.

129 17. The commission shall make a status report to the members of the
130 general assembly and the governor following the award of the design-build

131 project, as an individual component of the annual report submitted by the
132 commission to the joint transportation oversight committee in accordance with the
133 provisions of section 21.795. The annual report prior to advertisement of the
134 design-build highway project contracts shall state the goals of the project in
135 reducing costs and/or the time of completion for the project in comparison to the
136 design-bid-build method of construction and objective measurements to be utilized
137 in determining achievement of such goals. Subsequent annual reports shall
138 include: the time estimated for design and construction of different phases or
139 segments of the project and the actual time required to complete such work
140 during the period; the amount of each progress payment to the design-builder
141 during the period and the percentage and a description of the portion of the
142 project completed regarding such payment; the number and a description of
143 design change orders issued during the period and the cost of each such change
144 order; upon substantial and final completion, the total cost of the design-build
145 highway project with a breakdown of costs for design and construction; and such
146 other measurements as specified by rule. The annual report immediately after
147 final completion of the project shall state an assessment of the advantages and
148 disadvantages of the design-build method of contracting for highway and bridge
149 projects in comparison to the design-bid-build method of contracting and an
150 assessment of whether the goals of the project in reducing costs and/or the time
151 of completion of the project were met.

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

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

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

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

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

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

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

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

14 (4) "Boat transporter", any vehicle combination designed and used
15 specifically to transport assembled boats and boat hulls;

16 (5) "Body shop", a business that repairs physical damage on motor
17 vehicles that are not owned by the shop or its officers or employees by mending,
18 straightening, replacing body parts, or painting;

19 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
20 eight or more passengers but not including shuttle buses;

21 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
22 for carrying freight and merchandise, or more than eight passengers but not
23 including vanpools or shuttle buses;

24 (8) "Cotton trailer", a trailer designed and used exclusively for
25 transporting cotton at speeds less than forty miles per hour from field to field or
26 from field to market and return;

27 (9) "Dealer", any person, firm, corporation, association, agent or subagent
28 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
29 trailers;

30 (10) "Director" or "director of revenue", the director of the department of
31 revenue;

32 (11) "Driveaway operation":

33 (a) The movement of a motor vehicle or trailer by any person or motor
34 carrier other than a dealer over any public highway, under its own power singly,
35 or in a fixed combination of two or more vehicles, for the purpose of delivery for
36 sale or for delivery either before or after sale;

37 (b) The movement of any vehicle or vehicles, not owned by the transporter,
38 constituting the commodity being transported, by a person engaged in the
39 business of furnishing drivers and operators for the purpose of transporting
40 vehicles in transit from one place to another by the driveaway or towaway
41 methods; or

42 (c) The movement of a motor vehicle by any person who is lawfully
43 engaged in the business of transporting or delivering vehicles that are not the
44 person's own and vehicles of a type otherwise required to be registered, by the
45 driveaway or towaway methods, from a point of manufacture, assembly or
46 distribution or from the owner of the vehicles to a dealer or sales agent of a
47 manufacturer or to any consignee designated by the shipper or consignor;

48 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
49 forward of the fifth wheel on the frame of the power unit of a truck
50 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
51 carry part of a load when operating independently or in a combination with a
52 semitrailer;

53 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

54 (14) "Fleet", any group of ten or more motor vehicles owned by the same
55 owner;

56 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

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

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

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

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

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

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

71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
72 the highways and has no resale value except as a source of parts or scrap, and

73 shall not be titled or registered;

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

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

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

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

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

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport harvested forest
102 products, operated solely at a forested site and in an area extending not more
103 than a one hundred-mile radius from such site, carries a load with dimensions not
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when
105 operated on the national system of interstate and defense highways described in
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
107 the weight limits of section 304.180, does not have more than four axles, and does
108 not pull a trailer which has more than two axles. Harvesting equipment which

109 is used specifically for cutting, felling, trimming, delimbing, debarking, chipping,
110 skidding, loading, unloading, and stacking may be transported on a local log
111 truck. A local log truck may not exceed the limits required by law, however, if
112 the truck does exceed such limits as determined by the inspecting officer, then
113 notwithstanding any other provisions of law to the contrary, such truck shall be
114 subject to the weight limits required by such sections as licensed for eighty
115 thousand pounds;

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

129 (28) "Local transit bus", a bus whose operations are confined wholly
130 within a municipal corporation, or wholly within a municipal corporation and a
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part
132 of a public transportation system within such municipal corporation and such
133 municipal corporation and adjacent commercial zone;

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

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

142 (31) "Manufacturer", any person, firm, corporation or association engaged
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other
146 state that comes onto a salvage site and crushes motor vehicles and parts for
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
149 which receives a new, rebuilt or used engine, and which used the number
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
155 vehicle licensed for over twelve thousand pounds;

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
160 an automatic transmission and a motor with a cylinder capacity of not more than
161 fifty cubic centimeters, which produces less than three gross brake horsepower,
162 and is capable of propelling the device at a maximum speed of not more than
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including
165 a motorcycle while operated with any conveyance, temporary or otherwise,
166 requiring the use of a third wheel. A motortricycle shall not be included in the
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
176 the conditional sale or lease thereof with the right of purchase upon performance
177 of the conditions stated in the agreement and with an immediate right of
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or
180 mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed
192 or substantially modified so that it may be used and is used for the purposes of
193 temporary housing quarters, including therein sleeping and eating facilities
194 which are either permanently attached to the motor vehicle or attached to a unit
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any
196 motor vehicle from being registered as a commercial motor vehicle if the motor
197 vehicle could otherwise be so registered;

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

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

206 (50) "Saddlemount combination", a combination of vehicles in which a
207 truck or truck tractor tows one or more trucks or truck tractors, each connected
208 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
209 is a mechanism that connects the front axle of the towed vehicle to the frame or
210 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
211 connection. When two vehicles are towed in this manner the combination is
212 called a "double saddlemount combination". When three vehicles are towed in
213 this manner, the combination is called a "triple saddlemount combination";

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

217 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:
218 (a) Was damaged during a year that is no more than six years after the
219 manufacturer's model year designation for such vehicle to the extent that the
220 total cost of repairs to rebuild or reconstruct the vehicle to its condition
221 immediately before it was damaged for legal operation on the roads or highways
222 exceeds eighty percent of the fair market value of the vehicle immediately
223 preceding the time it was damaged;

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

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

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

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

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

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

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

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

249 (54) "Shuttle bus", a motor vehicle used or maintained by any person,
250 firm, or corporation as an incidental service to transport patrons or customers of
251 the regular business of such person, firm, or corporation to and from the place of
252 business of the person, firm, or corporation providing the service at no fee or

253 charge. Shuttle buses shall not be registered as buses or as commercial motor
254 vehicles;

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

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

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

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

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

280 (60) "Trailer", any vehicle without motive power designed for carrying
281 property or passengers on its own structure and for being drawn by a
282 self-propelled vehicle, except those running exclusively on tracks, including a
283 semitrailer or vehicle of the trailer type so designed and used in conjunction with
284 a self-propelled vehicle that a considerable part of its own weight rests upon and
285 is carried by the towing vehicle. The term "trailer" shall not include cotton
286 trailers as defined in subdivision (8) of this section and shall not include
287 manufactured homes as defined in section 700.010;

288 (61) "Truck", a motor vehicle designed, used, or maintained for the

289 transportation of property;

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

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

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

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

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

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

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

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

301.3084. 1. Any person may receive special license plates as prescribed
2 by this section, for any motor vehicle such person owns, either solely or jointly,
3 other than an apportioned motor vehicle or a commercial motor vehicle licensed
4 in excess of eighteen thousand pounds gross weight[, after an annual contribution
5 of an emblem-use authorization fee to the Friends of the Missouri Women's
6 Council. Any contribution to the Friends of the Missouri Women's Council
7 pursuant to this section, except reasonable administrative costs, shall be
8 designated for the sole purpose of providing breast cancer services, including but
9 not limited to screening, treatment, staging, and follow-up services. The Friends
10 of the Missouri Women's Council hereby authorizes the use of its official emblem
11 to be affixed on multiyear personalized license plates as provided in this
12 section. Any person may annually apply for the use of the emblem]. **Upon**
13 **making a twenty-five dollar annual contribution to the breast cancer**
14 **awareness fund, established in this section, the vehicle owner may**
15 **apply for a "Breast Cancer Awareness" license plate. If the contribution**
16 **is made directly to the state treasurer, the state treasurer shall issue**
17 **the individual making the contribution a receipt, verifying the**
18 **contribution, that may be used to apply for the "Breast Cancer**
19 **Awareness" license plate. If the contribution is made directly to the**
20 **director of revenue, the director shall note the contribution and the**
21 **owner may then apply for the "Breast Cancer Awareness" plate. The**
22 **applicant for such plate must pay a fifteen dollar fee in addition to the**
23 **regular registration fees and present any other documentation required**
24 **by law for each set of "Breast Cancer Awareness" plates issued pursuant**
25 **to this section. Notwithstanding the provisions of section 301.144, no**
26 **additional fee shall be charged for the personalization of license plates**
27 **issued pursuant to this section.**

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

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

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

60 5. **The state treasurer or the director of revenue shall deposit the**
61 **twenty-five dollar annual contribution in the breast cancer awareness**
62 **fund. Funds deposited pursuant to subsection 1 of this section shall be**
63 **used to support breast cancer awareness activities conducted by the**

64 department of health and senior services.

