

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 430

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 21.795, 70.441, 144.030, 226.095,
2 226.520, 227.107, 301.010, 301.147, 301.225, 301.559, 301.560,
3 301.562, 302.181, 302.291, 302.309, 302.341, 302.700, 304.120,
4 304.180, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207,
5 390.051, 390.061, 390.116, 390.280, 558.021, 571.101, and
6 577.023, RSMo, are repealed and forty-three new sections enacted
7 in lieu thereof, to be known as sections 21.795, 70.441, 144.030,
8 226.131, 226.195, 226.520, 227.107, 301.010, 301.147, 301.225,
9 301.425, 301.559, 301.560, 301.562, 301.4036, 302.181, 302.291,
10 302.309, 302.341, 302.700, 302.768, 304.120, 304.180, 304.200,

1 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207,
2 387.355, 390.051, 390.054, 390.061, 390.116, 390.280, 444.771,
3 537.293, 558.021, 571.101, 577.023, and 1, to read as follows:

4 21.795. 1. There is established a permanent joint
5 committee of the general assembly to be known as the "Joint
6 Committee on Transportation Oversight" to be composed of seven
7 members of the standing transportation committees of both the
8 senate and the house of representatives and three nonvoting ex
9 officio members. Of the fourteen members to be appointed to the
10 joint committee, the seven senate members of the joint committee
11 shall be appointed by the president pro tem of the senate and
12 minority leader of the senate and the seven house members shall
13 be appointed by the speaker of the house of representatives and
14 the minority floor leader of the house of representatives. The
15 seven senate members shall be composed, as nearly as may be, of
16 majority and minority party members in the same proportion as the
17 number of majority and minority party members in the senate bears
18 to the total membership of the senate. No major party shall be
19 represented by more than four members from the house of
20 representatives [nor more than four members from the senate].
21 The ex officio members shall be the state auditor, the director
22 of the oversight division of the committee on legislative
23 research, and the commissioner of the office of administration or
24 the designee of such auditor, director or commissioner. The
25 joint committee shall be chaired jointly by both chairs of the
26 senate and house transportation committees. A majority of the
27 committee shall constitute a quorum, but the concurrence of a
28 majority of the members, other than the ex officio members, shall
29 be required for the determination of any matter within the

1 committee's duties.

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

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

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

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

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

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

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

7 (2) A detailed explanation of the methods or criteria
8 employed to select construction projects, including a listing of
9 any new or reprioritized projects not mentioned in a previous
10 report, and an explanation as to how the new or reprioritized
11 projects meet the selection methods or criteria;

12 (3) The proposed allocation and expenditure of moneys and
13 the proposed work plan for the current fiscal year, at least the
14 next four years, and for any period of time expressed in any
15 public transportation plan approved by either the general
16 assembly or by the voters of Missouri. This proposed allocation
17 and expenditure of moneys shall include the amounts of proposed
18 allocation and expenditure of moneys in each of the categories
19 listed in subdivision (1) of this subsection;

20 (4) The amounts which were planned, estimated and expended
21 for projects in the state highway and bridge construction program
22 or any other projects relating to other modes of transportation
23 in the preceding state fiscal year and amounts which have been
24 planned, estimated or expended by project for construction work
25 in progress;

26 (5) The current status as to completion, by project, of the
27 fifteen-year road and bridge program adopted in 1992. The first
28 written report submitted pursuant to this section shall include
29 the original cost estimate, updated estimate and final completed

1 cost by project. Each written report submitted thereafter shall
2 include the cost estimate at the time the project was placed on
3 the most recent five-year highway and bridge construction plan
4 and the final completed cost by project;

5 (6) The reasons for cost increases or decreases exceeding
6 five million dollars or ten percent relative to cost estimates
7 and final completed costs for projects in the state highway and
8 bridge construction program or any other projects relating to
9 other modes of transportation completed in the preceding state
10 fiscal year. Cost increases or decreases shall be determined by
11 comparing the cost estimate at the time the project was placed on
12 the most recent five-year highway and bridge construction plan
13 and the final completed cost by project. The reasons shall
14 include the amounts resulting from inflation, department-wide
15 design changes, changes in project scope, federal mandates, or
16 other factors;

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

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

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

25 3. Prior to ~~December first~~ February fifteenth of each
26 year, the committee shall hold an annual meeting and call before
27 its members, officials or employees of the state highways and
28 transportation commission or department of transportation, as
29 determined by the committee, for the sole purpose of receiving

1 and examining the report required pursuant to subsection 2 of
2 this section. The committee shall not have the power to modify
3 projects or priorities of the state highways and transportation
4 commission or department of transportation. The committee may
5 make recommendations to the state highways and transportation
6 commission or the department of transportation. Disposition of
7 those recommendations shall be reported by the commission or the
8 department to the joint committee on transportation oversight.

9 4. In addition to the annual meeting required by subsection
10 3 of this section, the committee shall meet two times each year.
11 The co-chairs of the committee shall establish an agenda for each
12 meeting that may include, but not be limited to, the following
13 items to be discussed with the committee members throughout the
14 year during the scheduled meeting:

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

17 (2) Discussion of department efficiencies and expenditure
18 of cost-savings within the department;

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

24 (4) Implementation of any actions as may be deemed
25 necessary by the committee as authorized by law. The co-chairs
26 of the committee may call special meetings of the committee with
27 ten days' notice to the members of the committee, the director of
28 the department of transportation, and the department of
29 transportation.

1 5. The committee shall also review all applications for the
2 development of specialty plates submitted to it by the department
3 of revenue. The committee shall approve such application by a
4 majority vote. The committee shall approve any application
5 unless the committee receives:

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

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

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

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

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

21 70.441. 1. As used in this section, the following terms
22 have the following meanings:

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

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

28 (3) "Facilities" includes all property and equipment,
29 including, without limitation, rights-of-way and related

1 trackage, rails, signals, power, fuel, communication and
2 ventilation systems, power plants, stations, terminals, signage,
3 storage yards, depots, repair and maintenance shops, yards,
4 offices, parking lots and other real estate or personal property
5 used or held for or incidental to the operation, rehabilitation
6 or improvement of any public mass transportation system of the
7 agency;

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

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

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

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

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

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

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

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

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

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

26 (5) No person shall put or attempt to put any paper,
27 article, instrument or item, other than a token, ticket, badge,
28 coin, fare card, pass, transfer or other access authorization or
29 other fare media issued by the agency and valid for the place,

1 time and manner in which used, into any fare box, pass reader,
2 ticket vending machine, parking meter, parking gate or other fare
3 collection instrument, receptacle, device, machine or location;

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

9 (7) No person may perform any act which would interfere
10 with the provision of transit service or obstruct the flow of
11 traffic on facilities or conveyances or which would in any way
12 interfere or tend to interfere with the safe and efficient
13 operation of the facilities or conveyances of the agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (12) No explosives, flammable liquids, acids, fireworks or
29 other highly combustible materials or radioactive materials may

1 be carried on or in any facility or conveyance, except as
2 authorized by the agency;

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

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

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

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

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

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

26 (b) Working dogs for law enforcement agencies, agency dogs
27 on duty, dogs properly harnessed and accompanying blind or
28 hearing-impaired persons to aid such persons, or dogs
29 accompanying trainers carrying a certificate of identification

1 issued by a dog school;

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

9 4. (1) Unless a greater penalty is otherwise provided by
10 the laws of the state, any violation of this section shall
11 constitute a misdemeanor, and any person committing a violation
12 thereof shall be subject to arrest and, upon conviction in a
13 court of competent jurisdiction, shall pay a fine in an amount
14 not less than twenty-five dollars and no greater than two hundred
15 fifty dollars per violation, in addition to court costs. Any
16 default in the payment of a fine imposed pursuant to this section
17 without good cause shall result in imprisonment for not more than
18 thirty days;

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

26 (3) Any person failing to pay the proper fare, fee or other
27 charge for use of the facilities and conveyances of the agency
28 shall be subject to payment of such charge as part of the
29 judgment against the violator. All proceeds from judgments for

1 unpaid fares or charges shall be directed to the appropriate
2 agency official;

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

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

8 5. Any person who is convicted, pleads guilty, or pleads
9 nolo contendere for failing to pay the proper fare, fee, or other
10 charge for the use of the facilities and conveyances of the bi-
11 state development agency, as described in subdivision (3) of
12 subsection 4 of this section, shall, in addition to the unpaid
13 fares or charges and any fines, penalties, or sentences imposed
14 by law, be required to reimburse the reasonable costs
15 attributable to the enforcement, investigation, and prosecution
16 of such offense by the bi-state development agency. The court
17 shall direct the reimbursement proceeds to the appropriate agency
18 official.

19 6. (1) Stalled or disabled vehicles may be removed from
20 the roadways of the agency property by the agency and parked or
21 stored elsewhere at the risk and expense of the owner;

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

27 144.030. 1. There is hereby specifically exempted from the
28 provisions of sections 144.010 to 144.525 and from the
29 computation of the tax levied, assessed or payable pursuant to

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

9 2. There are also specifically exempted from the provisions
10 of the local sales tax law as defined in section 32.085, section
11 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
12 and from the computation of the tax levied, assessed or payable
13 pursuant to the local sales tax law as defined in section 32.085,
14 section 238.235, and sections 144.010 to 144.525 and 144.600 to
15 144.745:

16 (1) Motor fuel or special fuel subject to an excise tax of
17 this state, unless all or part of such excise tax is refunded
18 pursuant to section 142.824; or upon the sale at retail of fuel
19 to be consumed in manufacturing or creating gas, power, steam,
20 electrical current or in furnishing water to be sold ultimately
21 at retail; or feed for livestock or poultry; or grain to be
22 converted into foodstuffs which are to be sold ultimately in
23 processed form at retail; or seed, limestone or fertilizer which
24 is to be used for seeding, liming or fertilizing crops which when
25 harvested will be sold at retail or will be fed to livestock or
26 poultry to be sold ultimately in processed form at retail;
27 economic poisons registered pursuant to the provisions of the
28 Missouri pesticide registration law (sections 281.220 to 281.310)
29 which are to be used in connection with the growth or production

1 of crops, fruit trees or orchards applied before, during, or
2 after planting, the crop of which when harvested will be sold at
3 retail or will be converted into foodstuffs which are to be sold
4 ultimately in processed form at retail;

5 (2) Materials, manufactured goods, machinery and parts
6 which when used in manufacturing, processing, compounding,
7 mining, producing or fabricating become a component part or
8 ingredient of the new personal property resulting from such
9 manufacturing, processing, compounding, mining, producing or
10 fabricating and which new personal property is intended to be
11 sold ultimately for final use or consumption; and materials,
12 including without limitation, gases and manufactured goods,
13 including without limitation slagging materials and firebrick,
14 which are ultimately consumed in the manufacturing process by
15 blending, reacting or interacting with or by becoming, in whole
16 or in part, component parts or ingredients of steel products
17 intended to be sold ultimately for final use or consumption;

18 (3) Materials, replacement parts and equipment purchased
19 for use directly upon, and for the repair and maintenance or
20 manufacture of, motor vehicles, watercraft, railroad rolling
21 stock or aircraft engaged as common carriers of persons or
22 property;

23 (4) Replacement machinery, equipment, and parts and the
24 materials and supplies solely required for the installation or
25 construction of such replacement machinery, equipment, and parts,
26 used directly in manufacturing, mining, fabricating or producing
27 a product which is intended to be sold ultimately for final use
28 or consumption; and machinery and equipment, and the materials
29 and supplies required solely for the operation, installation or

1 construction of such machinery and equipment, purchased and used
2 to establish new, or to replace or expand existing, material
3 recovery processing plants in this state. For the purposes of
4 this subdivision, a "material recovery processing plant" means a
5 facility that has as its primary purpose the recovery of
6 materials into a useable product or a different form which is
7 used in producing a new product and shall include a facility or
8 equipment which are used exclusively for the collection of
9 recovered materials for delivery to a material recovery
10 processing plant but shall not include motor vehicles used on
11 highways. For purposes of this section, the terms motor vehicle
12 and highway shall have the same meaning pursuant to section
13 301.010. Material recovery is not the reuse of materials within
14 a manufacturing process or the use of a product previously
15 recovered. The material recovery processing plant shall qualify
16 under the provisions of this section regardless of ownership of
17 the material being recovered;

18 (5) Machinery and equipment, and parts and the materials
19 and supplies solely required for the installation or construction
20 of such machinery and equipment, purchased and used to establish
21 new or to expand existing manufacturing, mining or fabricating
22 plants in the state if such machinery and equipment is used
23 directly in manufacturing, mining or fabricating a product which
24 is intended to be sold ultimately for final use or consumption;

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

29 (7) Animals or poultry used for breeding or feeding

1 purposes;

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

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

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

10 (11) Railroad rolling stock for use in transporting persons
11 or property in interstate commerce and motor vehicles licensed
12 for a gross weight of twenty-four thousand pounds or more or
13 trailers used [by common carriers, as defined in section
14 390.020,] in the transportation of persons or property;

15 (12) Electrical energy used in the actual primary
16 manufacture, processing, compounding, mining or producing of a
17 product, or electrical energy used in the actual secondary
18 processing or fabricating of the product, or a material recovery
19 processing plant as defined in subdivision (4) of this
20 subsection, in facilities owned or leased by the taxpayer, if the
21 total cost of electrical energy so used exceeds ten percent of
22 the total cost of production, either primary or secondary,
23 exclusive of the cost of electrical energy so used or if the raw
24 materials used in such processing contain at least twenty-five
25 percent recovered materials as defined in section 260.200. There
26 shall be a rebuttable presumption that the raw materials used in
27 the primary manufacture of automobiles contain at least
28 twenty-five percent recovered materials. For purposes of this
29 subdivision, "processing" means any mode of treatment, act or