65 6. The state treasurer shall be custodian of the fund and may
66 approve disbursements from the fund in accordance with sections
67 30.170 and 30.180. Notwithstanding the provisions of section 33.080, to
68 the contrary, any moneys remaining in the fund at the end of the
69 biennium shall not revert to the credit of the general revenue
70 fund. The state treasurer shall invest moneys in the fund in the same
71 manner as other funds are invested. Any interest and moneys earned
72 on such investments shall be credited to the fund.

 301.4036. 1. Notwithstanding any other provision of law, any
2 member of the National Wild Turkey Federation, after an annual
3 payment of an emblem-use fee to the National Wild Turkey Federation,
4 may receive personalized specialty license plates for any vehicle the
5 member owns, either solely or jointly, other than an apportioned motor
6 vehicle or a commercial motor vehicle licensed in excess of eighteen
7 thousand pounds gross weight. The National Wild Turkey Federation
8 hereby authorizes the use of its official emblem to be affixed on
9 multiyear personalized specialty license plates as provided in this
10 section. Any contribution to the National Wild Turkey Federation
11 derived from this section, except reasonable administrative costs, shall
12 be used solely for the purposes of the National Wild Turkey
13 Federation. Any member of the National Wild Turkey Federation may
14 annually apply for the use of the emblem.

15 2. Upon annual application and payment of a fifteen dollar
16 emblem-use contribution to the National Wild Turkey Federation, the
17 National Wild Turkey Federation shall issue to the vehicle owner,
18 without further charge, an emblem-use authorization statement, which
19 shall be presented by the vehicle owner to the director of revenue at
20 the time of registration. Upon presentation of the annual emblem-use
21 authorization statement and payment of a fifteen-dollar fee in addition
22 to the regular registration fees, and presentation of any documents
23 which may be required by law, the director of revenue shall issue to the
24 vehicle owner a personalized specialty license plate which shall bear
25 the emblem of the National Wild Turkey Federation. Such license
26 plates shall be made with fully reflective material with a common color
27 scheme and design, shall be clearly visible at night, and shall be
28 aesthetically attractive, and prescribed by section 301.130. In addition,

29 upon each set of license plates shall be inscribed, in lieu of the words
30 "SHOW-ME STATE", the words "National Wild Turkey
31 Federation". Notwithstanding the provisions of section 301.144, no
32 additional fee shall be charged for the personalized specialty plates
33 issued under this section.

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

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

302.181. 1. The license issued pursuant to the provisions of sections
2 302.010 to 302.340 shall be in such form as the director shall prescribe, but the
3 license shall be a card made of plastic or other comparable material. All licenses
4 shall be manufactured of materials and processes that will prohibit, as nearly as
5 possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license
6 without ready detection. All licenses shall bear the licensee's Social Security
7 number, if the licensee has one, and if not, a notarized affidavit must be signed
8 by the licensee stating that the licensee does not possess a Social Security
9 number, or, if applicable, a certified statement must be submitted as provided in

10 subsection 4 of this section. The license shall also bear the expiration date of the
11 license, the classification of the license, the name, date of birth, residence address
12 including the county of residence or a code number corresponding to such county
13 established by the department, and brief description and colored photograph or
14 digitized image of the licensee, and a facsimile of the signature of the
15 licensee. The director shall provide by administrative rule the procedure and
16 format for a licensee to indicate on the back of the license together with the
17 designation for an anatomical gift as provided in section 194.240 the name and
18 address of the person designated pursuant to sections 404.800 to 404.865 as the
19 licensee's attorney in fact for the purposes of a durable power of attorney for
20 health care decisions. No license shall be valid until it has been so signed by the
21 licensee. If any portion of the license is prepared by a private firm, any contract
22 with such firm shall be made in accordance with the competitive purchasing
23 procedures as established by the state director of the division of purchasing. For
24 all licenses issued or renewed after March 1, 1992, the applicant's Social Security
25 number shall serve as the applicant's license number. Where the licensee has no
26 Social Security number, or where the licensee is issued a license without a Social
27 Security number in accordance with subsection 4 of this section, the director shall
28 issue a license number for the licensee and such number shall also include an
29 indicator showing that the number is not a Social Security number.

30 2. All film involved in the production of photographs for licenses shall
31 become the property of the department of revenue.

32 3. The license issued shall be carried at all times by the holder thereof
33 while driving a motor vehicle, and shall be displayed upon demand of any officer
34 of the highway patrol, or any police officer or peace officer, or any other duly
35 authorized person, for inspection when demand is made therefor. Failure of any
36 operator of a motor vehicle to exhibit his or her license to any duly authorized
37 officer shall be presumptive evidence that such person is not a duly licensed
38 operator.

39 4. The director of revenue shall issue a commercial or noncommercial
40 driver's license without a Social Security number to an applicant therefor, who
41 is otherwise qualified to be licensed, upon presentation to the director of a
42 certified statement that the applicant objects to the display of the Social Security
43 number on the license. The director shall assign an identification number, that
44 is not based on a Social Security number, to the applicant which shall be
45 displayed on the license in lieu of the Social Security number.

46 5. The director of revenue shall not issue a license without a facial
47 photograph or digital image of the license applicant, except as provided pursuant
48 to subsection 8 of this section. A photograph or digital image of the applicant's
49 full facial features shall be taken in a manner prescribed by the director. No
50 photograph or digital image will be taken wearing anything which cloaks the
51 facial features of the individual.

52 6. The department of revenue may issue a temporary license or a full
53 license without the photograph or with the last photograph or digital image in the
54 department's records to members of the armed forces, except that where such
55 temporary license is issued it shall be valid only until the applicant shall have
56 had time to appear and have his or her picture taken and a license with his or
57 her photograph issued.

58 7. The department of revenue shall issue upon request a nondriver's
59 license card containing essentially the same information and photograph or
60 digital image, except as provided pursuant to subsection 8 of this section, as the
61 driver's license upon payment of six dollars. All nondriver's licenses shall expire
62 on the applicant's birthday in the sixth year after issuance. A person who has
63 passed his or her seventieth birthday shall upon application be issued a
64 nonexpiring nondriver's license card. **Notwithstanding any other provision**
65 **of this chapter, a nondriver's license containing a concealed carry**
66 **endorsement shall expire three years from the date the certificate of**
67 **qualification was issued pursuant to section 571.101. The fee for**
68 **nondriver's licenses issued for a period exceeding three years is six**
69 **dollars or three dollars for nondriver's licenses issued for a period of**
70 **three years or less.** The nondriver's license card shall be used for identification
71 purposes only and shall not be valid as a license.

72 8. If otherwise eligible, an applicant may receive a driver's license or
73 nondriver's license without a photograph or digital image of the applicant's full
74 facial features except that such applicant's photograph or digital image shall be
75 taken and maintained by the director and not printed on such license.
76 In order to qualify for a license without a photograph or digital image pursuant
77 to this section the applicant must:

78 (1) Present a form provided by the department of revenue requesting the
79 applicant's photograph be omitted from the license or nondriver's license due to
80 religious affiliations. The form shall be signed by the applicant and another
81 member of the religious tenant verifying the photograph or digital image

82 exemption on the license or nondriver's license is required as part of their
83 religious affiliation. The required signatures on the prescribed form shall be
84 properly notarized;

85 (2) Provide satisfactory proof to the director that the applicant has been
86 a U.S. citizen for at least five years and a resident of this state for at least one
87 year, except that an applicant moving to this state possessing a valid driver's
88 license from another state without a photograph, shall be exempt from the
89 one-year state residency requirement. The director may establish rules necessary
90 to determine satisfactory proof of citizenship and residency pursuant to this
91 section;

92 (3) Applications for a driver's license or nondriver's license without a
93 photograph or digital image must be made in person at a license office
94 determined by the director. The director is authorized to limit the number of
95 offices that may issue a driver's or nondriver's license without a photograph or
96 digital image pursuant to this section.

97 9. The department of revenue shall make available, at one or more
98 locations within the state, an opportunity for individuals to have their full facial
99 photograph taken by an employee of the department of revenue, or their designee,
100 who is of the same sex as the individual being photographed, in a segregated
101 location.

102 10. Beginning July 1, 2005, the director shall not issue a driver's license
103 or a nondriver's license for a period that exceeds an applicant's lawful presence
104 in the United States. The director may, by rule or regulation, establish
105 procedures to verify the lawful presence of the applicant and establish the
106 duration of any driver's license or nondriver's license issued under this section.

107 11. No rule or portion of a rule promulgated pursuant to the authority of
108 this chapter shall become effective unless it is promulgated pursuant to the
109 provisions of chapter 536.

302.291. 1. The director, having good cause to believe that an operator
2 is incompetent or unqualified to retain his or her license, after giving ten days'
3 notice in writing by certified mail directed to such person's present known
4 address, may require the person to submit to an examination as prescribed by the
5 director. Upon conclusion of the examination, the director may allow the person
6 to retain his or her license, may suspend, deny or revoke the person's license, or
7 may issue the person a license subject to restrictions as provided in section
8 302.301. If an examination indicates a condition that potentially impairs safe

9 driving, the director, in addition to action with respect to the license, may require
10 the person to submit to further periodic examinations. The refusal or neglect of
11 the person to submit to an examination within thirty days after the date of such
12 notice shall be grounds for suspension, denial or revocation of the person's license
13 by the director, an associate circuit or circuit court. Notice of any suspension,
14 denial, revocation or other restriction shall be provided by certified mail. As used
15 in this section, the term "denial" means the act of not licensing a person who is
16 currently suspended, revoked or otherwise not licensed to operate a motor
17 vehicle. Denial may also include the act of withdrawing a previously issued
18 license.

19 2. The examination provided for in subsection 1 of this section may
20 include, but is not limited to, a written test and tests of driving skills, vision,
21 highway sign recognition and, if appropriate, a physical and/or mental
22 examination as provided in section 302.173.

23 3. The director shall have good cause to believe that an operator is
24 incompetent or unqualified to retain such person's license on the basis of, but not
25 limited to, a report by:

26 (1) Any certified peace officer;

27 (2) Any physician, physical therapist or occupational therapist licensed
28 pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter
29 331; any registered nurse licensed pursuant to chapter 335; any psychologist [or],
30 social worker **or professional counselor** licensed pursuant to chapter 337; any
31 optometrist licensed pursuant to chapter 336; or

32 (3) Any member of the operator's family within three degrees of
33 consanguinity, or the operator's spouse, who has reached the age of eighteen,
34 except that no person may report the same family member pursuant to this
35 section more than one time during a twelve-month period. The report must state
36 that the person reasonably and in good faith believes the driver cannot safely
37 operate a motor vehicle and must be based upon personal observation or physical
38 evidence which shall be described in the report, or the report shall be based upon
39 an investigation by a law enforcement officer. The report shall be a written
40 declaration in the form prescribed by the department of revenue and shall contain
41 the name, address, telephone number, and signature of the person making the
42 report.

43 4. Any physician, physical therapist or occupational therapist licensed
44 pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any

45 registered nurse licensed pursuant to chapter 335, any psychologist [or], social
46 worker **or professional counselor** licensed pursuant to chapter 337, or any
47 optometrist licensed pursuant to chapter 336 may report to the department any
48 patient diagnosed or assessed as having a disorder or condition that may prevent
49 such person from safely operating a motor vehicle. Such report shall state the
50 diagnosis or assessment and whether the condition is permanent or
51 temporary. The existence of a physician-patient relationship shall not prevent
52 the making of a report by such medical professionals.

53 5. Any person who makes a report in good faith pursuant to this section
54 shall be immune from any civil liability that otherwise might result from making
55 the report. Notwithstanding the provisions of chapter 610 to the contrary, all
56 reports made and all medical records reviewed and maintained by the department
57 of revenue pursuant to this section shall be kept confidential except upon order
58 of a court of competent jurisdiction or in a review of the director's action pursuant
59 to section 302.311.

60 6. The department of revenue shall keep records and statistics of reports
61 made and actions taken against driver's licenses pursuant to this section.

62 7. The department of revenue shall, in consultation with the medical
63 advisory board established by section 302.292, develop a standardized form and
64 provide guidelines for the reporting of cases and for the examination of drivers
65 pursuant to this section. The guidelines shall be published and adopted as
66 required for rules and regulations pursuant to chapter 536. The department of
67 revenue shall also adopt rules and regulations as necessary to carry out the other
68 provisions of this section. The director of revenue shall provide health care
69 professionals and law enforcement officers with information about the procedures
70 authorized in this section. The guidelines and regulations implementing this
71 section shall be in compliance with the federal Americans with Disabilities Act
72 of 1990.

73 8. Any person who knowingly violates a confidentiality provision of this
74 section or who knowingly permits or encourages the unauthorized use of a report
75 or reporting person's name in violation of this section shall be guilty of a class A
76 misdemeanor and shall be liable for damages which proximately result.

77 9. Any person who intentionally files a false report pursuant to this
78 section shall be guilty of a class A misdemeanor and shall be liable for damages
79 which proximately result.

80 10. All appeals of license revocations, suspensions, denials and

81 restrictions shall be made as required pursuant to section 302.311 within thirty
82 days after the receipt of the notice of revocation, suspension, denial or restriction.

83 11. Any individual whose condition is temporary in nature as reported
84 pursuant to the provisions of subsection 4 of this section shall have the right to
85 petition the director of the department of revenue for total or partial
86 reinstatement of his or her license. Such request shall be made on a form
87 prescribed by the department of revenue and accompanied by a statement from
88 a health care provider with the same or similar license as the health care
89 provider who made the initial report resulting in the limitation or loss of the
90 driver's license. Such petition shall be decided by the director of the department
91 of revenue within thirty days of receipt of the petition. Such decision by the
92 director is appealable pursuant to subsection 10 of this section.

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

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

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

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

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

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

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

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

21 [(e)] **(d)** Seeking the required services of a certified ignition interlock
22 device provider; [or

23 (f) Any other circumstance the court or director finds would create an
24 undue hardship on the operator;] the court or director may grant such limited

25 driving privilege as the circumstances of the case justify if the court or director
26 finds undue hardship would result to the individual, and while so operating a
27 motor vehicle within the restrictions and limitations of the limited driving
28 privilege the driver shall not be guilty of operating a motor vehicle without a
29 valid license.

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

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

56 (5) The court order or the director's grant of the limited or restricted
57 driving privilege shall indicate the termination date of the privilege, which shall
58 be not later than the end of the period of suspension or revocation. A copy of any
59 court order shall be sent by the clerk of the court to the director, and a copy shall
60 be given to the driver which shall be carried by the driver whenever such driver

61 operates a motor vehicle. The director of revenue upon granting a limited driving
62 privilege shall give a copy of the limited driving privilege to the applicant. The
63 applicant shall carry a copy of the limited driving privilege while operating a
64 motor vehicle. A conviction which results in the assessment of points pursuant
65 to section 302.302, other than a violation of a municipal stop sign ordinance
66 where no accident is involved, against a driver who is operating a vehicle
67 pursuant to a limited driving privilege terminates the privilege, as of the date the
68 points are assessed to the person's driving record. If the date of arrest is prior
69 to the issuance of the limited driving privilege, the privilege shall not be
70 terminated. Failure of the driver to maintain proof of financial responsibility, as
71 required by chapter 303, or to maintain proof of installation of a functioning,
72 certified ignition interlock device, as applicable, shall terminate the
73 privilege. The director shall notify by ordinary mail the driver whose privilege
74 is so terminated.

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

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

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

88 (c) Ineligibility for a license because of the provisions of subdivision (1),
89 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

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

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

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

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

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

111 (8) (a) Provided that pursuant to the provisions of this section, the
112 applicant is not otherwise ineligible for a limited driving privilege, a circuit court
113 or the director may, in the manner prescribed in this subsection, allow a person
114 who has had such person's license to operate a motor vehicle revoked where that
115 person cannot obtain a new license for a period of ten years, as prescribed in
116 subdivision (9) of section 302.060, to apply for a limited driving privilege
117 pursuant to this subsection if such person has served at least three years of such
118 disqualification or revocation. Such person shall present evidence satisfactory to
119 the court or the director that such person has not been convicted of any offense
120 related to alcohol, controlled substances or drugs during the preceding three
121 years and that the person's habits and conduct show that the person no longer
122 poses a threat to the public safety of this state.

123 (b) Provided that pursuant to the provisions of this section, the applicant
124 is not otherwise ineligible for a limited driving privilege or convicted of
125 involuntary manslaughter while operating a motor vehicle in an intoxicated
126 condition, a circuit court or the director may, in the manner prescribed in this
127 subsection, allow a person who has had such person's license to operate a motor
128 vehicle revoked where that person cannot obtain a new license for a period of five
129 years because of two convictions of driving while intoxicated, as prescribed in
130 subdivision (10) of section 302.060, to apply for a limited driving privilege
131 pursuant to this subsection if such person has served at least two years of such
132 disqualification or revocation. Such person shall present evidence satisfactory to

133 the court or the director that such person has not been convicted of any offense
134 related to alcohol, controlled substances or drugs during the preceding two years
135 and that the person's habits and conduct show that the person no longer poses a
136 threat to the public safety of this state. Any person who is denied a license
137 permanently in this state because of an alcohol-related conviction subsequent to
138 a restoration of such person's driving privileges pursuant to subdivision (9) of
139 section 302.060 shall not be eligible for limited driving privilege pursuant to the
140 provisions of this subdivision.

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

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

154 5. The director of revenue shall promulgate rules and regulations
155 necessary to carry out the provisions of this section. Any rule or portion of a rule,
156 as that term is defined in section 536.010, that is created under the authority
157 delegated in this section shall become effective only if it complies with and is
158 subject to all of the provisions of chapter 536 and, if applicable, section
159 536.028. This section and chapter 536 are nonseverable and if any of the powers
160 vested with the general assembly pursuant to chapter 536 to review, to delay the
161 effective date or to disapprove and annul a rule are subsequently held
162 unconstitutional, then the grant of rulemaking authority and any rule proposed
163 or adopted after August 28, 2001, shall be invalid and void.