1 series of acts performed upon materials to transform and reduce
2 them to a different state or thing, including treatment necessary
3 to maintain or preserve such processing by the producer at the
4 production facility;

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

8 (14) Machinery, equipment, appliances and devices purchased
9 or leased and used solely for the purpose of preventing, abating
10 or monitoring air pollution, and materials and supplies solely
11 required for the installation, construction or reconstruction of
12 such machinery, equipment, appliances and devices;

13 (15) Machinery, equipment, appliances and devices purchased
14 or leased and used solely for the purpose of preventing, abating
15 or monitoring water pollution, and materials and supplies solely
16 required for the installation, construction or reconstruction of
17 such machinery, equipment, appliances and devices;

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

20 (17) All amounts paid or charged for admission or
21 participation or other fees paid by or other charges to
22 individuals in or for any place of amusement, entertainment or
23 recreation, games or athletic events, including museums, fairs,
24 zoos and planetariums, owned or operated by a municipality or
25 other political subdivision where all the proceeds derived
26 therefrom benefit the municipality or other political subdivision
27 and do not inure to any private person, firm, or corporation;

28 (18) All sales of insulin and prosthetic or orthopedic
29 devices as defined on January 1, 1980, by the federal Medicare

1 program pursuant to Title XVIII of the Social Security Act of
2 1965, including the items specified in Section 1862(a)(12) of
3 that act, and also specifically including hearing aids and
4 hearing aid supplies and all sales of drugs which may be legally
5 dispensed by a licensed pharmacist only upon a lawful
6 prescription of a practitioner licensed to administer those
7 items, including samples and materials used to manufacture
8 samples which may be dispensed by a practitioner authorized to
9 dispense such samples and all sales of medical oxygen, home
10 respiratory equipment and accessories, hospital beds and
11 accessories and ambulatory aids, all sales of manual and powered
12 wheelchairs, stairway lifts, Braille writers, electronic Braille
13 equipment and, if purchased by or on behalf of a person with one
14 or more physical or mental disabilities to enable them to
15 function more independently, all sales of scooters, reading
16 machines, electronic print enlargers and magnifiers, electronic
17 alternative and augmentative communication devices, and items
18 used solely to modify motor vehicles to permit the use of such
19 motor vehicles by individuals with disabilities or sales of
20 over-the-counter or nonprescription drugs to individuals with
21 disabilities;

22 (19) All sales made by or to religious and charitable
23 organizations and institutions in their religious, charitable or
24 educational functions and activities and all sales made by or to
25 all elementary and secondary schools operated at public expense
26 in their educational functions and activities;

27 (20) All sales of aircraft to common carriers for storage
28 or for use in interstate commerce and all sales made by or to
29 not-for-profit civic, social, service or fraternal organizations,

1 including fraternal organizations which have been declared
2 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
3 the 1986 Internal Revenue Code, as amended, in their civic or
4 charitable functions and activities and all sales made to
5 eleemosynary and penal institutions and industries of the state,
6 and all sales made to any private not-for-profit institution of
7 higher education not otherwise excluded pursuant to subdivision
8 (19) of this subsection or any institution of higher education
9 supported by public funds, and all sales made to a state relief
10 agency in the exercise of relief functions and activities;

11 (21) All ticket sales made by benevolent, scientific and
12 educational associations which are formed to foster, encourage,
13 and promote progress and improvement in the science of
14 agriculture and in the raising and breeding of animals, and by
15 nonprofit summer theater organizations if such organizations are
16 exempt from federal tax pursuant to the provisions of the
17 Internal Revenue Code and all admission charges and entry fees to
18 the Missouri state fair or any fair conducted by a county
19 agricultural and mechanical society organized and operated
20 pursuant to sections 262.290 to 262.530;

21 (22) All sales made to any private not-for-profit
22 elementary or secondary school, all sales of feed additives,
23 medications or vaccines administered to livestock or poultry in
24 the production of food or fiber, all sales of pesticides used in
25 the production of crops, livestock or poultry for food or fiber,
26 all sales of bedding used in the production of livestock or
27 poultry for food or fiber, all sales of propane or natural gas,
28 electricity or diesel fuel used exclusively for drying
29 agricultural crops, natural gas used in the primary manufacture

1 or processing of fuel ethanol as defined in section 142.028,
2 natural gas, propane, and electricity used by an eligible new
3 generation cooperative or an eligible new generation processing
4 entity as defined in section 348.432, and all sales of farm
5 machinery and equipment, other than airplanes, motor vehicles and
6 trailers. As used in this subdivision, the term "feed additives"
7 means tangible personal property which, when mixed with feed for
8 livestock or poultry, is to be used in the feeding of livestock
9 or poultry. As used in this subdivision, the term "pesticides"
10 includes adjuvants such as crop oils, surfactants, wetting agents
11 and other assorted pesticide carriers used to improve or enhance
12 the effect of a pesticide and the foam used to mark the
13 application of pesticides and herbicides for the production of
14 crops, livestock or poultry. As used in this subdivision, the
15 term "farm machinery and equipment" means new or used farm
16 tractors and such other new or used farm machinery and equipment
17 and repair or replacement parts thereon, and supplies and
18 lubricants used exclusively, solely, and directly for producing
19 crops, raising and feeding livestock, fish, poultry, pheasants,
20 chukar, quail, or for producing milk for ultimate sale at retail,
21 including field drain tile, and one-half of each purchaser's
22 purchase of diesel fuel therefor which is:

23 (a) Used exclusively for agricultural purposes;

24 (b) Used on land owned or leased for the purpose of
25 producing farm products; and

26 (c) Used directly in producing farm products to be sold
27 ultimately in processed form or otherwise at retail or in
28 producing farm products to be fed to livestock or poultry to be
29 sold ultimately in processed form at retail;

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

6 (a) "Domestic use" means that portion of metered water
7 service, electricity, electrical current, natural, artificial or
8 propane gas, wood, coal or home heating oil, and in any city not
9 within a county, metered or unmetered water service, which an
10 individual occupant of a residential premises uses for
11 nonbusiness, noncommercial or nonindustrial purposes. Utility
12 service through a single or master meter for residential
13 apartments or condominiums, including service for common areas
14 and facilities and vacant units, shall be deemed to be for
15 domestic use. Each seller shall establish and maintain a system
16 whereby individual purchases are determined as exempt or
17 nonexempt;

18 (b) Regulated utility sellers shall determine whether
19 individual purchases are exempt or nonexempt based upon the
20 seller's utility service rate classifications as contained in
21 tariffs on file with and approved by the Missouri public service
22 commission. Sales and purchases made pursuant to the rate
23 classification "residential" and sales to and purchases made by
24 or on behalf of the occupants of residential apartments or
25 condominiums through a single or master meter, including service
26 for common areas and facilities and vacant units, shall be
27 considered as sales made for domestic use and such sales shall be
28 exempt from sales tax. Sellers shall charge sales tax upon the
29 entire amount of purchases classified as nondomestic use. The

1 seller's utility service rate classification and the provision of
2 service thereunder shall be conclusive as to whether or not the
3 utility must charge sales tax;

4 (c) Each person making domestic use purchases of services
5 or property and who uses any portion of the services or property
6 so purchased for a nondomestic use shall, by the fifteenth day of
7 the fourth month following the year of purchase, and without
8 assessment, notice or demand, file a return and pay sales tax on
9 that portion of nondomestic purchases. Each person making
10 nondomestic purchases of services or property and who uses any
11 portion of the services or property so purchased for domestic
12 use, and each person making domestic purchases on behalf of
13 occupants of residential apartments or condominiums through a
14 single or master meter, including service for common areas and
15 facilities and vacant units, under a nonresidential utility
16 service rate classification may, between the first day of the
17 first month and the fifteenth day of the fourth month following
18 the year of purchase, apply for credit or refund to the director
19 of revenue and the director shall give credit or make refund for
20 taxes paid on the domestic use portion of the purchase. The
21 person making such purchases on behalf of occupants of
22 residential apartments or condominiums shall have standing to
23 apply to the director of revenue for such credit or refund;

24 (24) All sales of handicraft items made by the seller or
25 the seller's spouse if the seller or the seller's spouse is at
26 least sixty-five years of age, and if the total gross proceeds
27 from such sales do not constitute a majority of the annual gross
28 income of the seller;

29 (25) Excise taxes, collected on sales at retail, imposed by

1 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and
2 4271 of Title 26, United States Code. The director of revenue
3 shall promulgate rules pursuant to chapter 536 to eliminate all
4 state and local sales taxes on such excise taxes;

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

12 (27) All sales made to an interstate compact agency created
13 pursuant to sections 70.370 to 70.441 or sections 238.010 to
14 238.100 in the exercise of the functions and activities of such
15 agency as provided pursuant to the compact;

16 (28) Computers, computer software and computer security
17 systems purchased for use by architectural or engineering firms
18 headquartered in this state. For the purposes of this
19 subdivision, "headquartered in this state" means the office for
20 the administrative management of at least four integrated
21 facilities operated by the taxpayer is located in the state of
22 Missouri;

23 (29) All livestock sales when either the seller is engaged
24 in the growing, producing or feeding of such livestock, or the
25 seller is engaged in the business of buying and selling,
26 bartering or leasing of such livestock;

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

29 (31) Electrical energy or gas, whether natural, artificial

1 or propane, water, or other utilities which are ultimately
2 consumed in connection with the manufacturing of cellular glass
3 products or in any material recovery processing plant as defined
4 in subdivision (4) of this subsection;

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

8 (33) Tangible personal property and utilities purchased for
9 use or consumption directly or exclusively in the research and
10 development of agricultural/biotechnology and plant genomics
11 products and prescription pharmaceuticals consumed by humans or
12 animals;

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

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

19 (36) All purchases by a contractor on behalf of an entity
20 located in another state, provided that the entity is authorized
21 to issue a certificate of exemption for purchases to a contractor
22 under the provisions of that state's laws. For purposes of this
23 subdivision, the term "certificate of exemption" shall mean any
24 document evidencing that the entity is exempt from sales and use
25 taxes on purchases pursuant to the laws of the state in which the
26 entity is located. Any contractor making purchases on behalf of
27 such entity shall maintain a copy of the entity's exemption
28 certificate as evidence of the exemption. If the exemption
29 certificate issued by the exempt entity to the contractor is

1 later determined by the director of revenue to be invalid for any
2 reason and the contractor has accepted the certificate in good
3 faith, neither the contractor or the exempt entity shall be
4 liable for the payment of any taxes, interest and penalty due as
5 the result of use of the invalid exemption certificate.

6 Materials shall be exempt from all state and local sales and use
7 taxes when purchased by a contractor for the purpose of
8 fabricating tangible personal property which is used in
9 fulfilling a contract for the purpose of constructing, repairing
10 or remodeling facilities for the following:

11 (a) An exempt entity located in this state, if the entity
12 is one of those entities able to issue project exemption
13 certificates in accordance with the provisions of section
14 144.062; or

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

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

24 (38) Sales of tickets to any collegiate athletic
25 championship event that is held in a facility owned or operated
26 by a governmental authority or commission, a quasi-governmental
27 agency, a state university or college or by the state or any
28 political subdivision thereof, including a municipality, and that
29 is played on a neutral site and may reasonably be played at a

1 site located outside the state of Missouri. For purposes of this
2 subdivision, "neutral site" means any site that is not located on
3 the campus of a conference member institution participating in
4 the event;

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

10 (40) Beginning January 1, 2009, but not after January 1,
11 2015, materials, replacement parts, and equipment purchased for
12 use directly upon, and for the modification, replacement, repair,
13 and maintenance of aircraft, aircraft power plants, and aircraft
14 accessories;

15 (41) Sales of sporting clays, wobble, skeet, and trap
16 targets to any shooting range or similar places of business for
17 use in the normal course of business and money received by a
18 shooting range or similar places of business from patrons and
19 held by a shooting range or similar place of business for
20 redistribution to patrons at the conclusion of a shooting event.

21 226.131. 1. Notwithstanding any other provision of law to
22 the contrary, the commission may delegate to a designated hearing
23 examiner and/or appeals board the authority to conduct hearings
24 and render final decisions and orders on behalf of the commission
25 in all contested case administrative hearings that are required
26 by federal or state law.

27 2. The commission may adopt rules and regulations to
28 implement and administer this section. Any rule or portion of a
29 rule, as that term is defined in section 536.010 that is created

1 under the authority delegated in this section shall become
2 effective only if it complies with and is subject to all of the
3 provisions of chapter 536, and, if applicable, section 536.028.
4 This section and chapter 536 are nonseverable and if any of the
5 powers vested with the general assembly pursuant to chapter 536,
6 to review, to delay the effective date, or to disapprove and
7 annul a rule are subsequently held unconstitutional, then the
8 grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2011, shall be invalid and void.

10 226.195. 1. As used in this section, the following terms
11 mean:

12 (1) "Commission", the Missouri highways and transportation
13 commission;

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

16 (3) "Public mass transportation service provider", a city,
17 a city transit authority, a city utilities board, or an
18 interstate transportation authority as such terms are defined in
19 section 94.600, an intrastate transportation authority, or an
20 agency receiving funding from either the federal transit
21 administration urban or nonurban formula transit program.

22 2. There is hereby created the Missouri state transit
23 assistance program. The purpose of this program is to provide
24 state financial assistance to defray the operating and capital
25 costs incurred by public mass transportation service providers.