302.341. 1. If a Missouri resident charged with a moving traffic violation
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine

6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record **if the individual**
27 **was not operating a commercial motor vehicle or a commercial driver's**
28 **license holder at the time of the offense.** The filing of financial
29 responsibility with the bureau of safety responsibility, department of revenue,
30 shall not be required as a condition of reinstatement of a driver's license
31 suspended solely under the provisions of this section.

32 2. If any city, town or village receives more than thirty-five percent of its
33 annual general operating revenue from fines and court costs for traffic violations
34 occurring on state highways, all revenues from such violations in excess of
35 thirty-five percent of the annual general operating revenue of the city, town or
36 village shall be sent to the director of the department of revenue and shall be
37 distributed annually to the schools of the county in the same manner that
38 proceeds of all penalties, forfeitures and fines collected for any breach of the
39 penal laws of the state are distributed. For the purpose of this section the words
40 "state highways" shall mean any state or federal highway, including any such
41 highway continuing through the boundaries of a city, town or village with a

42 designated street name other than the state highway number. The director of the
43 department of revenue shall set forth by rule a procedure whereby excess
44 revenues as set forth above shall be sent to the department of revenue. If any
45 city, town, or village disputes a determination that it has received excess
46 revenues required to be sent to the department of revenue, such city, town, or
47 village may submit to an annual audit by the state auditor under the authority
48 of article IV, section 13 of the Missouri Constitution. Any rule or portion of a
49 rule, as that term is defined in section 536.010, that is created under the
50 authority delegated in this section shall become effective only if it complies with
51 and is subject to all of the provisions of chapter 536 and, if applicable, section
52 536.028. This section and chapter 536 are nonseverable and if any of the powers
53 vested with the general assembly under chapter 536 to review, to delay the
54 effective date, or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed
56 or adopted after August 28, 2009, shall be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

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

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

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

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

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

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

22 [(4)] **(6)** "Commercial driver's license", a license issued by this state to
23 an individual which authorizes the individual to operate a commercial motor
24 vehicle;

25 [(5)] **(7)** "Commercial driver's license downgrade", occurs when:

26 **(a)** A driver changes the self-certification to interstate, but
27 operates exclusively in transportation or operation excepted from 49
28 CFR Part 391, as provided in 49 CFR Part 390.3(f), 391.2, 391.68, or
29 398.3;

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

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

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

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

43 [(6)] **(9)** "Commercial motor vehicle", a motor vehicle designed or used to
44 transport passengers or property:

45 **(a)** If the vehicle has a gross combination weight rating of twenty-six
46 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
47 weight rating of ten thousand one pounds or more;

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

50 **(c)** If the vehicle is designed to transport sixteen or more passengers,
51 including the driver; or

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

55 [(7)] **(10)** "Controlled substance", any substance so classified under
56 Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes
57 all substances listed in schedules I through V of 21 CFR part 1308, as they may

58 be revised from time to time;

59 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including
60 pleas of guilt and nolo contendere, or a determination that a person has violated
61 or failed to comply with the law in a court of original jurisdiction or an authorized
62 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
63 to secure the person's appearance in court, the payment of a fine or court cost, or
64 violation of a condition of release without bail, regardless of whether the penalty
65 is rebated, suspended or prorated, including an offense for failure to appear or
66 pay;

67 [(9)] (12) "Director", the director of revenue or his authorized
68 representative;

69 [(10)] (13) "Disqualification", any of the following three actions:

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

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

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

80 [(11)] (14) "Drive", to drive, operate or be in physical control of a
81 commercial motor vehicle;

82 [(12)] (15) "Driver", any person who drives, operates, or is in physical
83 control of a motor vehicle, or who is required to hold a commercial driver's
84 license;

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

87 [(13)] (17) "Driving under the influence of alcohol", the commission of
88 any one or more of the following acts:

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

93 (b) Driving a commercial or noncommercial motor vehicle while

94 intoxicated in violation of any federal or state law, or in violation of a county or
95 municipal ordinance;

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

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

101 (e) Having any state, county or municipal alcohol-related enforcement
102 contact, as defined in subsection 3 of section 302.525; provided that any
103 suspension or revocation pursuant to section 302.505, committed in a
104 noncommercial motor vehicle by an individual twenty-one years of age or older
105 shall have been committed by the person with an alcohol concentration of at least
106 eight-hundredths of one percent or more, or in the case of an individual who is
107 less than twenty-one years of age, shall have been committed by the person with
108 an alcohol concentration of at least two-hundredths of one percent or more, and
109 if committed in a commercial motor vehicle, a concentration of four-hundredths
110 of one percent or more;

111 [(14)] **(18)** "Driving under the influence of a controlled substance", the
112 commission of any one or more of the following acts in a commercial or
113 noncommercial motor vehicle:

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

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

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

123 [(15)] **(19)** "Employer", any person, including the United States, a state,
124 or a political subdivision of a state, who owns or leases a commercial motor
125 vehicle or assigns a driver to operate such a vehicle;

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

129 [(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and

130 operated by a farmer used exclusively for the transportation of agricultural
131 products, farm machinery, farm supplies, or a combination of these, within one
132 hundred fifty miles of the farm, other than one which requires placarding for
133 hazardous materials as defined in this section, or used in the operation of a
134 common or contract motor carrier, except that a farm vehicle shall not be a
135 commercial motor vehicle when the total combined gross weight rating does not
136 exceed twenty-six thousand one pounds when transporting fertilizers as defined
137 in subdivision (21) of this subsection;

138 [(17)] **(22)** "Fatality", the death of a person as a result of a motor vehicle
139 accident;

140 [(18)] **(23)** "Felony", any offense under state or federal law that is
141 punishable by death or imprisonment for a term exceeding one year;

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

144 [(19)] **(25)** "Gross combination weight rating" or "GCWR", the value
145 specified by the manufacturer as the loaded weight of a combination (articulated)
146 vehicle. In the absence of a value specified by the manufacturer, GCWR will be
147 determined by adding the GVWR of the power unit and the total weight of the
148 towed unit and any load thereon;

149 [(20)] **(26)** "Gross vehicle weight rating" or "GVWR", the value specified
150 by the manufacturer as the loaded weight of a single vehicle;

151 [(21)] **(27)** "Hazardous materials", any material that has been designated
152 as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart
153 F of CFR Part 172 or any quantity of a material listed as a select agent or toxin
154 in 42 CFR Part 73. Fertilizers, including but not limited to ammonium nitrate,
155 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel,
156 shall not be considered hazardous materials when transported by a farm vehicle
157 provided all other provisions of this definition are followed;

158 [(22)] **(28)** "Imminent hazard", the existence of a condition that presents
159 a substantial likelihood that death, serious illness, severe personal injury, or a
160 substantial endangerment to health, property, or the environment may occur
161 before the reasonably foreseeable completion date of a formal proceeding begins
162 to lessen the risk of that death, illness, injury, or endangerment;

163 [(23)] **(29)** "Issuance", the initial licensure, license transfers, license
164 renewals, and license upgrades;

165 **(30) "Medical examiner", a person who is licensed, certified, or**

166 registered, in accordance with applicable state laws and regulations,
167 to perform physical examinations. The term includes, but is not limited
168 to, doctors of medicine, doctors of osteopathy, physician assistants,
169 advanced practice nurses, and doctors of chiropractic;

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

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

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

176 [(24)] (32) "Motor vehicle", any self-propelled vehicle not operated
177 exclusively upon tracks;

178 [(25)] (33) "Noncommercial motor vehicle", a motor vehicle or
179 combination of motor vehicles not defined by the term "commercial motor vehicle"
180 in this section;

181 [(26)] (34) "Out of service", a temporary prohibition against the operation
182 of a commercial motor vehicle by a particular driver, or the operation of a
183 particular commercial motor vehicle, or the operation of a particular motor
184 carrier;

185 [(27)] (35) "Out-of-service order", a declaration by [the Federal Highway
186 Administration, or any] an authorized enforcement officer of a federal, state,
187 [Commonwealth of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that
188 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
189 service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or
190 comparable laws, or the North American Standard Out-of-Service
191 Criteria;

192 [(28)] (36) "School bus", a commercial motor vehicle used to transport
193 preprimary, primary, or secondary school students from home to school, from
194 school to home, or to and from school-sponsored events. School bus does not
195 include a bus used as a common carrier as defined by the Secretary;

196 [(29)] (37) "Secretary", the Secretary of Transportation of the United
197 States;

198 [(30)] (38) "Serious traffic violation", driving a commercial motor vehicle
199 in such a manner that the driver receives a conviction for the following offenses
200 or driving a noncommercial motor vehicle when the driver receives a conviction
201 for the following offenses and the conviction results in the suspension or

202 revocation of the driver's license or noncommercial motor vehicle driving
203 privilege:

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

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

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

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

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

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

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

231 [(31)] (39) "State", a state[, territory or possession] of the United States[,
232 the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any
233 province of Canada];

234 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or
2 commercial driver's instruction permit shall comply with the Federal
3 Motor Carrier Safety Administration application requirements of 49**

4 CFR Part 383.71 by certifying to one of the following applicable
5 statements relating to federal and state driver qualification rules:

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

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

16 (3) Nonexcepted intrastate: Certifies the applicant is a driver
17 operating only in intrastate commerce and is subject to Missouri driver
18 qualifications;

19 (4) Excepted intrastate: Certifies the applicant operates or
20 expects to operate only in intrastate commerce, and engaging only in
21 operations excepted from all parts of the Missouri driver qualification
22 requirements.

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

27 3. An applicant certifying to operation in nonexcepted interstate
28 or nonexcepted intrastate commerce shall provide the state with an
29 original or copy of a current medical examiners certificate or a medical
30 examiners certificate accompanied by a medical variance or
31 waiver. The state shall retain the original or copy of the
32 documentation of physical qualification for a minimum of three years
33 beyond the date the certificate was issued.

34 4. Applicants certifying to operation in nonexcepted interstate
35 commerce or nonexcepted intrastate commerce shall provide an
36 updated medical certificate or variance documents to maintain a
37 certified status during the term of the commercial driver's license or
38 commercial driver's instruction permit in order to retain commercial
39 privileges.

40 5. The director shall post the medical examiners certificate of

41 information, medical variance if applicable, and certification status to
42 the Missouri driver record within ten calendar days and such
43 information will become part of the CDLIS driver record.

44 **6. Applicants certifying to operation in nonexcepted interstate**
45 **commerce or nonexcepted intrastate commerce who fail to provide or**
46 **maintain a current medical examiners certificate, or if the state has**
47 **received notice of a medical variance or waiver expiring or being**
48 **rescinded, the state shall, within ten calendar days, update the driver's**
49 **medical certification status to "not certified". The state shall notify the**
50 **driver of the change in certification status and require the driver to**
51 **annually comply with requirements for a commercial driver's license**
52 **downgrade within sixty days of notice.**

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

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

61 **9. The director may promulgate rules and regulations necessary**
62 **to administer and enforce this section. Any rule or portion of a rule,**
63 **as that term is defined in section 536.010, that is created under the**
64 **authority delegated in this section shall become effective only if it**
65 **complies with and is subject to all of the provisions of chapter 536 and,**
66 **if applicable, section 536.028. This section and chapter 536 are**
67 **nonseverable and if any of the powers vested with the general assembly**
68 **pursuant to chapter 536 to review, to delay the effective date, or to**
69 **disapprove and annul a rule are subsequently held unconstitutional,**
70 **then the grant of rulemaking authority and any rule proposed or**
71 **adopted after August 28, 2011, shall be invalid and void.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed
2 regulations for motor vehicles within the limits of such municipalities. No person
3 who is not a resident of such municipality and who has not been within the limits
4 thereof for a continuous period of more than forty-eight hours, shall be convicted
5 of a violation of such ordinances, unless it is shown by competent evidence that
6 there was posted at the place where the boundary of such municipality joins or

7 crosses any highway a sign displaying in black letters not less than four inches
8 high and one inch wide on a white background the speed fixed by such
9 municipality so that such sign may be clearly seen by operators and drivers from
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

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

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

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

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

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

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

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

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

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

36 4. No ordinance shall impose liability on the owner-lessor of a motor
37 vehicle when the vehicle is being permissively used by a lessee and is illegally
38 parked or operated if the registered owner-lessor of such vehicle furnishes the
39 name, address and operator's license number of the person renting or leasing the
40 vehicle at the time the violation occurred to the proper municipal authority
41 within three working days from the time of receipt of written request for such
42 information. Any registered owner-lessor who fails or refuses to provide such

43 information within the period required by this subsection shall be liable for the
44 imposition of any fine established by municipal ordinance for the
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal
48 parking of such vehicle.

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

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

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

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

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

29 5. In order to transport manufactured homes, as defined in section
30 700.010, on the roads, highways, bridges and other thoroughfares within this
31 state, only the applicable permits required by this section shall be obtained.

32 **6. No manufactured home, as defined in section 700.010 shall be**
33 **transported under this section unless the owner of such manufactured**
34 **home has paid property taxes on the manufactured home for the**
35 **taxable year in which the manufactured home is to be transported and**
36 **for all prior taxable years. For the purposes of this section, in**
37 **determining the amount of taxes to be paid in the taxable year in which**
38 **the manufactured home is to be transported, the tax liability shall be**
39 **the amount paid or owing for the immediate preceding taxable year. If**
40 **the amount paid exceeds the actual tax liability for such year, the**
41 **owner shall be entitled to a refund, and if the amount paid is less than**
42 **the actual tax liability, the owner shall be liable for the unpaid portion**
43 **at the time and in the manner as otherwise provided by law. The**
44 **owner or title holder of the manufactured home shall obtain, prior to**
45 **transport under this section, a receipt from the county collector or**
46 **collector-treasurer showing all property taxes on the manufactured**
47 **home have been paid. Said receipt shall remain in the possession of**
48 **anyone issued a permit under this section until the manufactured home**
49 **has been transported.**

 304.820. 1. Except as otherwise provided in this section, no person
2 [twenty-one years of age or younger] operating a moving motor vehicle upon the
3 highways of this state shall, by means of a hand-held electronic wireless
4 communications device, send, read, or write a text message or electronic message.

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

7 (1) An authorized emergency vehicle; or

8 (2) A moving motor vehicle while using a hand-held electronic wireless
9 communications device to:

10 (a) Report illegal activity;

11 (b) Summon medical or other emergency help;

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

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

15 3. Nothing in this section shall be construed or interpreted as prohibiting

16 a person from making or taking part in a telephone call, by means of a hand-held
17 electronic wireless communications device, while operating a motor vehicle upon
18 the highways of this state.

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

24 5. As used in this section, "hand-held electronic wireless communications
25 device" includes any hand-held cellular phone, palm pilot, blackberry, or other
26 mobile electronic device used to communicate verbally or by text or electronic
27 messaging, but shall not apply to any device that is permanently embedded into
28 the architecture and design of the motor vehicle.

29 6. As used in this section, "making or taking part in a telephone call"
30 means listening to or engaging in verbal communication through a hand-held
31 electronic wireless communication device.

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

39 8. A violation of this section shall be deemed an infraction and shall be
40 deemed a moving violation for purposes of point assessment under section
41 302.302.

42 9. The state preempts the field of regulating the use of hand-held
43 electronic wireless communications devices in motor vehicles, and the provisions
44 of this section shall supercede any local laws, ordinances, orders, rules, or
45 regulations enacted by a county, municipality, or other political subdivision to
46 regulate the use of hand-held electronic wireless communication devices by the
47 operator of a motor vehicle.

48 10. The provisions of this section shall not apply to:

49 (1) The operator of a vehicle that is lawfully parked or stopped;

50 (2) Any of the following while in the performance of their official duties:
51 a law enforcement officer; a member of a fire department; or the operator of a

52 public or private ambulance;

53 (3) The use of factory-installed or aftermarket global positioning systems
54 (GPS) or wireless communications devices used to transmit or receive data as part
55 of a digital dispatch system;

56 (4) The use of voice-operated technology;

57 (5) The use of two-way radio transmitters or receivers by a licensee of the
58 Federal Communications Commission in the Amateur Radio Service;

59 **(6) A person using a hand-held mobile telephone in conjunction**
60 **with a voice-operated or hands-free device. The term "voice-operated**
61 **or hands-free device" shall mean a device that allows the user to write,**
62 **send, or read a text message without the use of either hand except to**
63 **activate or deactivate a feature or function.**

323.020. 1. The commission shall make, promulgate and enforce
2 regulations setting forth general standards covering the design, construction,
3 location, installation and operation of equipment for storing, handling,
4 transporting by [tank truck, tank trailer] **trucks designed to carry three**
5 **thousand five hundred gallons or less**, and utilizing liquefied petroleum
6 gases and specifying the odorization of such gases and the degree
7 thereof. **Employees and drivers of transporters operating cargo tank**
8 **trailers designed to carry more than three thousand five hundred**
9 **gallons that have been trained as specified in 49 CFR 172.700-704, as**
10 **may periodically be amended, are exempt from the registration and**
11 **training regulations when operating in interstate or intrastate**
12 **commerce. Commission approval of this training and third party**
13 **testing shall not be required.** The regulations shall be such as are reasonably
14 necessary for the protection of the health, welfare and safety of the public and
15 persons using such materials, and shall be in substantial conformity with the
16 generally accepted standards of safety concerning the same subject matter. Such
17 regulations shall be adopted by the commission pursuant to chapter 536. Any
18 rule or portion of a rule, as that term is defined in section 536.010, that is
19 promulgated under the authority of this chapter, shall become effective only if the
20 authority has fully complied with all of the requirements of chapter 536 including
21 but not limited to section 536.028 if applicable, after January 1, 1999. All
22 rulemaking authority delegated prior to January 1, 1999, is of no force and effect
23 and repealed as of January 1, 1999, however nothing in this act shall be
24 interpreted to repeal or affect the validity of any rule adopted and promulgated

25 prior to January 1, 1999. If the provisions of section 536.028 apply, the
26 provisions of this section are nonseverable and if any of the powers vested with
27 the general assembly pursuant to section 536.028 to review, to delay the effective
28 date, or to disapprove and annul a rule or portion of a rule are held
29 unconstitutional or invalid, the purported grant of rulemaking authority and any
30 rule so proposed and contained in the order of rulemaking shall be invalid and
31 void, except that nothing in this act shall affect the validity of any rule adopted
32 and promulgated prior to January 1, 1999.