26 3. Funds appropriated to the Missouri state transit
27 assistance program shall be appropriated to the department and
28 administered by the department on behalf of the commission. The
29 distribution of funds to public mass transportation service

1 providers shall be determined by evaluating factors including but
2 not limited to the following:

- 3 (1) Population;
- 4 (2) Ridership;
- 5 (3) Cost and efficiency of the program;
- 6 (4) Availability of alternative transportation in the area;
- 7 (5) Local effort or tax support.

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

20 226.520. On and after March 30, 1972, no outdoor
21 advertising shall be erected or maintained within six hundred
22 sixty feet of the nearest edge of the right-of-way and visible
23 from the main traveled way of any highway which is part of the
24 federal-aid primary highways as of June 1, 1991, and all highways
25 designated as part of the National Highway System by the National
26 Highway System Designation Act of 1995 and those highways
27 subsequently designated as part of the National Highway System in
28 this state except the following:

- 29 (1) Directional and other official signs, including, but

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

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

17 (3) Outdoor advertising located in areas which are zoned
18 industrial, commercial or the like as provided in sections
19 226.500 to 226.600 or under other authority of law;

20 (4) Outdoor advertising located in unzoned commercial or
21 industrial areas as defined and determined pursuant to sections
22 226.500 to 226.600;

23 (5) Outdoor advertising for tourist-oriented businesses,
24 and scoreboards used in sporting events or other electronic signs
25 with changeable messages which are not prohibited by federal
26 regulations or local zoning ordinances. Outdoor advertising
27 which is authorized by this subdivision (5) shall only be allowed
28 to the extent that such outdoor advertising is not prohibited by
29 Title 23, United States Code, Section 131, as now or thereafter

1 amended, and lawful regulations promulgated thereunder. The
2 general assembly finds and declares it to be the policy of the
3 state of Missouri that the tourism industry is of major and
4 critical importance to the economic well-being of the state and
5 that directional signs, displays and devices providing
6 directional information about goods and services in the interest
7 of the traveling public are essential to the economic welfare of
8 the tourism industry. The general assembly further finds and
9 declares that the removal of directional signs advertising
10 tourist-oriented businesses is harmful to the tourism industry in
11 Missouri and that the removal of directional signs within or near
12 areas of the state where there is high concentration of
13 tourist-oriented businesses would have a particularly harmful
14 effect upon the economies within such areas. The state highways
15 and transportation commission is authorized and directed to
16 determine those specific areas of the state of Missouri in which
17 there is high concentration of tourist-oriented businesses, and
18 within such areas, no directional signs, displays and devices
19 which are lawfully erected, which are maintained in good repair,
20 which provide directional information about goods and services in
21 the interest of the traveling public, and which would otherwise
22 be required to be removed because they are not allowed to be
23 maintained under the provisions of sections 226.500 through
24 226.600 shall be required to be removed until such time as such
25 removal has been finally ordered by the United States Secretary
26 of Transportation;

27 (6) The provisions of this section shall not be construed
28 to require removal of signs advertising churches or items of
29 religious significance, items of native arts and crafts,

1 woodworking in native products, or native items of artistic,
2 historical, geologic significance, or hospitals or airports.

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

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

1 Highway 92, contained in a county of the first classification
2 with more than one hundred eighty-four thousand but fewer than
3 one hundred eighty-eight thousand inhabitants, from its
4 intersection with State Highway 169, east to its intersection
5 with State Highway E. The state highways and transportation
6 commission is authorized to enter into an additional design-build
7 contract for the design, construction, reconstruction, or
8 improvement of US 40/61 I-64 Missouri River Bridge as contained
9 in any county with a charter form of government and with more
10 than one million inhabitants and any county with a charter form
11 of government and with more than two hundred fifty thousand but
12 fewer than three hundred fifty thousand inhabitants. The
13 authority to enter into a design-build highway project under this
14 subsection shall not be subject to the time limitation expressed
15 in subsection 1 of this section.

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

21 4. For the purpose of this section, "design-build highway
22 project contract" is defined as the procurement of all materials
23 and services necessary for the design, construction,
24 reconstruction or improvement of a state highway project in a
25 single contract with a design-builder capable of providing the
26 necessary materials and services.

27 5. For the purpose of this section, "highway project" is
28 defined as the design, construction, reconstruction or
29 improvement of highways or bridges under contract with the state

1 highways and transportation commission, which is funded by state,
2 federal or local funds or any combination of such funds.

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

7 7. In any design-build highway project contract, whether
8 involving state or federal funds, the commission shall require
9 that each person submitting a request for qualifications provide
10 a detailed disadvantaged business enterprise participation plan.
11 The plan shall provide information describing the experience of
12 the person in meeting disadvantaged business enterprise
13 participation goals, how the person will meet the department of
14 transportation's disadvantaged business enterprise participation
15 goal and such other qualifications that the commission considers
16 to be in the best interest of the state.

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

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

22 10. Notwithstanding the provisions of sections 107.170, and
23 227.100, to the contrary, the commission shall require the
24 design-builder to provide to the commission directly such bid,
25 performance and payment bonds, or such letters of credit, in such
26 terms, durations, amounts, and on such forms as the commission
27 may determine to be adequate for its protection and provided by a
28 surety or sureties authorized to conduct surety business in the
29 state of Missouri or a federally insured financial institution or

1 institutions, satisfactory to the commission, including but not
2 limited to:

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

5 (2) A performance bond or bonds for the construction period
6 specified in the design-build highway project contract equal to a
7 reasonable estimate of the total cost of construction work under
8 the terms of the design-build highway project contract. If the
9 commission determines in writing supported by specific findings
10 that the reasonable estimate of the total cost of construction
11 work under the terms of the design-build highway project contract
12 is expected to exceed two-hundred fifty million dollars and a
13 performance bond or bonds in such amount is impractical, the
14 commission shall set the performance bond or bonds at the largest
15 amount reasonably available, but not less than two-hundred fifty
16 million dollars, and may require additional security, including
17 but not limited to letters of credit, for the balance of the
18 estimate not covered by the performance bond or bonds;

19 (3) A payment bond or bonds that shall be enforceable under
20 section 522.300 for the protection of persons supplying labor and
21 material in carrying out the construction work provided for in
22 the design-build highway project contract. The aggregate amount
23 of the payment bond or bonds shall equal a reasonable estimate of
24 the total amount payable for the cost of construction work under
25 the terms of the design-build highway project contract unless the
26 commission determines in writing supported by specific findings
27 that a payment bond or bonds in such amount is impractical, in
28 which case the commission shall establish the amount of the
29 payment bond or bonds; except that the amount of the payment bond

1 or bonds shall not be less than the aggregate amount of the
2 performance bond or bonds and any additional security to such
3 performance bond or bonds; and

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

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

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

15 13. The provisions of sections 8.285 to 8.291 shall not
16 apply to the procurement of architectural, engineering or land
17 surveying services for the design-build highway project, except
18 that any person providing architectural, engineering or land
19 surveying services for the design-builder on the design-build
20 highway project must be licensed in Missouri to provide such
21 services.

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

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

29 16. The commission shall promulgate administrative rules to

1 implement this section or to secure federal funds. Such rules
2 shall be published for comment in the Missouri Register and shall
3 include prequalification criteria, the make-up of the
4 prequalification review team, specifications for the design
5 criteria package, the method of advertising, receiving and
6 evaluating proposals from design-builders, the criteria for
7 awarding the design-build highway project based on the design
8 criteria package and a separate proposal stating the cost of
9 construction, and other methods, procedures and criteria
10 necessary to administer this section.

11 17. The commission shall make a status report to the
12 members of the general assembly and the governor following the
13 award of the design-build project, as an individual component of
14 the annual report submitted by the commission to the joint
15 transportation oversight committee in accordance with the
16 provisions of section 21.795. The annual report prior to
17 advertisement of the design-build highway project contracts shall
18 state the goals of the project in reducing costs and/or the time
19 of completion for the project in comparison to the
20 design-bid-build method of construction and objective
21 measurements to be utilized in determining achievement of such
22 goals. Subsequent annual reports shall include: the time
23 estimated for design and construction of different phases or
24 segments of the project and the actual time required to complete
25 such work during the period; the amount of each progress payment
26 to the design-builder during the period and the percentage and a
27 description of the portion of the project completed regarding
28 such payment; the number and a description of design change
29 orders issued during the period and the cost of each such change

1 order; upon substantial and final completion, the total cost of
2 the design-build highway project with a breakdown of costs for
3 design and construction; and such other measurements as specified
4 by rule. The annual report immediately after final completion of
5 the project shall state an assessment of the advantages and
6 disadvantages of the design-build method of contracting for
7 highway and bridge projects in comparison to the design-bid-build
8 method of contracting and an assessment of whether the goals of
9 the project in reducing costs and/or the time of completion of
10 the project were met.

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

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

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

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

1 301.010. As used in this chapter and sections 304.010 to
2 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the
3 following terms mean:

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

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

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

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

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

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

28 (7) "Commercial motor vehicle", a motor vehicle designed or
29 regularly used for carrying freight and merchandise, or more than

1 eight passengers but not including vanpools or shuttle buses;

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

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

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

11 (11) "Driveaway operation":

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

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

22 (c) The movement of a motor vehicle by any person who is
23 lawfully engaged in the business of transporting or delivering
24 vehicles that are not the person's own and vehicles of a type
25 otherwise required to be registered, by the driveaway or towaway
26 methods, from a point of manufacture, assembly or distribution or
27 from the owner of the vehicles to a dealer or sales agent of a
28 manufacturer or to any consignee designated by the shipper or
29 consignor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (25) "Local commercial motor vehicle", a commercial motor
23 vehicle whose operations are confined solely to a municipality
24 and that area extending not more than fifty miles therefrom, or a
25 commercial motor vehicle whose property-carrying operations are
26 confined solely to the transportation of property owned by any
27 person who is the owner or operator of such vehicle to or from a
28 farm owned by such person or under the person's control by virtue
29 of a landlord and tenant lease; provided that any such property

1 transported to any such farm is for use in the operation of such
2 farm;

3 (26) "Local log truck", a commercial motor vehicle which is
4 registered pursuant to this chapter to operate as a motor vehicle
5 on the public highways of this state, used exclusively in this
6 state, used to transport harvested forest products, operated
7 solely at a forested site and in an area extending not more than
8 a one hundred-mile radius from such site, carries a load with
9 dimensions not in excess of twenty-five cubic yards per two axles
10 with dual wheels, and when operated on the national system of
11 interstate and defense highways described in Title 23, Section
12 103(e) of the United States Code, such vehicle shall not exceed
13 the weight limits of section 304.180, does not have more than
14 four axles, and does not pull a trailer which has more than two
15 axles. Harvesting equipment which is used specifically for
16 cutting, felling, trimming, delimbing, debarking, chipping,
17 skidding, loading, unloading, and stacking may be transported on
18 a local log truck. A local log truck may not exceed the limits
19 required by law, however, if the truck does exceed such limits as
20 determined by the inspecting officer, then notwithstanding any
21 other provisions of law to the contrary, such truck shall be
22 subject to the weight limits required by such sections as
23 licensed for eighty thousand pounds;

24 (27) "Local log truck tractor", a commercial motor vehicle
25 which is registered under this chapter to operate as a motor
26 vehicle on the public highways of this state, used exclusively in
27 this state, used to transport harvested forest products, operated
28 solely at a forested site and in an area extending not more than
29 a one hundred-mile radius from such site, operates with a weight

1 not exceeding twenty-two thousand four hundred pounds on one axle
2 or with a weight not exceeding forty-four thousand eight hundred
3 pounds on any tandem axle, and when operated on the national
4 system of interstate and defense highways described in Title 23,
5 Section 103(e) of the United States Code, such vehicle does not
6 exceed the weight limits contained in section 304.180, and does
7 not have more than three axles and does not pull a trailer which
8 has more than two axles. Violations of axle weight limitations
9 shall be subject to the load limit penalty as described for in
10 sections 304.180 to 304.220;

11 (28) "Local transit bus", a bus whose operations are
12 confined wholly within a municipal corporation, or wholly within
13 a municipal corporation and a commercial zone, as defined in
14 section 390.020, adjacent thereto, forming a part of a public
15 transportation system within such municipal corporation and such
16 municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

11 (35) "Motor vehicle primarily for business use", any
12 vehicle other than a recreational motor vehicle, motorcycle,
13 motortricycle, or any commercial motor vehicle licensed for over
14 twelve thousand pounds:

15 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

10 (43) "Owner", any person, firm, corporation or association,
11 who holds the legal title to a vehicle or in the event a vehicle
12 is the subject of an agreement for the conditional sale or lease
13 thereof with the right of purchase upon performance of the
14 conditions stated in the agreement and with an immediate right of
15 possession vested in the conditional vendee or lessee, or in the
16 event a mortgagor of a vehicle is entitled to possession, then
17 such conditional vendee or lessee or mortgagor shall be deemed
18 the owner for the purpose of this law;

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

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

26 (46) "Reconstructed motor vehicle", a vehicle that is
27 altered from its original construction by the addition or
28 substitution of two or more new or used major component parts,
29 excluding motor vehicles made from all new parts, and new

1 multistage manufactured vehicles;

2 (47) "Recreational motor vehicle", any motor vehicle
3 designed, constructed or substantially modified so that it may be
4 used and is used for the purposes of temporary housing quarters,
5 including therein sleeping and eating facilities which are either
6 permanently attached to the motor vehicle or attached to a unit
7 which is securely attached to the motor vehicle. Nothing herein
8 shall prevent any motor vehicle from being registered as a
9 commercial motor vehicle if the motor vehicle could otherwise be
10 so registered;

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

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

22 (50) "Saddlemount combination", a combination of vehicles
23 in which a truck or truck tractor tows one or more trucks or
24 truck tractors, each connected by a saddle to the frame or fifth
25 wheel of the vehicle in front of it. The "saddle" is a mechanism
26 that connects the front axle of the towed vehicle to the frame or
27 fifth wheel of the vehicle in front and functions like a fifth
28 wheel kingpin connection. When two vehicles are towed in this
29 manner the combination is called a "double saddlemount

1 combination". When three vehicles are towed in this manner, the
2 combination is called a "triple saddlemount combination";

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

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

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

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

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

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

22 (e) Is abandoned property which is titled pursuant to
23 section 304.155 or section 304.157 and designated with the words
24 "salvage/abandoned property". The total cost of repairs to
25 rebuild or reconstruct the vehicle shall not include the cost of
26 repairing, replacing, or reinstalling inflatable safety
27 restraints, tires, sound systems, or damage as a result of hail,
28 or any sales tax on parts or materials to rebuild or reconstruct
29 the vehicle. For purposes of this definition, "fair market

1 value" means the retail value of a motor vehicle as:

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

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

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

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

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

22 (55) "Special mobile equipment", every self-propelled
23 vehicle not designed or used primarily for the transportation of
24 persons or property and incidentally operated or moved over the
25 highways, including farm equipment, implements of husbandry, road
26 construction or maintenance machinery, ditch-digging apparatus,
27 stone crushers, air compressors, power shovels, cranes, graders,
28 rollers, well-drillers and wood-sawing equipment used for hire,
29 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,

1 leveling graders, finished machines, motor graders, road rollers,
2 scarifiers, earth-moving carryalls, scrapers, drag lines,
3 concrete pump trucks, rock-drilling and earth-moving equipment.