33 2. Except as specifically provided in subsection 1 of section 323.060,
34 regulations in substantial conformity with the published standards of the
35 National Board of Fire Underwriters for the design, installation and construction
36 of containers and pertinent equipment for the storage and handling of liquefied
37 petroleum gases as recommended by the National Fire Protection Association
38 shall be deemed to be in substantial conformity with the generally accepted
39 standards of safety concerning the same subject matter.

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

13 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not
14 be required to file its schedules of rates, fares, and charges for shipments of
15 household goods that are transported wholly or exclusively within a commercial
16 zone as defined in 390.020 or within a commercial zone established by the
17 highways and transportation commission pursuant to the provisions of
18 subdivision (4) of section 390.041.] **Notwithstanding any provision of this**
19 **chapter or chapter 390 to the contrary, a motor carrier transporting**
20 **household goods in intrastate commerce shall not be required to file its**
21 **schedule of rates, fares, and charges with the state highways and**

22 **transportation commission. In lieu of filing its schedules of rates, fares,**
23 **charges, rules, or tolls with the state highways and transportation**
24 **commission, a motor carrier transporting household goods in intrastate**
25 **commerce shall maintain and publish its schedules of rates, fares,**
26 **charges, rules, and tolls in every station or office as described in**
27 **subsection 3 of section 387.050 and such rates shall be available for**
28 **inspection by the state highways and transportation commission,**
29 **shippers, and the public upon request. Any motor carrier transporting**
30 **household goods in intrastate commerce that fails to comply with the**
31 **provisions of this subsection shall be subject to forfeiture to the state**
32 **pursuant to the provisions of sections 390.156 to 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor
2 carrier and railroad safety] **state highways and transportation commission**
3 and shall print and keep open to public inspection schedules showing the rates,
4 fares and charges for the transportation of passengers and household goods
5 within this state between each point upon its route and all other points thereon
6 and between each point upon its route and all points upon every route leased,
7 operated or controlled by it and between each point on its route or upon any route
8 leased, operated or controlled by it and all points upon the route of any other
9 motor carrier, whenever a through route and joint rate shall have been
10 established or ordered between any two such points. If no joint rate over a
11 through route has been established, the several carriers in such through route
12 shall file, print and keep open to public inspection, as aforesaid, the separately
13 established rates, fares and charges applied to the through
14 transportation. **Beginning August 28, 2011, motor carriers shall not be**
15 **required to file their schedules showing the rates, fares, rules, and**
16 **charges for the transportation of household goods within this state but**
17 **shall print and keep open for public inspection such schedules in**
18 **accordance with this section and section 387.040.**

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

26 or the aggregate of such aforesaid rates, fares and charges, or the value of the
27 service rendered to the passenger, shipper or consignee.

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

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

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

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

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

13 **each participating carrier in accordance with sections 387.040 and**
14 **387.050.**

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

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

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

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

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

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

- 6 (1) **All persons contacted in relation to the complaint;**
7 (2) **A summary of findings in response to the complaint;**
8 (3) **An explanation of the reason for a complaint that is**

9 dismissed; and

10 (4) Any other relevant information.

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

16 3. The highways and transportation commission shall adopt by
17 rule a form to standardize information concerning complaints made to
18 the division of motor carriers regarding the transportation of
19 household goods. The commission shall prescribe by rule information
20 to be provided to a person when the person files a complaint with the
21 division of motor carrier services.

22 4. The state highways and transportation commission shall
23 promulgate rules and regulations for the implementation and
24 administration of this section. Any rule or portion of a rule, as that
25 term is defined in section 536.010 that is created under the authority
26 delegated in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536, and, if applicable,
28 section 536.028. This section and chapter 536 are nonseverable and if
29 any of the powers vested with the general assembly pursuant to chapter
30 536, to review, to delay the effective date, or to disapprove and annul
31 a rule are subsequently held unconstitutional, then the grant of
32 rulemaking authority and any rule proposed or adopted after August
33 28, 2011, shall be invalid and void.

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

8 2. All rates, tolls, charges, schedules, and joint rates published
9 in accordance with subsection 3 of section 387.050 with reference to the
10 transportation of household goods by motor carrier shall be in force
11 and shall be prima facie lawful, and all regulations, practices and
12 services prescribed by the highways and transportation commission

13 shall be in force and shall be **prima facie** lawful and reasonable until
14 found otherwise in a suit brought for that purpose pursuant to the
15 provisions of this chapter.

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

390.051. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a common carrier **of household goods or**
3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a certificate issued by the [division]
5 **state highways and transportation commission** authorizing such operations.
6 2. Application for a certificate shall be made in writing to the [division]
7 **state highways and transportation commission** and shall contain such
8 information as the [division] **state highways and transportation**
9 **commission** shall, by rule, require and shall include:

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

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

24 **with all registration, liability insurance, and safety requirements**
25 **applicable to the transportation of that hazardous material pursuant**
26 **to Title 49, Code of Federal Regulations;**

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

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

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

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

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

42 (3) Mobile homes;

43 (4) Household goods;

44 (5) Passengers other than in charter service;

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

46 (7) Boats; is fit, willing and able to properly perform the service proposed,
47 and to conform to the provisions of this chapter and the requirement, rules and
48 regulations of the division, and that the service proposed will serve a useful
49 present or future public purpose, a certificate therefor specifying the service
50 authorized shall be issued, unless the division finds on the basis of evidence
51 presented by persons objecting to the issuance of a certificate that the
52 transportation to be authorized by the certificate will be inconsistent with the
53 public convenience and necessity.

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

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

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

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

66 [7.] 5. The [division] **state highways and transportation**
67 **commission** shall dismiss on its motion any application for substantially the
68 same common [or contract] authority that has been previously denied within six
69 months of filing the subsequent application.

390.054. Beginning August 28, 2011, and continuing thereafter, no
2 **certificate or permit to transport household goods in intrastate**
3 **commerce shall be issued or renewed unless the applicant demonstrates**
4 **that the applicant has workers' compensation insurance coverage that**
5 **complies with chapter 287, for all employees. If any household goods**
6 **carrier subject to the provisions of this chapter or chapter 387 is found**
7 **by the division of workers' compensation to be out of compliance with**
8 **chapter 287, the division shall report such fact to the state highways**
9 **and transportation commission. The commission shall suspend the**
10 **household goods carrier's certificate or permit pursuant to section**
11 **390.106 until such time the carrier demonstrates that it has procured**
12 **workers' compensation insurance coverage that complies with chapter**
13 **287.**

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

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

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

14 the physical equipment of applicant and the reasonable value thereof;

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

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

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

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

46 [6.] **5.** The [division] **state highways and transportation**
47 **commission** will not have jurisdiction over contract rates. A copy of the original
48 contract must be filed with the [division] **state highways and transportation**
49 **commission** prior to issuance of a permit. In the event the applicant chooses not

50 to disclose contract rates in the application, the contract shall contain in lieu of
51 rates a specific provision which incorporates by reference a schedule of rates, in
52 writing, to be effective between carrier and shipper. Current contracts and rate
53 schedules must be maintained by the carrier and contracting shippers. A contract
54 permit, authorizing the transportation of [commodities] **household goods** or
55 passengers [other than as described in subsection 4 of section 390.051], may be
56 amended to include additional contracting parties by the filing of said contracts
57 with the [division] **state highways and transportation commission** and
58 acknowledgment by the [division] **state highways and transportation**
59 **commission**.

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

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

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

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

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

36 4. **Notwithstanding any provision of the law to the contrary, any**

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

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

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

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

558.021. 1. The court shall find the defendant to be a prior offender,
2 persistent offender, dangerous offender, persistent sexual offender or predatory
3 sexual offender if:

4 (1) The indictment or information, original or amended, or the information
5 in lieu of an indictment pleads all essential facts warranting a finding that the

6 defendant is a prior offender, persistent offender, dangerous offender, persistent
7 sexual offender or predatory sexual offender; and

8 (2) Evidence is introduced that establishes sufficient facts pleaded to
9 warrant a finding beyond a reasonable doubt that the defendant is a prior
10 offender, persistent offender, dangerous offender, persistent sexual offender or
11 predatory sexual offender; and

12 (3) The court makes findings of fact that warrant a finding beyond a
13 reasonable doubt by the court that the defendant is a prior offender, persistent
14 offender, dangerous offender, persistent sexual offender or predatory sexual
15 offender.

16 2. In a jury trial, the facts shall be pleaded, established and found prior
17 to submission to the jury outside of its hearing, except the facts required by
18 subdivision (1) of subsection 4 of section 558.016 may be established and found
19 at a later time, but prior to sentencing, and may be established by judicial notice
20 of prior testimony before the jury; **provided that any error or omission in**
21 **pleading or proving the facts required to comply with this section may**
22 **be corrected by amending the pleadings or supplementing the record,**
23 **on notice and hearing, prior to sentencing; provided further that any**
24 **error in pleading or proving the facts required to comply with this**
25 **section shall not require vacation or reversal of sentence on appeal**
26 **unless such error results in substantial prejudice to the rights of the**
27 **defendant or a miscarriage of justice, and nothing herein shall be**
28 **construed to preclude a remand to permit correction of such error after**
29 **notice and hearing.**

30 3. In a trial without a jury or upon a plea of guilty, the court may defer
31 the proof and findings of such facts to a later time, but prior to sentencing. The
32 facts required by subdivision (1) of subsection 4 of section 558.016 may be
33 established by judicial notice of prior testimony or the plea of guilty.

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

36 5. The defendant may waive proof of the facts alleged.

37 6. Nothing in this section shall prevent the use of presentence
38 investigations or commitments under sections 557.026 and 557.031.

39 7. At the sentencing hearing both the state and the defendant shall be
40 permitted to present additional information bearing on the issue of sentence.

571.101. 1. All applicants for concealed carry endorsements issued

2 pursuant to subsection 7 of this section must satisfy the requirements of sections
3 571.101 to 571.121. If the said applicant can show qualification as provided by
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of
5 qualification for a concealed carry endorsement. Upon receipt of such certificate,
6 the certificate holder shall apply for a driver's license or nondriver's license with
7 the director of revenue in order to obtain a concealed carry endorsement. Any
8 person who has been issued a concealed carry endorsement on a driver's license
9 or nondriver's license and such endorsement or license has not been suspended,
10 revoked, canceled, or denied may carry concealed firearms on or about his or her
11 person or within a vehicle. A concealed carry endorsement shall be valid for a
12 period of three years from the date of issuance or renewal. The concealed carry
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least twenty-three years of age, is a citizen of the United States
18 and either:

19 (a) Has assumed residency in this state; or

20 (b) Is a member of the armed forces stationed in Missouri, or the spouse
21 of such member of the military;

22 (2) Has not pled guilty to or entered a plea of nolo contendere or been
23 convicted of a crime punishable by imprisonment for a term exceeding one year
24 under the laws of any state or of the United States other than a crime classified
25 as a misdemeanor under the laws of any state and punishable by a term of
26 imprisonment of one year or less that does not involve an explosive weapon,
27 firearm, firearm silencer or gas gun;

28 (3) Has not been convicted of, pled guilty to or entered a plea of nolo
29 contendere to one or more misdemeanor offenses involving crimes of violence
30 within a five-year period immediately preceding application for a certificate of
31 qualification for a concealed carry endorsement or if the applicant has not been
32 convicted of two or more misdemeanor offenses involving driving while under the
33 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
34 substance within a five-year period immediately preceding application for a
35 certificate of qualification for a concealed carry endorsement;

36 (4) Is not a fugitive from justice or currently charged in an information
37 or indictment with the commission of a crime punishable by imprisonment for a

38 term exceeding one year under the laws of any state of the United States other
39 than a crime classified as a misdemeanor under the laws of any state and
40 punishable by a term of imprisonment of two years or less that does not involve
41 an explosive weapon, firearm, firearm silencer, or gas gun;

42 (5) Has not been discharged under dishonorable conditions from the
43 United States armed forces;

44 (6) Has not engaged in a pattern of behavior, documented in public
45 records, that causes the sheriff to have a reasonable belief that the applicant
46 presents a danger to himself or others;

47 (7) Is not adjudged mentally incompetent at the time of application or for
48 five years prior to application, or has not been committed to a mental health
49 facility, as defined in section 632.005, or a similar institution located in another
50 state following a hearing at which the defendant was represented by counsel or
51 a representative;

52 (8) Submits a completed application for a certificate of qualification as
53 defined in subsection 3 of this section;

54 (9) Submits an affidavit attesting that the applicant complies with the
55 concealed carry safety training requirement pursuant to subsections 1 and 2 of
56 section 571.111;

57 (10) Is not the respondent of a valid full order of protection which is still
58 in effect.

59 3. The application for a certificate of qualification for a concealed carry
60 endorsement issued by the sheriff of the county of the applicant's residence shall
61 contain only the following information:

62 (1) The applicant's name, address, telephone number, gender, and date
63 and place of birth;

64 (2) An affirmation that the applicant has assumed residency in Missouri
65 or is a member of the armed forces stationed in Missouri or the spouse of such a
66 member of the armed forces and is a citizen of the United States;

67 (3) An affirmation that the applicant is at least twenty-three years of age;

68 (4) An affirmation that the applicant has not pled guilty to or been
69 convicted of a crime punishable by imprisonment for a term exceeding one year
70 under the laws of any state or of the United States other than a crime classified
71 as a misdemeanor under the laws of any state and punishable by a term of
72 imprisonment of one year or less that does not involve an explosive weapon,
73 firearm, firearm silencer, or gas gun;

74 (5) An affirmation that the applicant has not been convicted of, pled guilty
75 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
76 involving crimes of violence within a five-year period immediately preceding
77 application for a certificate of qualification to obtain a concealed carry
78 endorsement or if the applicant has not been convicted of two or more
79 misdemeanor offenses involving driving while under the influence of intoxicating
80 liquor or drugs or the possession or abuse of a controlled substance within a
81 five-year period immediately preceding application for a certificate of qualification
82 to obtain a concealed carry endorsement;

83 (6) An affirmation that the applicant is not a fugitive from justice or
84 currently charged in an information or indictment with the commission of a crime
85 punishable by imprisonment for a term exceeding one year under the laws of any
86 state or of the United States other than a crime classified as a misdemeanor
87 under the laws of any state and punishable by a term of imprisonment of two
88 years or less that does not involve an explosive weapon, firearm, firearm silencer
89 or gas gun;

90 (7) An affirmation that the applicant has not been discharged under
91 dishonorable conditions from the United States armed forces;

92 (8) An affirmation that the applicant is not adjudged mentally
93 incompetent at the time of application or for five years prior to application, or has
94 not been committed to a mental health facility, as defined in section 632.005, or
95 a similar institution located in another state, except that a person whose release
96 or discharge from a facility in this state pursuant to chapter 632, or a similar
97 discharge from a facility in another state, occurred more than five years ago
98 without subsequent recommitment may apply;

99 (9) An affirmation that the applicant has received firearms safety training
100 that meets the standards of applicant firearms safety training defined in
101 subsection 1 or 2 of section 571.111;

102 (10) An affirmation that the applicant, to the applicant's best knowledge
103 and belief, is not the respondent of a valid full order of protection which is still
104 in effect; and

105 (11) A conspicuous warning that false statements made by the applicant
106 will result in prosecution for perjury pursuant to the laws of the state of
107 Missouri.

108 4. An application for a certificate of qualification for a concealed carry
109 endorsement shall be made to the sheriff of the county or any city not within a

110 county in which the applicant resides. An application shall be filed in writing,
111 signed under oath and under the penalties of perjury, and shall state whether the
112 applicant complies with each of the requirements specified in subsection 2 of this
113 section. In addition to the completed application, the applicant for a certificate
114 of qualification for a concealed carry endorsement must also submit the following:

115 (1) A photocopy of a firearms safety training certificate of completion or
116 other evidence of completion of a firearms safety training course that meets the
117 standards established in subsection 1 or 2 of section 571.111; and

118 (2) A nonrefundable certificate of qualification fee as provided by
119 subsection 10 or 11 of this section.

120 5. Before an application for a certificate of qualification for a concealed
121 carry endorsement is approved, the sheriff shall make only such inquiries as he
122 or she deems necessary into the accuracy of the statements made in the
123 application. The sheriff may require that the applicant display a Missouri
124 driver's license or nondriver's license or military identification and orders
125 showing the person being stationed in Missouri. In order to determine the
126 applicant's suitability for a certificate of qualification for a concealed carry
127 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
128 criminal background check through the appropriate law enforcement agency
129 within three working days after submission of the properly completed application
130 for a certificate of qualification for a concealed carry endorsement. If no
131 disqualifying record is identified by the fingerprint check at the state level, the
132 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
133 national criminal history record check. Upon receipt of the completed background
134 check, the sheriff shall issue a certificate of qualification for a concealed carry
135 endorsement within three working days. The sheriff shall issue the certificate
136 within forty-five calendar days if the criminal background check has not been
137 received, provided that the sheriff shall revoke any such certificate and
138 endorsement within twenty-four hours of receipt of any background check that
139 results in a disqualifying record, and shall notify the department of revenue.

140 6. The sheriff may refuse to approve an application for a certificate of
141 qualification for a concealed carry endorsement if he or she determines that any
142 of the requirements specified in subsection 2 of this section have not been met,
143 or if he or she has a substantial and demonstrable reason to believe that the
144 applicant has rendered a false statement regarding any of the provisions of
145 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff

146 is required to deny the application, and notify the applicant in writing, stating
147 the grounds for denial and informing the applicant of the right to submit, within
148 thirty days, any additional documentation relating to the grounds of the
149 denial. Upon receiving any additional documentation, the sheriff shall reconsider
150 his or her decision and inform the applicant within thirty days of the result of the
151 reconsideration. The applicant shall further be informed in writing of the right
152 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
153 571.114. After two additional reviews and denials by the sheriff, the person
154 submitting the application shall appeal the denial pursuant to subsections 2, 3,
155 4, and 5 of section 571.114.