4 This enumeration shall be deemed partial and shall not operate to
5 exclude other such vehicles which are within the general terms of
6 this section;

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

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

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

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

24 (60) "Trailer", any vehicle without motive power designed
25 for carrying property or passengers on its own structure and for
26 being drawn by a self-propelled vehicle, except those running
27 exclusively on tracks, including a semitrailer or vehicle of the
28 trailer type so designed and used in conjunction with a
29 self-propelled vehicle that a considerable part of its own weight

1 rests upon and is carried by the towing vehicle. The term
2 "trailer" shall not include cotton trailers as defined in
3 subdivision (8) of this section and shall not include
4 manufactured homes as defined in section 700.010;

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

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

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

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

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

1 maintenance purposes;

2 (66) "Vanpool", any van or other motor vehicle used or
3 maintained by any person, group, firm, corporation, association,
4 city, county or state agency, or any member thereof, for the
5 transportation of not less than eight nor more than forty-eight
6 employees, per motor vehicle, to and from their place of
7 employment; however, a vanpool shall not be included in the
8 definition of the term bus or commercial motor vehicle as defined
9 by subdivisions (6) and (7) of this section, nor shall a vanpool
10 driver be deemed a chauffeur as that term is defined by section
11 302.010; nor shall use of a vanpool vehicle for ride-sharing
12 arrangements, recreational, personal, or maintenance uses
13 constitute an unlicensed use of the motor vehicle, unless used
14 for monetary profit other than for use in a ride-sharing
15 arrangement;

16 (67) "Vehicle", any mechanical device on wheels, designed
17 primarily for use, or used, on highways, except motorized
18 bicycles, vehicles propelled or drawn by horses or human power,
19 or vehicles used exclusively on fixed rails or tracks, or cotton
20 trailers or motorized wheelchairs operated by handicapped
21 persons;

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

28 (69) "Wrecker or towing service", the act of transporting,
29 towing or recovering with a wrecker, tow truck, rollback or car

1 carrier any vehicle not owned by the operator of the wrecker, tow
2 truck, rollback or car carrier for which the operator directly or
3 indirectly receives compensation or other personal gain.

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

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

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

26 2. The director of revenue may prescribe rules and
27 regulations for the effective administration of this section.
28 The director is authorized to adopt those rules that are
29 reasonable and necessary to accomplish the limited duties

1 specifically delegated within this section. Any rule or portion
2 of a rule, as that term is defined in section 536.010, that is
3 promulgated pursuant to the authority delegated in this section
4 shall become effective only if it has been promulgated pursuant
5 to the provisions of chapter 536. This section and chapter 536
6 are nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536 to review, to delay the
8 effective date or to disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of rulemaking authority and
10 any rule proposed or adopted after July 1, 2000, shall be invalid
11 and void.

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

18 301.225. Every person licensed or required to be licensed
19 shall maintain for three years on vehicles not more than seven
20 years old a record of:

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

26 (2) Every vehicle wrecked, dismantled or disposed of by
27 him, and the date of its wrecking or dismantling and, if sold to
28 a scrap metal operator, the operator's name and address. Every
29 such record shall be retained by the person licensed or required

1 to be licensed at his principal place of business and shall be
2 open to inspection by any representative of the department,
3 member or authorized or designated employee of the Missouri
4 highway patrol, or any police officer during reasonable business
5 hours. Members of the patrol, any representative of the
6 department, or any police officer may inspect the premises of
7 every person licensed or required to be licensed at any time that
8 business is being conducted or work is being performed, whether
9 or not open to the public to enforce the provisions of sections
10 301.217 to 301.229.

11 301.425. If any peace officer or the director of revenue or
12 his or her designated representative has probable cause to
13 believe that a certificate of ownership, a license plate, a
14 license plate tab, a Missouri drivers license, or a Missouri
15 nondriver identification card was obtained fraudulently, any
16 person in possession of said item shall surrender same to the
17 peace officer or the director of revenue or his or her designated
18 representative upon request. Any person failing to do so shall
19 be deemed guilty of a class A misdemeanor.

20 301.559. 1. It shall be unlawful for any person to engage
21 in business as or act as a motor vehicle dealer, boat dealer,
22 manufacturer , boat manufacturer, public motor vehicle auction,
23 wholesale motor vehicle auction or wholesale motor vehicle dealer
24 without first obtaining a license from the department as required
25 in sections 301.550 to 301.573. Any person who maintains or
26 operates any business wherein a license is required pursuant to
27 the provisions of sections 301.550 to 301.573, without such
28 license, is guilty of a class A misdemeanor. Any person
29 committing a second violation of sections 301.550 to 301.573

1 shall be guilty of a class D felony.

2 2. All dealer licenses shall expire on December
3 thirty-first of [each year] the designated license period. The
4 department shall notify each person licensed under sections
5 301.550 to 301.573 of the date of license expiration and the
6 amount of the fee required for renewal. The notice shall be
7 mailed at least ninety days before the date of license expiration
8 to the licensee's last known business address. The director
9 shall have the authority to issue licenses valid for a period of
10 up to two years and to stagger the license periods for
11 administrative efficiency and equalization of workload, at the
12 sole discretion of the director.

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

26 (1) The name and business address, not a post office box,
27 of the applicant and the fictitious name, if any, under which he
28 intends to conduct his business; and if the applicant be a
29 partnership, the name and residence address of each partner, an

1 indication of whether the partner is a limited or general partner
2 and the name under which the partnership business is to be
3 conducted. In the event that the applicant is a corporation, the
4 application shall list the names of the principal officers of the
5 corporation and the state in which it is incorporated. Each
6 application shall be verified by the oath or affirmation of the
7 applicant, if an individual, or in the event an applicant is a
8 partnership or corporation, then by a partner or officer;

9 (2) Whether the application is being made for registration
10 as a manufacturer, boat manufacturer, new motor vehicle franchise
11 dealer, used motor vehicle dealer, wholesale motor vehicle
12 dealer, boat dealer, wholesale motor vehicle auction or a public
13 motor vehicle auction;

14 (3) When the application is for a new motor vehicle
15 franchise dealer, the application shall be accompanied by a copy
16 of the franchise agreement in the registered name of the
17 dealership setting out the appointment of the applicant as a
18 franchise holder and it shall be signed by the manufacturer, or
19 his authorized agent, or the distributor, or his authorized
20 agent, and shall include a description of the make of all motor
21 vehicles covered by the franchise. The department shall not
22 require a copy of the franchise agreement to be submitted with
23 each renewal application unless the applicant is now the holder
24 of a franchise from a different manufacturer or distributor from
25 that previously filed, or unless a new term of agreement has been
26 entered into;

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

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

9 5. No person shall be issued a license to conduct a public
10 motor vehicle auction or wholesale motor vehicle auction if such
11 person has a violation of sections 301.550 to 301.573 or other
12 violations of chapter 301, sections 407.511 to 407.556, or
13 section 578.120 which resulted in a felony conviction or finding
14 of guilt or a violation of any federal motor vehicle laws which
15 resulted in a felony conviction or finding of guilt.

16 301.560. 1. In addition to the application forms
17 prescribed by the department, each applicant shall submit the
18 following to the department:

19 (1) Every application other than a renewal application for
20 a motor vehicle franchise dealer shall include a certification
21 that the applicant has a bona fide established place of business.
22 Such application shall include an annual certification that the
23 applicant has a bona fide established place of business for the
24 first three years and only for every other year thereafter. The
25 certification shall be performed by a uniformed member of the
26 Missouri state highway patrol or authorized or designated
27 employee stationed in the troop area in which the applicant's
28 place of business is located; except that in counties of the
29 first classification, certification may be performed by an

1 officer of a metropolitan police department when the applicant's
2 established place of business of distributing or selling motor
3 vehicles or trailers is in the metropolitan area where the
4 certifying metropolitan police officer is employed. When the
5 application is being made for licensure as a boat manufacturer or
6 boat dealer, certification shall be performed by a uniformed
7 member of the Missouri state water patrol stationed in the
8 district area in which the applicant's place of business is
9 located or by a uniformed member of the Missouri state highway
10 patrol stationed in the troop area in which the applicant's place
11 of business is located or, if the applicant's place of business
12 is located within the jurisdiction of a metropolitan police
13 department in a first class county, by an officer of such
14 metropolitan police department. A bona fide established place of
15 business for any new motor vehicle franchise dealer, used motor
16 vehicle dealer, boat dealer, powersport dealer, wholesale motor
17 vehicle dealer, trailer dealer, or wholesale or public auction
18 shall be a permanent enclosed building or structure, either owned
19 in fee or leased and actually occupied as a place of business by
20 the applicant for the selling, bartering, trading, servicing, or
21 exchanging of motor vehicles, boats, personal watercraft, or
22 trailers and wherein the public may contact the owner or operator
23 at any reasonable time, and wherein shall be kept and maintained
24 the books, records, files and other matters required and
25 necessary to conduct the business. The applicant's place of
26 business shall contain a working telephone which shall be
27 maintained during the entire registration year. In order to
28 qualify as a bona fide established place of business for all
29 applicants licensed pursuant to this section there shall be an

1 exterior sign displayed carrying the name of the business set
2 forth in letters at least six inches in height and clearly
3 visible to the public and there shall be an area or lot which
4 shall not be a public street on which multiple vehicles, boats,
5 personal watercraft, or trailers may be displayed. The sign
6 shall contain the name of the dealership by which it is known to
7 the public through advertising or otherwise, which need not be
8 identical to the name appearing on the dealership's license so
9 long as such name is registered as a fictitious name with the
10 secretary of state, has been approved by its line-make
11 manufacturer in writing in the case of a new motor vehicle
12 franchise dealer and a copy of such fictitious name registration
13 has been provided to the department. Dealers who sell only
14 emergency vehicles as defined in section 301.550 are exempt from
15 maintaining a bona fide place of business, including the related
16 law enforcement certification requirements, and from meeting the
17 minimum yearly sales;

18 (2) The initial application for licensure shall include a
19 photograph, not to exceed eight inches by ten inches but no less
20 than five inches by seven inches, showing the business building,
21 lot, and sign. A new motor vehicle franchise dealer applicant
22 who has purchased a currently licensed new motor vehicle
23 franchised dealership shall be allowed to submit a photograph of
24 the existing dealership building, lot and sign but shall be
25 required to submit a new photograph upon the installation of the
26 new dealership sign as required by sections 301.550 to 301.573.
27 Applicants shall not be required to submit a photograph annually
28 unless the business has moved from its previously licensed
29 location, or unless the name of the business or address has

1 changed, or unless the class of business has changed;

2 (3) Every applicant as a new motor vehicle franchise
3 dealer, a used motor vehicle dealer, a powersport dealer, a
4 wholesale motor vehicle dealer, trailer dealer, or boat dealer
5 shall furnish with the application a corporate surety bond or an
6 irrevocable letter of credit as defined in section 400.5-103,
7 issued by any state or federal financial institution in the penal
8 sum of twenty-five thousand dollars on a form approved by the
9 department. The bond or irrevocable letter of credit shall be
10 conditioned upon the dealer complying with the provisions of the
11 statutes applicable to new motor vehicle franchise dealers, used
12 motor vehicle dealers, powersport dealers, wholesale motor
13 vehicle dealers, trailer dealers, and boat dealers, and the bond
14 shall be an indemnity for any loss sustained by reason of the
15 acts of the person bonded when such acts constitute grounds for
16 the suspension or revocation of the dealer's license. The bond
17 shall be executed in the name of the state of Missouri for the
18 benefit of all aggrieved parties or the irrevocable letter of
19 credit shall name the state of Missouri as the beneficiary;
20 except, that the aggregate liability of the surety or financial
21 institution to the aggrieved parties shall, in no event, exceed
22 the amount of the bond or irrevocable letter of credit. The
23 proceeds of the bond or irrevocable letter of credit shall be
24 paid upon receipt by the department of a final judgment from a
25 Missouri court of competent jurisdiction against the principal
26 and in favor of an aggrieved party. Additionally, every
27 applicant as a new motor vehicle franchise dealer, a used motor
28 vehicle dealer, a powersport dealer, a wholesale motor vehicle
29 dealer, or boat dealer shall furnish with the application a copy

1 of a current dealer garage policy bearing the policy number and
2 name of the insurer and the insured;

3 (4) Payment of all necessary license fees as established by
4 the department. In establishing the amount of the annual license
5 fees, the department shall, as near as possible, produce
6 sufficient total income to offset operational expenses of the
7 department relating to the administration of sections 301.550 to
8 301.573. All fees payable pursuant to the provisions of sections
9 301.550 to 301.573, other than those fees collected for the
10 issuance of dealer plates or certificates of number collected
11 pursuant to subsection 6 of this section, shall be collected by
12 the department for deposit in the state treasury to the credit of
13 the "Motor Vehicle Commission Fund", which is hereby created.
14 The motor vehicle commission fund shall be administered by the
15 Missouri department of revenue. The provisions of section 33.080
16 to the contrary notwithstanding, money in such fund shall not be
17 transferred and placed to the credit of the general revenue fund
18 until the amount in the motor vehicle commission fund at the end
19 of the biennium exceeds two times the amount of the appropriation
20 from such fund for the preceding fiscal year or, if the
21 department requires permit renewal less frequently than yearly,
22 then three times the appropriation from such fund for the
23 preceding fiscal year. The amount, if any, in the fund which
24 shall lapse is that amount in the fund which exceeds the multiple
25 of the appropriation from such fund for the preceding fiscal
26 year;

27 (5) Notwithstanding any provision of this chapter or any
28 rule promulgated by the department to the contrary, a wholesale
29 motor vehicle dealer that maintains an inventory of historic and

1 non-historic motor vehicles in one licensed location, none of
2 which are encumbered by a security interest, with an insured
3 value in excess of ten million dollars, and sells or offers to
4 sell motor vehicles primarily through public motor vehicle
5 auctions or wholesale motor vehicle auctions licensed pursuant to
6 chapter 343 shall be exempt from:

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

15 (b) Maintaining or posting minimum hours of operation.

16
17 As used in this subdivision, "primarily" means ninety percent or
18 more of the dealer's sales by dollar amount, in each calendar
19 year, are through public motor vehicle auctions or wholesale
20 motor vehicle auctions;

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

1 the application to the department.

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

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

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

29 New motor vehicle franchise

1 dealers D-0 through D-999
2 New powersport dealers and
3 motorcycle franchise
4 dealers D-1000 through D-1999
5 Used motor vehicle, used
6 powersport, and used
7 motorcycle dealers D-2000 through D-9999
8 Wholesale motor vehicle
9 dealers W-0 through W-1999
10 Wholesale motor vehicle
11 auctions WA-0 through WA-999
12 New and used trailer
13 dealers. T-0 through T-9999
14 Motor vehicle, trailer, and boat
15 manufacturers DM-0 through DM-999
16 Public motor vehicle
17 auctions A-0 through A-1999
18 Boat dealers M-0 through M-9999
19 New and used recreational motor
20 vehicle dealers RV-0 through RV-999
21 For purposes of this subsection, qualified transactions shall
22 include the purchase of salvage titled vehicles by a licensed
23 salvage dealer. A used motor vehicle dealer who also holds a
24 salvage dealer's license shall be allowed one additional plate or
25 certificate number per fifty-unit qualified transactions
26 annually. In order for salvage dealers to obtain number plates
27 or certificates under this section, dealers shall submit to the
28 department of revenue on August first of each year a statement
29 certifying, under penalty of perjury, the dealer's number of

1 purchases during the reporting period of July first of the
2 immediately preceding year to June thirtieth of the present year.
3 The provisions of this subsection shall become effective on the
4 date the director of the department of revenue begins to reissue
5 new license plates under section 301.130, or on December 1, 2008,
6 whichever occurs first. If the director of revenue begins
7 reissuing new license plates under the authority granted under
8 section 301.130 prior to December 1, 2008, the director of the
9 department of revenue shall notify the revisor of statutes of
10 such fact.

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

16 6. In the case of new motor vehicle manufacturers, motor
17 vehicle dealers, powersport dealers, recreational motor vehicle
18 dealers, and trailer dealers, the department shall issue one
19 number plate bearing the distinctive dealer license number and
20 may issue two additional number plates to the applicant upon
21 payment by the manufacturer or dealer of a fifty dollar fee for
22 the number plate bearing the distinctive dealer license number
23 and ten dollars and fifty cents for each additional number plate.
24 Such license plates shall be made with fully reflective material
25 with a common color scheme and design, shall be clearly visible
26 at night, and shall be aesthetically attractive, as prescribed by
27 section 301.130. Boat dealers and boat manufacturers shall be
28 entitled to one certificate of number bearing such number upon
29 the payment of a fifty dollar fee. Additional number plates and

1 as many additional certificates of number may be obtained upon
2 payment of a fee of ten dollars and fifty cents for each
3 additional plate or certificate. New motor vehicle manufacturers
4 shall not be issued or possess more than three hundred
5 forty-seven additional number plates or certificates of number
6 annually. New and used motor vehicle dealers, powersport
7 dealers, wholesale motor vehicle dealers, boat dealers, and
8 trailer dealers are limited to one additional plate or
9 certificate of number per ten-unit qualified transactions
10 annually. New and used recreational motor vehicle dealers are
11 limited to two additional plates or certificate of number per
12 ten-unit qualified transactions annually for their first fifty
13 transactions and one additional plate or certificate of number
14 per ten-unit qualified transactions thereafter. An applicant
15 seeking the issuance of an initial license shall indicate on his
16 or her initial application the applicant's proposed annual number
17 of sales in order for the director to issue the appropriate
18 number of additional plates or certificates of number. A motor
19 vehicle dealer, trailer dealer, boat dealer, powersport dealer,
20 recreational motor vehicle dealer, motor vehicle manufacturer,
21 boat manufacturer, or wholesale motor vehicle dealer obtaining a
22 distinctive dealer license plate or certificate of number or
23 additional license plate or additional certificate of number,
24 throughout the calendar year, shall be required to pay a fee for
25 such license plates or certificates of number computed on the
26 basis of one-twelfth of the full fee prescribed for the original
27 and duplicate number plates or certificates of number for such
28 dealers' licenses, multiplied by the number of months remaining
29 in the licensing period for which the dealer or manufacturers

1 shall be required to be licensed. In the event of a renewing
2 dealer, the fee due at the time of renewal shall not be prorated.
3 Wholesale and public auctions shall be issued a certificate of
4 dealer registration in lieu of a dealer number plate. In order
5 for dealers to obtain number plates or certificates under this
6 section, dealers shall submit to the department of revenue on
7 August first of each year a statement certifying, under penalty
8 of perjury, the dealer's number of sales during the reporting
9 period of July first of the immediately preceding year to June
10 thirtieth of the present year.

11 7. The plates issued pursuant to subsection 3 or 6 of this
12 section may be displayed on any motor vehicle owned by a new
13 motor vehicle manufacturer. The plates issued pursuant to
14 subsection 3 or 6 of this section may be displayed on any motor
15 vehicle or trailer owned and held for resale by a motor vehicle
16 dealer for use by a customer who is test driving the motor
17 vehicle, for use and display purposes during, but not limited to,
18 parades, private events, charitable events, or for use by an
19 employee or officer, but shall not be displayed on any motor
20 vehicle or trailer hired or loaned to others or upon any
21 regularly used service or wrecker vehicle. Motor vehicle dealers
22 may display their dealer plates on a tractor, truck or trailer to
23 demonstrate a vehicle under a loaded condition. Trailer dealers
24 may display their dealer license plates in like manner, except
25 such plates may only be displayed on trailers owned and held for
26 resale by the trailer dealer.

27 8. The certificates of number issued pursuant to subsection
28 3 or 6 of this section may be displayed on any vessel or vessel
29 trailer owned and held for resale by a boat manufacturer or a

1 boat dealer, and used by a customer who is test driving the
2 vessel or vessel trailer, or is used by an employee or officer on
3 a vessel or vessel trailer only, but shall not be displayed on
4 any motor vehicle owned by a boat manufacturer, boat dealer, or
5 trailer dealer, or vessel or vessel trailer hired or loaned to
6 others or upon any regularly used service vessel or vessel
7 trailer. Boat dealers and boat manufacturers may display their
8 certificate of number on a vessel or vessel trailer when
9 transporting a vessel or vessels to an exhibit or show.

10 9. (1) Every application for the issuance of a used motor
11 vehicle dealer's license shall be accompanied by proof that the
12 applicant, within the last twelve months, has completed an
13 educational seminar course approved by the department as
14 prescribed by subdivision (2) of this subsection. Wholesale and
15 public auto auctions and applicants currently holding a new or
16 used license for a separate dealership shall be exempt from the
17 requirements of this subsection. The provisions of this
18 subsection shall not apply to current new motor vehicle franchise
19 dealers or motor vehicle leasing agencies or applicants for a new
20 motor vehicle franchise or a motor vehicle leasing agency. The
21 provisions of this subsection shall not apply to used motor
22 vehicle dealers who were licensed prior to August 28, 2006.

23 (2) The educational seminar shall include, but is not
24 limited to, the dealer requirements of sections 301.550 to
25 301.573, the rules promulgated to implement, enforce, and
26 administer sections 301.550 to 301.570, and any other rules and
27 regulations promulgated by the department.

28 301.562. 1. The department may refuse to issue or renew
29 any license required pursuant to sections 301.550 to 301.573 for

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

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

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

18 (2) The applicant or license holder was previously a
19 partner, stockholder, director or officer controlling or managing
20 a partnership or corporation whose license issued under sections
21 301.550 to 301.573 was revoked for cause and never reissued or
22 was suspended for cause and the terms of suspension have not been
23 fulfilled;

24 (3) The applicant or license holder has, within ten years
25 prior to the date of the application, been finally adjudicated
26 and found guilty, or entered a plea of guilty or nolo contendere,
27 in a prosecution under the laws of any state or of the United
28 States, for any offense reasonably related to the qualifications,
29 functions, or duties of any business licensed under sections

1 301.550 to 301.573; for any offense, an essential element of
2 which is fraud, dishonesty, or an act of violence; or for any
3 offense involving moral turpitude, whether or not sentence is
4 imposed;

5 (4) Use of fraud, deception, misrepresentation, or bribery
6 in securing any license issued pursuant to sections 301.550 to
7 301.573;

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

11 (6) Violation of, or assisting or enabling any person to
12 violate any provisions of this chapter and chapters 143, 144,
13 306, 307, 407, 578, and 643 or of any lawful rule or regulation
14 adopted pursuant to this chapter and chapters 143, 144, 306, 307,
15 407, 578, and 643;

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

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

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

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

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

3 (12) Violations of sections 407.511 to 407.556, section
4 578.120, which resulted in a conviction or finding of guilt or
5 violation of any federal motor vehicle laws which result in a
6 conviction or finding of guilt.

7 3. Any such complaint shall be filed within one year of the
8 date upon which the department receives notice of an alleged
9 violation of an applicable statute or regulation. After the
10 filing of such complaint, the proceedings shall, except for the
11 matters set forth in subsection 5 of this section, be conducted
12 in accordance with the provisions of chapter 621. Upon a finding
13 by the administrative hearing commission that the grounds,
14 provided in subsection 2 of this section, for disciplinary action
15 are met, the department may, singly or in combination, refuse to
16 issue the person a license, issue a license for a period of less
17 than two years, issue a private reprimand, place the person on
18 probation on such terms and conditions as the department deems
19 appropriate for a period of one day to five years, suspend the
20 person's license from one day to six days, or revoke the person's
21 license for such period as the department deems appropriate. The
22 applicant or licensee shall have the right to appeal the decision
23 of the administrative hearing commission and department in the
24 manner provided in chapter 536.

25 4. Upon the suspension or revocation of any person's
26 license issued under sections 301.550 to 301.573, the department
27 shall recall any distinctive number plates that were issued to
28 that licensee. If any licensee who has been suspended or revoked
29 shall neglect or refuse to surrender his or her license or

distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any agent or employee of the department or any law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a "law enforcement officer" means any member of the highway patrol or water patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director, any agent or employee of the department, or any law enforcement officer shall be a class A misdemeanor.

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

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

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

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

(4) Three or more occurrences of violations, which have

1 been established following proceedings before the administrative
2 hearing commission under subsection 3 of this section, or which
3 have been established following proceedings before the director
4 under subsection 6 of this section, of this chapter and chapters
5 143, 144, 306, 307, 578, and 643 or of any lawful rule or
6 regulation adopted under this chapter and chapters 143, 144, 306,
7 307, 578, and 643, not previously set forth herein.

8 6. (1) Any license issued under sections 301.550 to
9 301.580 shall be suspended or revoked, following an evidentiary
10 hearing before the director or his or her designated hearing
11 officer, if affidavits or sworn testimony by an authorized agent
12 of the department alleges the occurrence of any of the events or
13 acts described in subsection 5 of this section.