156 7. If the application is approved, the sheriff shall issue a certificate of
157 qualification for a concealed carry endorsement to the applicant within a period
158 not to exceed three working days after his or her approval of the application. The
159 applicant shall sign the certificate of qualification in the presence of the sheriff
160 or his or her designee and shall within seven days of receipt of the certificate of
161 qualification take the certificate of qualification to the department of
162 revenue. Upon verification of the certificate of qualification and completion of a
163 driver's license or nondriver's license application pursuant to chapter 302, the
164 director of revenue shall issue a new driver's license or nondriver's license with
165 an endorsement which identifies that the applicant has received a certificate of
166 qualification to carry concealed weapons issued pursuant to sections 571.101 to
167 571.121 if the applicant is otherwise qualified to receive such driver's license or
168 nondriver's license. **Notwithstanding any other provision of chapter 302,**
169 **a nondriver's license with a concealed carry endorsement shall expire**
170 **three years from the date the certificate of qualification was issued**
171 **pursuant to this section.** The requirements for the director of revenue to issue
172 a concealed carry endorsement pursuant to this subsection shall not be effective
173 until July 1, 2004, and the certificate of qualification issued by a county sheriff
174 pursuant to subsection 1 of this section shall allow the person issued such
175 certificate to carry a concealed weapon pursuant to the requirements of
176 subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued
177 by the director of revenue from October 11, 2003, until the concealed carry
178 endorsement is issued by the director of revenue on or after July 1, 2004, unless
179 such certificate of qualification has been suspended or revoked for cause.

180 8. The sheriff shall keep a record of all applications for a certificate of
181 qualification for a concealed carry endorsement and his or her action

182 thereon. The sheriff shall report the issuance of a certificate of qualification to
183 the Missouri uniform law enforcement system. All information on any such
184 certificate that is protected information on any driver's or nondriver's license
185 shall have the same personal protection for purposes of sections 571.101 to
186 571.121. An applicant's status as a holder of a certificate of qualification or a
187 concealed carry endorsement shall not be public information and shall be
188 considered personal protected information. Any person who violates the
189 provisions of this subsection by disclosing protected information shall be guilty
190 of a class A misdemeanor.

191 9. Information regarding any holder of a certificate of qualification or a
192 concealed carry endorsement is a closed record.

193 10. For processing an application for a certificate of qualification for a
194 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
195 in each county shall charge a nonrefundable fee not to exceed one hundred dollars
196 which shall be paid to the treasury of the county to the credit of the sheriff's
197 revolving fund.

198 11. For processing a renewal for a certificate of qualification for a
199 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
200 in each county shall charge a nonrefundable fee not to exceed fifty dollars which
201 shall be paid to the treasury of the county to the credit of the sheriff's revolving
202 fund.

203 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"
204 shall include the sheriff of any county or city not within a county or his or her
205 designee and in counties of the first classification the sheriff may designate the
206 chief of police of any city, town, or municipality within such county.

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

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

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

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

12 of a law enforcement officer in the second degree under subdivision (4) of
13 subsection 1 of section 565.082;

14 (2) A "chronic offender" is:

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

17 (b) A person who has pleaded guilty to or has been found guilty of, on two
18 or more separate occasions, any combination of the following: involuntary
19 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024;
20 murder in the second degree under section 565.021, where the underlying felony
21 is an intoxication-related traffic offense; assault in the second degree under
22 subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement
23 officer in the second degree under subdivision (4) of subsection 1 of section
24 565.082; or

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

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

38 (4) An "intoxication-related traffic offense" is driving while intoxicated,
39 driving with excessive blood alcohol content, involuntary manslaughter pursuant
40 to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second
41 degree under section 565.021, where the underlying felony is an
42 intoxication-related traffic offense, assault in the second degree pursuant to
43 subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement
44 officer in the second degree pursuant to subdivision (4) of subsection 1 of section
45 565.082, or driving under the influence of alcohol or drugs in violation of state
46 law or a county or municipal ordinance;

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

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

50 (b) A person who has pleaded guilty to or has been found guilty of
51 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of
52 section 565.024, assault in the second degree pursuant to subdivision (4) of
53 subsection 1 of section 565.060, assault of a law enforcement officer in the second
54 degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

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

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

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

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

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

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

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

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

81 (b) The offender participates in and successfully completes a program
82 established pursuant to section 478.007 or other court-ordered treatment
83 program, if available, **and as part of either program, the offender**

84 **performs at least thirty days of community service under the**
85 **supervision of the court.**

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

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

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

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

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

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

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

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

118 (3) The court makes findings of fact that warrant a finding beyond a
119 reasonable doubt by the court that the defendant is a prior offender, persistent

120 offender, aggravated offender, or chronic offender.

121 8. In a jury trial, the facts shall be pleaded, established and found prior
122 to submission to the jury outside of its hearing; **provided that any error or**
123 **omission in pleading or proving the facts required to comply with this**
124 **section may be corrected by amending the pleadings or supplementing**
125 **the record, on notice and hearing, prior to sentencing; provided further**
126 **that any error in pleading or proving the facts required to comply with**
127 **this section shall not require vacation or reversal of sentence on appeal**
128 **unless such error results in substantial prejudice to the rights of the**
129 **defendant or a miscarriage of justice, and nothing herein shall be**
130 **construed to preclude a remand to permit correction of such error after**
131 **notice and hearing.**

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

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

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

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

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

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

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

148 16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an
149 intoxication-related traffic offense shall be heard and determined by the trial
150 court out of the hearing of the jury prior to the submission of the case to the jury,
151 and shall include but not be limited to evidence received by a search of the
152 records of the Missouri uniform law enforcement system, including criminal
153 history records from the central repository or records from the driving while
154 intoxicated tracking system (DWITS) maintained by the Missouri state highway
155 patrol, or the certified driving record maintained by the Missouri department of

156 revenue. After hearing the evidence, the court shall enter its findings thereon.
157 A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended
158 imposition of sentence, suspended execution of sentence, probation or parole or
159 any combination thereof in any intoxication-related traffic offense in a state,
160 county or municipal court or any combination thereof, shall be treated as a prior
161 plea of guilty or finding of guilt for purposes of this section.

**Section 1. 1. Any member of the National Rifle Association, after
2 an annual payment of an emblem-use authorization fee to the National
3 Rifle Association, may receive special license plates for any vehicle the
4 member owns, either solely or jointly, other than an apportioned motor
5 vehicle or a commercial motor vehicle licensed in excess of eighteen
6 thousand pounds gross weight. The National Rifle Association hereby
7 authorizes the use of its official emblem to be affixed on multi-year
8 personalized license plates within the plate area prescribed by the
9 director of revenue and as provided in this section. Any contribution
10 to the National Rifle Association derived from this section, except
11 reasonable administrative costs, shall be used solely for the purposes
12 of the National Rifle Association. Any member of the National Rifle
13 Association may annually apply for the use of the emblem.**

**14 2. Upon annual application and payment of a twenty-five dollar
15 emblem-use contribution to the National Rifle Association, that
16 organization shall issue to the vehicle owner, without further charge,
17 an emblem-use authorization statement, which shall be presented by
18 the vehicle owner to the director of revenue at the time of
19 registration. Upon presentation of the annual statement and payment
20 of a fifteen dollar fee in addition to the regular registration fees, and
21 presentation of any documents which may be required by law, the
22 director of revenue shall issue to the vehicle owner a special license
23 plate which shall bear the emblem of the National Rifle Association and
24 the words "National Rifle Association" in place of the words "SHOW-ME
25 STATE". Such license plates shall be made with fully reflective
26 material with a common color scheme and design of the standard
27 license plate, shall be clearly visible at night, shall have a reflective
28 white background in the area of the plate configuration, and shall be
29 aesthetically attractive, as prescribed by section
30 301.130. Notwithstanding the provisions of section 301.144, no
31 additional fee shall be charged for the personalization of license plates**

32 pursuant to this section.

33 **3. A vehicle owner who was previously issued a plate with the**
34 **National Rifle Association emblem authorized by this section, but who**
35 **does not provide an emblem-use authorization statement at a**
36 **subsequent time of registration, shall be issued a new plate which does**
37 **not bear the organization's emblem, as otherwise provided by law. The**
38 **director of revenue shall make necessary rules and regulations for the**
39 **enforcement of this section, and shall design all necessary forms**
40 **required by this section.**

 [226.095. Upon request of the plaintiff in a negligence
2 action against the department of transportation as defendant, the
3 case shall be arbitrated by a panel of three arbiters pursuant to the
4 provisions of chapter 435.]

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

 Section C. The repeal and reenactment of sections 302.181 and 571.101
2 shall become effective on the date the director of the department of revenue
3 begins to issue nondriver licenses with conceal carry endorsements that expire
4 three years from the dates the certificates of qualification were issued, or on
5 January 1, 2013, whichever occurs first. If the director of revenue begins issuing
6 nondriver licenses with conceal carry endorsements that expire three years from
7 the dates the certificates of qualification were issued under the authority granted
8 under sections 302.181 and 571.101 prior to January 1, 2013, the director of the
9 department of revenue shall notify the revisor of statutes of such fact.

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