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

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

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

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

27 (d) Shall specify the events or acts which may provide
28 cause for suspension or revocation of the license, and shall
29 include with the notice a copy of all affidavits, sworn testimony

1 or other information presented to the director which support
2 discipline of the license; and

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

9 (3) At any hearing before the director conducted under this
10 subsection, the director or his or her designated hearing officer
11 shall consider all evidence relevant to the issue of whether the
12 license should be suspended or revoked due to the occurrence of
13 any of the acts set forth in subsection 5 herein. Within twenty
14 business days after such hearing, the director or his or her
15 designated hearing officer shall issue a written order, with
16 findings of fact and conclusions of law, which either grants or
17 denies the issuance of an order of suspension or revocation. The
18 suspension or revocation shall be effective ten days after the
19 date of the order. The written order of the director or his or
20 her hearing officer shall be the final decision of the director
21 and shall be subject to judicial review under the provisions of
22 chapter 536.

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

27 301.4036. 1. Notwithstanding any other provision of law,
28 any member of the National Wild Turkey Federation, after an
29 annual payment of an emblem-use fee to the National Wild Turkey

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

2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the National Wild Turkey Federation, the National Wild Turkey Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen-dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a personalized specialty license plate which shall bear the emblem of the National Wild Turkey Federation. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, and prescribed by section 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the

1 words "National Wild Turkey Federation". Notwithstanding the
2 provisions of section 301.144, no additional fee shall be charged
3 for the personalized specialty plates issued under this section.

4 3. A vehicle owner who was previously issued a plate with
5 the National Wild Turkey Federation's emblem authorized by this
6 section, but who does not provide an emblem-use authorization
7 statement at a subsequent time of registration, shall be issued a
8 new plate which does not bear the National Wild Turkey
9 Federation's emblem, as otherwise provided by law. The director
10 of revenue shall make necessary rules and regulations for the
11 enforcement of this section, and shall design all necessary forms
12 required by this section.

13 4. Prior to the issuance of a National Wild Turkey
14 Federation specialty plate authorized under this section, the
15 department of revenue must be in receipt of an application, as
16 prescribed by the director, which shall be accompanied by a list
17 of at least two hundred potential applicants who plan to purchase
18 the specialty plate, the proposed art design for the specialty
19 license plate, and an application fee, not to exceed five
20 thousand dollars, to defray the department's cost for issuing,
21 developing, and programming the implementation of the specialty
22 plate. Once the plate design is approved, the director of
23 revenue shall not authorize the manufacture of the material to
24 produce such personalized specialty license plates with the
25 individual seal, logo, or emblem until such time as the director
26 has received two hundred applications, the fifteen dollar
27 specialty plate fee per application, and emblem-use statements,
28 if applicable, and other required documents or fees for such
29 plates.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph or digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state

1 director of the division of purchasing. For all licenses issued
2 or renewed after March 1, 1992, the applicant's Social Security
3 number shall serve as the applicant's license number. Where the
4 licensee has no Social Security number, or where the licensee is
5 issued a license without a Social Security number in accordance
6 with subsection 4 of this section, the director shall issue a
7 license number for the licensee and such number shall also
8 include an indicator showing that the number is not a Social
9 Security number.

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

12 3. The license issued shall be carried at all times by the
13 holder thereof while driving a motor vehicle, and shall be
14 displayed upon demand of any officer of the highway patrol, or
15 any police officer or peace officer, or any other duly authorized
16 person, for inspection when demand is made therefor. Failure of
17 any operator of a motor vehicle to exhibit his or her license to
18 any duly authorized officer shall be presumptive evidence that
19 such person is not a duly licensed operator.

20 4. The director of revenue shall issue a commercial or
21 noncommercial driver's license without a Social Security number
22 to an applicant therefor, who is otherwise qualified to be
23 licensed, upon presentation to the director of a certified
24 statement that the applicant objects to the display of the Social
25 Security number on the license. The director shall assign an
26 identification number, that is not based on a Social Security
27 number, to the applicant which shall be displayed on the license
28 in lieu of the Social Security number.

29 5. The director of revenue shall not issue a license

1 without a facial photograph or digital image of the license
2 applicant, except as provided pursuant to subsection 8 of this
3 section. A photograph or digital image of the applicant's full
4 facial features shall be taken in a manner prescribed by the
5 director. No photograph or digital image will be taken wearing
6 anything which cloaks the facial features of the individual.

7 6. The department of revenue may issue a temporary license
8 or a full license without the photograph or with the last
9 photograph or digital image in the department's records to
10 members of the armed forces, except that where such temporary
11 license is issued it shall be valid only until the applicant
12 shall have had time to appear and have his or her picture taken
13 and a license with his or her photograph issued.

14 7. The department of revenue shall issue upon request a
15 nondriver's license card containing essentially the same
16 information and photograph or digital image, except as provided
17 pursuant to subsection 8 of this section, as the driver's license
18 upon payment of six dollars. All nondriver's licenses shall
19 expire on the applicant's birthday in the sixth year after
20 issuance. A person who has passed his or her seventieth birthday
21 shall upon application be issued a nonexpiring nondriver's
22 license card. Notwithstanding any other provision of this
23 chapter, a nondriver's license containing a concealed carry
24 endorsement shall expire three years from the date the
25 certificate of qualification was issued pursuant to section
26 571.101. The fee for nondriver's licenses issued for a period
27 exceeding three years is six dollars or three dollars for
28 nondriver's licenses issued for a period of three years or less.
29 The nondriver's license card shall be used for identification

1 purposes only and shall not be valid as a license.

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

9 (1) Present a form provided by the department of revenue
10 requesting the applicant's photograph be omitted from the license
11 or nondriver's license due to religious affiliations. The form
12 shall be signed by the applicant and another member of the
13 religious tenant verifying the photograph or digital image
14 exemption on the license or nondriver's license is required as
15 part of their religious affiliation. The required signatures on
16 the prescribed form shall be properly notarized;

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

25 (3) Applications for a driver's license or nondriver's
26 license without a photograph or digital image must be made in
27 person at a license office determined by the director. The
28 director is authorized to limit the number of offices that may
29 issue a driver's or nondriver's license without a photograph or

1 digital image pursuant to this section.

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

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

15 11. No rule or portion of a rule promulgated pursuant to
16 the authority of this chapter shall become effective unless it is
17 promulgated pursuant to the provisions of chapter 536.

18 302.291. 1. The director, having good cause to believe
19 that an operator is incompetent or unqualified to retain his or
20 her license, after giving ten days' notice in writing by
21 certified mail directed to such person's present known address,
22 may require the person to submit to an examination as prescribed
23 by the director. Upon conclusion of the examination, the director
24 may allow the person to retain his or her license, may suspend,
25 deny or revoke the person's license, or may issue the person a
26 license subject to restrictions as provided in section 302.301.
27 If an examination indicates a condition that potentially impairs
28 safe driving, the director, in addition to action with respect to
29 the license, may require the person to submit to further periodic

1 examinations. The refusal or neglect of the person to submit to
2 an examination within thirty days after the date of such notice
3 shall be grounds for suspension, denial or revocation of the
4 person's license by the director, an associate circuit or circuit
5 court. Notice of any suspension, denial, revocation or other
6 restriction shall be provided by certified mail. As used in this
7 section, the term "denial" means the act of not licensing a
8 person who is currently suspended, revoked or otherwise not
9 licensed to operate a motor vehicle. Denial may also include the
10 act of withdrawing a previously issued license.

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

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

19 (1) Any certified peace officer;

20 (2) Any physician, physical therapist or occupational
21 therapist licensed pursuant to chapter 334; any chiropractic
22 physician licensed pursuant to chapter 331; any registered nurse
23 licensed pursuant to chapter 335; any psychologist [or], social
24 worker or professional counselor licensed pursuant to chapter
25 337; any optometrist licensed pursuant to chapter 336; or

26 (3) Any member of the operator's family within three
27 degrees of consanguinity, or the operator's spouse, who has
28 reached the age of eighteen, except that no person may report the
29 same family member pursuant to this section more than one time

1 during a twelve-month period. The report must state that the
2 person reasonably and in good faith believes the driver cannot
3 safely operate a motor vehicle and must be based upon personal
4 observation or physical evidence which shall be described in the
5 report, or the report shall be based upon an investigation by a
6 law enforcement officer. The report shall be a written
7 declaration in the form prescribed by the department of revenue
8 and shall contain the name, address, telephone number, and
9 signature of the person making the report.

10 4. Any physician, physical therapist or occupational
11 therapist licensed pursuant to chapter 334, any chiropractor
12 licensed pursuant to chapter 331, any registered nurse licensed
13 pursuant to chapter 335, any psychologist [or], social worker or
14 professional counselor licensed pursuant to chapter 337, or any
15 optometrist licensed pursuant to chapter 336 may report to the
16 department any patient diagnosed or assessed as having a disorder
17 or condition that may prevent such person from safely operating a
18 motor vehicle. Such report shall state the diagnosis or
19 assessment and whether the condition is permanent or temporary.
20 The existence of a physician-patient relationship shall not
21 prevent the making of a report by such medical professionals.

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

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

4 7. The department of revenue shall, in consultation with
5 the medical advisory board established by section 302.292,
6 develop a standardized form and provide guidelines for the
7 reporting of cases and for the examination of drivers pursuant to
8 this section. The guidelines shall be published and adopted as
9 required for rules and regulations pursuant to chapter 536. The
10 department of revenue shall also adopt rules and regulations as
11 necessary to carry out the other provisions of this section. The
12 director of revenue shall provide health care professionals and
13 law enforcement officers with information about the procedures
14 authorized in this section. The guidelines and regulations
15 implementing this section shall be in compliance with the federal
16 Americans with Disabilities Act of 1990.

17 8. Any person who knowingly violates a confidentiality
18 provision of this section or who knowingly permits or encourages
19 the unauthorized use of a report or reporting person's name in
20 violation of this section shall be guilty of a class A
21 misdemeanor and shall be liable for damages which proximately
22 result.

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

26 10. All appeals of license revocations, suspensions,
27 denials and restrictions shall be made as required pursuant to
28 section 302.311 within thirty days after the receipt of the
29 notice of revocation, suspension, denial or restriction.

1 11. Any individual whose condition is temporary in nature
2 as reported pursuant to the provisions of subsection 4 of this
3 section shall have the right to petition the director of the
4 department of revenue for total or partial reinstatement of his
5 or her license. Such request shall be made on a form prescribed
6 by the department of revenue and accompanied by a statement from
7 a health care provider with the same or similar license as the
8 health care provider who made the initial report resulting in the
9 limitation or loss of the driver's license. Such petition shall
10 be decided by the director of the department of revenue within
11 thirty days of receipt of the petition. Such decision by the
12 director is appealable pursuant to subsection 10 of this section.

13 302.309. 1. Whenever any license is suspended pursuant to
14 sections 302.302 to 302.309, the director of revenue shall return
15 the license to the operator immediately upon the termination of
16 the period of suspension and upon compliance with the
17 requirements of chapter 303.

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

21 3. (1) All circuit courts, the director of revenue, or a
22 commissioner operating under section 478.007 shall have
23 jurisdiction to hear applications and make eligibility
24 determinations granting limited driving privileges. Any
25 application may be made in writing to the director of revenue and
26 the person's reasons for requesting the limited driving privilege
27 shall be made therein.

28 (2) When any court of record having jurisdiction or the
29 director of revenue finds that an operator is required to operate

1 a motor vehicle in connection with any of the following:

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

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

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

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

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

10 (f) Any other circumstance the court or director finds
11 would create an undue hardship on the operator;] the court or
12 director may grant such limited driving privilege as the
13 circumstances of the case justify if the court or director finds
14 undue hardship would result to the individual, and while so
15 operating a motor vehicle within the restrictions and limitations
16 of the limited driving privilege the driver shall not be guilty
17 of operating a motor vehicle without a valid license.

18 (3) An operator may make application to the proper court in
19 the county in which such operator resides or in the county in
20 which is located the operator's principal place of business or
21 employment. Any application for a limited driving privilege made
22 to a circuit court shall name the director as a party defendant
23 and shall be served upon the director prior to the grant of any
24 limited privilege, and shall be accompanied by a copy of the
25 applicant's driving record as certified by the director. Any
26 applicant for a limited driving privilege shall have on file with
27 the department of revenue proof of financial responsibility as
28 required by chapter 303. Any application by a person who

1 transports persons or property as classified in section 302.015
2 may be accompanied by proof of financial responsibility as
3 required by chapter 303, but if proof of financial responsibility
4 does not accompany the application, or if the applicant does not
5 have on file with the department of revenue proof of financial
6 responsibility, the court or the director has discretion to grant
7 the limited driving privilege to the person solely for the
8 purpose of operating a vehicle whose owner has complied with
9 chapter 303 for that vehicle, and the limited driving privilege
10 must state such restriction. When operating such vehicle under
11 such restriction the person shall carry proof that the owner has
12 complied with chapter 303 for that vehicle.

13 (4) No limited driving privilege shall be issued to any
14 person otherwise eligible under the provisions of paragraph (a)
15 of subdivision (6) of this subsection on a license revocation
16 resulting from a conviction under subdivision (9) of subsection 1
17 of section 302.302, or a license denial under paragraph (a) or
18 (b) of subdivision (8) of this subsection, until the applicant
19 has filed proof with the department of revenue that any motor
20 vehicle operated by the person is equipped with a functioning,
21 certified ignition interlock device as a required condition of
22 limited driving privilege.

23 (5) The court order or the director's grant of the limited
24 or restricted driving privilege shall indicate the termination
25 date of the privilege, which shall be not later than the end of
26 the period of suspension or revocation. A copy of any court
27 order shall be sent by the clerk of the court to the director,
28 and a copy shall be given to the driver which shall be carried by
29 the driver whenever such driver operates a motor vehicle. The

1 director of revenue upon granting a limited driving privilege
2 shall give a copy of the limited driving privilege to the
3 applicant. The applicant shall carry a copy of the limited
4 driving privilege while operating a motor vehicle. A conviction
5 which results in the assessment of points pursuant to section
6 302.302, other than a violation of a municipal stop sign
7 ordinance where no accident is involved, against a driver who is
8 operating a vehicle pursuant to a limited driving privilege
9 terminates the privilege, as of the date the points are assessed
10 to the person's driving record. If the date of arrest is prior
11 to the issuance of the limited driving privilege, the privilege
12 shall not be terminated. Failure of the driver to maintain proof
13 of financial responsibility, as required by chapter 303, or to
14 maintain proof of installation of a functioning, certified
15 ignition interlock device, as applicable, shall terminate the
16 privilege. The director shall notify by ordinary mail the driver
17 whose privilege is so terminated.

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

24 (a) A conviction of violating the provisions of section
25 577.010 or 577.012, or any similar provision of any federal or
26 state law, or a municipal or county law where the judge in such
27 case was an attorney and the defendant was represented by or
28 waived the right to an attorney in writing, until the person has
29 completed the first thirty days of a suspension or forty-five

1 days of a revocation imposed pursuant to this chapter;

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

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

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

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

16 (f) Violation more than once of the provisions of section
17 577.041 or a similar implied consent law of any other state; or

18 (g) Due to a suspension pursuant to subsection 2 of section
19 302.525 and who has not completed the first thirty days of such
20 suspension, provided the person is not otherwise ineligible for a
21 limited driving privilege; or due to a revocation pursuant to
22 subsection 2 of section 302.525 if such person has not completed
23 such revocation.

24 (7) No person who possesses a commercial driver's license
25 shall receive a limited driving privilege issued for the purpose
26 of operating a commercial motor vehicle if such person's driving
27 privilege is suspended, revoked, canceled, denied, or
28 disqualified. Nothing in this section shall prohibit the
29 issuance of a limited driving privilege for the purpose of

1 operating a noncommercial motor vehicle provided that pursuant to
2 the provisions of this section, the applicant is not otherwise
3 ineligible for a limited driving privilege.

4 (8) (a) Provided that pursuant to the provisions of this
5 section, the applicant is not otherwise ineligible for a limited
6 driving privilege, a circuit court or the director may, in the
7 manner prescribed in this subsection, allow a person who has had
8 such person's license to operate a motor vehicle revoked where
9 that person cannot obtain a new license for a period of ten
10 years, as prescribed in subdivision (9) of section 302.060, to
11 apply for a limited driving privilege pursuant to this subsection
12 if such person has served at least three years of such
13 disqualification or revocation. Such person shall present
14 evidence satisfactory to the court or the director that such
15 person has not been convicted of any offense related to alcohol,
16 controlled substances or drugs during the preceding three years
17 and that the person's habits and conduct show that the person no
18 longer poses a threat to the public safety of this state.

19 (b) Provided that pursuant to the provisions of this
20 section, the applicant is not otherwise ineligible for a limited
21 driving privilege or convicted of involuntary manslaughter while
22 operating a motor vehicle in an intoxicated condition, a circuit
23 court or the director may, in the manner prescribed in this
24 subsection, allow a person who has had such person's license to
25 operate a motor vehicle revoked where that person cannot obtain a
26 new license for a period of five years because of two convictions
27 of driving while intoxicated, as prescribed in subdivision (10)
28 of section 302.060, to apply for a limited driving privilege
29 pursuant to this subsection if such person has served at least

1 two years of such disqualification or revocation. Such person
2 shall present evidence satisfactory to the court or the director
3 that such person has not been convicted of any offense related to
4 alcohol, controlled substances or drugs during the preceding two
5 years and that the person's habits and conduct show that the
6 person no longer poses a threat to the public safety of this
7 state. Any person who is denied a license permanently in this
8 state because of an alcohol-related conviction subsequent to a
9 restoration of such person's driving privileges pursuant to
10 subdivision (9) of section 302.060 shall not be eligible for
11 limited driving privilege pursuant to the provisions of this
12 subdivision.

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

20 4. Any person who has received notice of denial of a
21 request of limited driving privilege by the director of revenue
22 may make a request for a review of the director's determination
23 in the circuit court of the county in which the person resides or
24 the county in which is located the person's principal place of
25 business or employment within thirty days of the date of mailing
26 of the notice of denial. Such review shall be based upon the
27 records of the department of revenue and other competent evidence
28 and shall be limited to a review of whether the applicant was
29 statutorily entitled to the limited driving privilege.

1 5. The director of revenue shall promulgate rules and
2 regulations necessary to carry out the provisions of this
3 section. Any rule or portion of a rule, as that term is defined
4 in section 536.010, that is created under the authority delegated
5 in this section shall become effective only if it complies with
6 and is subject to all of the provisions of chapter 536 and, if
7 applicable, section 536.028. This section and chapter 536 are
8 nonseverable and if any of the powers vested with the general
9 assembly pursuant to chapter 536 to review, to delay the
10 effective date or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and
12 any rule proposed or adopted after August 28, 2001, shall be
13 invalid and void.

14 302.341. 1. If a Missouri resident charged with a moving
15 traffic violation of this state or any county or municipality of
16 this state fails to dispose of the charges of which the resident
17 is accused through authorized prepayment of fine and court costs
18 and fails to appear on the return date or at any subsequent date
19 to which the case has been continued, or without good cause fails
20 to pay any fine or court costs assessed against the resident for
21 any such violation within the period of time specified or in such
22 installments as approved by the court or as otherwise provided by
23 law, any court having jurisdiction over the charges shall within
24 ten days of the failure to comply inform the defendant by
25 ordinary mail at the last address shown on the court records that
26 the court will order the director of revenue to suspend the
27 defendant's driving privileges if the charges are not disposed of
28 and fully paid within thirty days from the date of mailing.
29 Thereafter, if the defendant fails to timely act to dispose of

1 the charges and fully pay any applicable fines and court costs,
2 the court shall notify the director of revenue of such failure
3 and of the pending charges against the defendant. Upon receipt
4 of this notification, the director shall suspend the license of
5 the driver, effective immediately, and provide notice of the
6 suspension to the driver at the last address for the driver shown
7 on the records of the department of revenue. Such suspension
8 shall remain in effect until the court with the subject pending
9 charge requests setting aside the noncompliance suspension
10 pending final disposition, or satisfactory evidence of
11 disposition of pending charges and payment of fine and court
12 costs, if applicable, is furnished to the director by the
13 individual. Upon proof of disposition of charges and payment of
14 fine and court costs, if applicable, and payment of the
15 reinstatement fee as set forth in section 302.304, the director
16 shall return the license and remove the suspension from the
17 individual's driving record if the individual was not operating a
18 commercial motor vehicle or a commercial driver's license holder
19 at the time of the offense. The filing of financial
20 responsibility with the bureau of safety responsibility,
21 department of revenue, shall not be required as a condition of
22 reinstatement of a driver's license suspended solely under the
23 provisions of this section.

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

1 department of revenue and shall be distributed annually to the
2 schools of the county in the same manner that proceeds of all
3 penalties, forfeitures and fines collected for any breach of the
4 penal laws of the state are distributed. For the purpose of this
5 section the words "state highways" shall mean any state or
6 federal highway, including any such highway continuing through
7 the boundaries of a city, town or village with a designated
8 street name other than the state highway number. The director of
9 the department of revenue shall set forth by rule a procedure
10 whereby excess revenues as set forth above shall be sent to the
11 department of revenue. If any city, town, or village disputes a
12 determination that it has received excess revenues required to be
13 sent to the department of revenue, such city, town, or village
14 may submit to an annual audit by the state auditor under the
15 authority of article IV, section 13 of the Missouri Constitution.
16 Any rule or portion of a rule, as that term is defined in section
17 536.010, that is created under the authority delegated in this
18 section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly under chapter 536 to review, to delay the effective
23 date, or to disapprove and annul a rule are subsequently held
24 unconstitutional, then the grant of rulemaking authority and any
25 rule proposed or adopted after August 28, 2009, shall be invalid
26 and void.

27 302.700. 1. Sections 302.700 to 302.780 may be cited as
28 the "Uniform Commercial Driver's License Act".

29 2. When used in sections 302.700 to 302.780, the following

1 words and phrases mean:

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

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

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

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

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

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

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

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

1 391.68, or 398.3;

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

5 (c) A driver changes the self-certification to intrastate,
6 but operating exclusively in transportation or operations
7 excepted from all or part of the state driver qualification
8 requirements; or

9 (d) The state removes the commercial driver's license
10 privilege from the driver's license;

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

17 [(6)] (9) "Commercial motor vehicle", a motor vehicle
18 designed or used to transport passengers or property:

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

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

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

28 (d) If the vehicle is transporting hazardous materials and
29 is required to be placarded under the Hazardous Materials

1 Transportation Act (46 U.S.C. 1801, et seq.);

2 [(7)] (10) "Controlled substance", any substance so
3 classified under Section 102(6) of the Controlled Substances Act
4 (21 U.S.C. 802(6)), and includes all substances listed in
5 schedules I through V of 21 CFR part 1308, as they may be revised
6 from time to time;

7 [(8)] (11) "Conviction", an unvacated adjudication of
8 guilt, including pleas of guilt and nolo contendere, or a
9 determination that a person has violated or failed to comply with
10 the law in a court of original jurisdiction or an authorized
11 administrative proceeding, an unvacated forfeiture of bail or
12 collateral deposited to secure the person's appearance in court,
13 the payment of a fine or court cost, or violation of a condition
14 of release without bail, regardless of whether the penalty is
15 rebated, suspended or prorated, including an offense for failure
16 to appear or pay;

17 [(9)] (12) "Director", the director of revenue or his
18 authorized representative;

19 [(10)] (13) "Disqualification", any of the following three
20 actions:

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

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

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

4 [(11)] (14) "Drive", to drive, operate or be in physical
5 control of a commercial motor vehicle;

6 [(12)] (15) "Driver", any person who drives, operates, or
7 is in physical control of a motor vehicle, or who is required to
8 hold a commercial driver's license;

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

12 [(13)] (17) "Driving under the influence of alcohol", the
13 commission of any one or more of the following acts:

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

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

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

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

27 (e) Having any state, county or municipal alcohol-related
28 enforcement contact, as defined in subsection 3 of section

1 302.525; provided that any suspension or revocation pursuant to
2 section 302.505, committed in a noncommercial motor vehicle by an
3 individual twenty-one years of age or older shall have been
4 committed by the person with an alcohol concentration of at least
5 eight-hundredths of one percent or more, or in the case of an
6 individual who is less than twenty-one years of age, shall have
7 been committed by the person with an alcohol concentration of at
8 least two-hundredths of one percent or more, and if committed in
9 a commercial motor vehicle, a concentration of four-hundredths of
10 one percent or more;

11 [(14)] (18) "Driving under the influence of a controlled
12 substance", the commission of any one or more of the following
13 acts in a commercial or noncommercial motor vehicle:

14 (a) Driving a commercial or noncommercial motor vehicle
15 while under the influence of any substance so classified under
16 Section 102(6) of the Controlled Substances Act (21 U.S.C.
17 802(6)), including any substance listed in schedules I through V
18 of 21 CFR Part 1308, as they may be revised from time to time;

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

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

25 [(15)] (19) "Employer", any person, including the United
26 States, a state, or a political subdivision of a state, who owns
27 or leases a commercial motor vehicle or assigns a driver to
28 operate such a vehicle;

29 (20) "Endorsement", an authorization on an individual's

1 commercial driver's license permitting the individual to operate
2 certain types of commercial motor vehicles;

3 [(16)] (21) "Farm vehicle", a commercial motor vehicle
4 controlled and operated by a farmer used exclusively for the
5 transportation of agricultural products, farm machinery, farm
6 supplies, or a combination of these, within one hundred fifty
7 miles of the farm, other than one which requires placarding for
8 hazardous materials as defined in this section, or used in the
9 operation of a common or contract motor carrier, except that a
10 farm vehicle shall not be a commercial motor vehicle when the
11 total combined gross weight rating does not exceed twenty-six
12 thousand one pounds when transporting fertilizers as defined in
13 subdivision (21) of this subsection;

14 [(17)] (22) "Fatality", the death of a person as a result
15 of a motor vehicle accident;

16 [(18)] (23) "Felony", any offense under state or federal
17 law that is punishable by death or imprisonment for a term
18 exceeding one year;

19 (24) "Foreign", outside the United States and the District
20 of Columbia;

21 [(19)] (25) "Gross combination weight rating" or "GCWR",
22 the value specified by the manufacturer as the loaded weight of a
23 combination (articulated) vehicle. In the absence of a value
24 specified by the manufacturer, GCWR will be determined by adding
25 the GVWR of the power unit and the total weight of the towed unit
26 and any load thereon;

27 [(20)] (26) "Gross vehicle weight rating" or "GVWR", the
28 value specified by the manufacturer as the loaded weight of a

1 single vehicle;

2 [(21)] (27) "Hazardous materials", any material that has
3 been designated as hazardous under 49 U.S.C. 5103 and is required
4 to be placarded under subpart F of CFR Part 172 or any quantity
5 of a material listed as a select agent or toxin in 42 CFR Part
6 73. Fertilizers, including but not limited to ammonium nitrate,
7 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel
8 or special fuel, shall not be considered hazardous materials when
9 transported by a farm vehicle provided all other provisions of
10 this definition are followed;

11 [(22)] (28) "Imminent hazard", the existence of a condition
12 that presents a substantial likelihood that death, serious
13 illness, severe personal injury, or a substantial endangerment to
14 health, property, or the environment may occur before the
15 reasonably foreseeable completion date of a formal proceeding
16 begins to lessen the risk of that death, illness, injury, or
17 endangerment;

18 [(23)] (29) "Issuance", the initial licensure, license
19 transfers, license renewals, and license upgrades;

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

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

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

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

6 [(24)] (32) "Motor vehicle", any self-propelled vehicle not
7 operated exclusively upon tracks;

8 [(25)] (33) "Noncommercial motor vehicle", a motor vehicle
9 or combination of motor vehicles not defined by the term
10 "commercial motor vehicle" in this section;

11 [(26)] (34) "Out of service", a temporary prohibition
12 against the operation of a commercial motor vehicle by a
13 particular driver, or the operation of a particular commercial
14 motor vehicle, or the operation of a particular motor carrier;

15 [(27)] (35) "Out-of-service order", a declaration by [the
16 Federal Highway Administration, or any] an authorized enforcement
17 officer of a federal, state, [Commonwealth of Puerto Rico,]
18 Canadian, Mexican or any local jurisdiction, that a driver, or a
19 commercial motor vehicle, or a motor carrier operation, is out of
20 service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or
21 396.9, or comparable laws, or the North American Standard Out-of-
22 Service Criteria;

23 [(28)] (36) "School bus", a commercial motor vehicle used
24 to transport preprimary, primary, or secondary school students
25 from home to school, from school to home, or to and from
26 school-sponsored events. School bus does not include a bus used
27 as a common carrier as defined by the Secretary;

28 [(29)] (37) "Secretary", the Secretary of Transportation of

1 the United States;

2 [(30)] (38) "Serious traffic violation", driving a
3 commercial motor vehicle in such a manner that the driver
4 receives a conviction for the following offenses or driving a
5 noncommercial motor vehicle when the driver receives a conviction
6 for the following offenses and the conviction results in the
7 suspension or revocation of the driver's license or noncommercial
8 motor vehicle driving privilege:

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

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

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

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

27 (e) Driving a commercial motor vehicle without a commercial
28 driver's license in the driver's possession in violation of any
29 federal or state or county or municipal ordinance. Any

1 individual who provides proof to the court which has jurisdiction
2 over the issued citation that the individual held a valid
3 commercial driver's license on the date that the citation was
4 issued shall not be guilty of this offense;

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

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

14 [(31)] (39) "State", a state[, territory or possession] of
15 the United States[, the District of Columbia, the Commonwealth of
16 Puerto Rico, Mexico, and any province of Canada];

17 [(32)] (40) "United States", the fifty states and the
18 District of Columbia.

19 302.768. 1. Any applicant for a commercial driver's
20 license or commercial driver's instruction permit shall comply
21 with the Federal Motor Carrier Safety Administration application
22 requirements of 49 CFR Part 383.71 by certifying to one of the
23 following applicable statements relating to federal and state
24 driver qualification rules:

25 (1) Nonexcepted interstate: Certifies the applicant is a
26 driver operating or expecting to operate in interstate or foreign
27 commerce, or is otherwise subject to and meets requirements of 49
28 CFR Part 391 and is required to obtain a medical examiner's

1 certificate as defined in 49 CFR Part 391.45;

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

7 (3) Nonexcepted intrastate: Certifies the applicant is a
8 driver operating only in intrastate commerce and is subject to
9 Missouri driver qualifications;

10 (4) Excepted intrastate: Certifies the applicant operates
11 or expects to operate only in intrastate commerce, and engaging
12 only in operations excepted from all parts of the Missouri driver
13 qualification requirements.

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

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

26 4. Applicants certifying to operation in nonexcepted
27 interstate commerce or nonexcepted intrastate commerce shall
28 provide an updated medical certificate or variance documents to
29 maintain a certified status during the term of the commercial

1 driver's license or commercial driver's instruction permit in
2 order to retain commercial privileges.

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

8 6. Applicants certifying to operation in nonexcepted
9 interstate commerce or nonexcepted intrastate commerce who fail
10 to provide or maintain a current medical examiners certificate,
11 or if the state has received notice of a medical variance or
12 waiver expiring or being rescinded, the state shall, within ten
13 calendar days, update the driver's medical certification status
14 to "not certified". The state shall notify the driver of the
15 change in certification status and require the driver to annually
16 comply with requirements for a commercial driver's license
17 downgrade within sixty days of notice.

18 7. The department of revenue may, by rule, establish the
19 cost and criteria for submission of updated medical certification
20 status information as required under this section.

21 8. Any person who falsifies any information in an
22 application for or update of medical certification status
23 information for a commercial driver's license shall not be
24 licensed to operate a commercial motor vehicle, or the person's
25 commercial driver's license shall be canceled for a period of one
26 year after the director discovers such falsification.

27 9. The director may promulgate rules and regulations
28 necessary to administer and enforce this section. Any rule or
29 portion of a rule, as that term is defined in section 536.010,

1 that is created under the authority delegated in this section
2 shall become effective only if it complies with and is subject to
3 all of the provisions of chapter 536 and, if applicable, section
4 536.028. This section and chapter 536 are nonseverable and if
5 any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date, or to
7 disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2011, shall be invalid
10 and void.

11 304.120. 1. Municipalities, by ordinance, may establish
12 reasonable speed regulations for motor vehicles within the limits
13 of such municipalities. No person who is not a resident of such
14 municipality and who has not been within the limits thereof for a
15 continuous period of more than forty-eight hours, shall be
16 convicted of a violation of such ordinances, unless it is shown
17 by competent evidence that there was posted at the place where
18 the boundary of such municipality joins or crosses any highway a
19 sign displaying in black letters not less than four inches high
20 and one inch wide on a white background the speed fixed by such
21 municipality so that such sign may be clearly seen by operators
22 and drivers from their vehicles upon entering such municipality.

23 2. Municipalities, by ordinance, may:

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

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

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

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

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

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

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

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

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

23 4. No ordinance shall impose liability on the owner-lessor
24 of a motor vehicle when the vehicle is being permissively used by
25 a lessee and is illegally parked or operated if the registered
26 owner-lessor of such vehicle furnishes the name, address and
27 operator's license number of the person renting or leasing the
28 vehicle at the time the violation occurred to the proper
29 municipal authority within three working days from the time of

1 receipt of written request for such information. Any registered
2 owner-lessor who fails or refuses to provide such information
3 within the period required by this subsection shall be liable for
4 the imposition of any fine established by municipal ordinance for
5 the violation. Provided, however, if a leased motor vehicle is
6 illegally parked due to a defect in such vehicle, which renders
7 it inoperable, not caused by the fault or neglect of the lessee,
8 then the lessor shall be liable on any violation for illegal
9 parking of such vehicle.

10 5. No ordinance shall deny the use of commercial vehicles
11 on all streets within the municipality.

12 304.180. 1. No vehicle or combination of vehicles shall be
13 moved or operated on any highway in this state having a greater
14 weight than twenty thousand pounds on one axle, no combination of
15 vehicles operated by transporters of general freight over regular
16 routes as defined in section 390.020 shall be moved or operated
17 on any highway of this state having a greater weight than the
18 vehicle manufacturer's rating on a steering axle with the maximum
19 weight not to exceed twelve thousand pounds on a steering axle,
20 and no vehicle shall be moved or operated on any state highway of
21 this state having a greater weight than thirty-four thousand
22 pounds on any tandem axle; the term "tandem axle" shall mean a
23 group of two or more axles, arranged one behind another, the
24 distance between the extremes of which is more than forty inches
25 and not more than ninety-six inches apart.

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

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

Distance in feet

between the extremes

of any group of two or

more consecutive axles,

measured to the nearest

foot, except where

indicated otherwise

Maximum load in pounds

feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	

1	18	40,000	49,500	54,000	59,000	
2	19	40,000	50,000	54,500	60,000	
3	20	40,000	51,000	55,500	60,500	66,000
4	21	40,000	51,500	56,000	61,000	66,500
5	22	40,000	52,500	56,500	61,500	67,000
6	23	40,000	53,000	57,500	62,500	68,000
7	24	40,000	54,000	58,000	63,000	68,500
8	25	40,000	54,500	58,500	63,500	69,000
9	26	40,000	55,500	59,500	64,000	69,500
10	27	40,000	56,000	60,000	65,000	70,000
11	28	40,000	57,000	60,500	65,500	71,000
12	29	40,000	57,500	61,500	66,000	71,500
13	30	40,000	58,500	62,000	66,500	72,000
14	31	40,000	59,000	62,500	67,500	72,500
15	32	40,000	60,000	63,500	68,000	73,000
16	33	40,000	60,000	64,000	68,500	74,000
17	34	40,000	60,000	64,500	69,000	74,500
18	35	40,000	60,000	65,500	70,000	75,000
19	36		60,000	66,000	70,500	75,500
20	37		60,000	66,500	71,000	76,000
21	38		60,000	67,500	72,000	77,000
22	39		60,000	68,000	72,500	77,500
23	40		60,000	68,500	73,000	78,000
24	41		60,000	69,500	73,500	78,500
25	42		60,000	70,000	74,000	79,000
26	43		60,000	70,500	75,000	80,000
27	44		60,000	71,500	75,500	80,000
28	45		60,000	72,000	76,000	80,000
29	46		60,000	72,500	76,500	80,000

1	47	60,000	73,500	77,500	80,000
2	48	60,000	74,000	78,000	80,000
3	49	60,000	74,500	78,500	80,000
4	50	60,000	75,500	79,000	80,000
5	51	60,000	76,000	80,000	80,000
6	52	60,000	76,500	80,000	80,000
7	53	60,000	77,500	80,000	80,000
8	54	60,000	78,000	80,000	80,000
9	55	60,000	78,500	80,000	80,000
10	56	60,000	79,500	80,000	80,000
11	57	60,000	80,000	80,000	80,000

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

16 4. Whenever the state highways and transportation
17 commission finds that any state highway bridge in the state is in
18 such a condition that use of such bridge by vehicles of the
19 weights specified in subsection 3 of this section will endanger
20 the bridge, or the users of the bridge, the commission may
21 establish maximum weight limits and speed limits for vehicles
22 using such bridge. The governing body of any city or county may
23 grant authority by act or ordinance to the state highways and
24 transportation commission to enact the limitations established in
25 this section on those roadways within the purview of such city or
26 county. Notice of the weight limits and speed limits established
27 by the commission shall be given by posting signs at a
28 conspicuous place at each end of any such bridge.

29 5. Nothing in this section shall be construed as permitting

1 lawful axle loads, tandem axle loads or gross loads in excess of
2 those permitted under the provisions of Section 127 of Title 23
3 of the United States Code.

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

11 7. Notwithstanding any provision of this section to the
12 contrary, the department of transportation shall issue a
13 single-use special permit, or upon request of the owner of the
14 truck or equipment, shall issue an annual permit, for the
15 transporting of any concrete pump truck or well-drillers'
16 equipment. The department of transportation shall set fees for
17 the issuance of permits pursuant to this subsection.
18 Notwithstanding the provisions of section 301.133, concrete pump
19 trucks or well-drillers' equipment may be operated on
20 state-maintained roads and highways at any time on any day.

21 8. Notwithstanding the provision of this section to the
22 contrary, the maximum gross vehicle limit and axle weight limit
23 for any vehicle or combination of vehicles equipped with an idle
24 reduction technology may be increased by a quantity necessary to
25 compensate for the additional weight of the idle reduction system
26 as provided for in 23 U.S.C. Section 127, as amended. In no case
27 shall the additional weight increase allowed by this subsection
28 be greater than four hundred pounds. Upon request by an
29 appropriate law enforcement officer, the vehicle operator shall

1 provide proof that the idle reduction technology is fully
2 functional at all times and that the gross weight increase is not
3 used for any purpose other than for the use of idle reduction
4 technology.

5 9. Notwithstanding subsection 3 of this section or any
6 other provision of law to the contrary, the total gross weight of
7 any vehicle or combination of vehicles hauling livestock may be
8 as much as, but shall not exceed, eighty-five thousand five
9 hundred pounds while operating on U.S. Highway 36 from St.
10 Joseph to U.S. Highway [65, and] 63, on U.S. Highway 65 from the
11 Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from
12 the Arkansas state line to the Iowa state line.

13 304.200. 1. The chief engineer of the state department of
14 transportation, for good cause shown and when the public safety
15 or public interest so justifies, shall issue special permits for
16 vehicles or equipment exceeding the limitations on width, length,
17 height and weight herein specified, or which are unable to
18 maintain minimum speed limits. Such permits shall be issued only
19 for a single trip or for a definite period, not beyond the date
20 of expiration of the vehicle registration, and shall designate
21 the highways and bridges which may be used pursuant to the
22 authority of such permit.

23 2. The chief engineer of the state department of
24 transportation shall upon proper application and at no charge
25 issue a special permit to any person allowing the movement on
26 state and federal highways of farm products between sunset and
27 sunrise not in excess of fourteen feet in width. Special permits
28 allowing movement of oversize loads of farm products shall allow
29 for movement between sunset and sunrise, subject to appropriate

1 requirements for safety lighting on the load, appropriate limits
2 on load dimensions and appropriate consideration of high traffic
3 density between sunset and sunrise on the route to be traveled.

4 The chief engineer may also issue upon proper application a
5 special permit to any person allowing the movement on the state
6 and federal highways of concrete pump trucks or well-drillers
7 equipment. For the purposes of this section, "farm products"
8 shall have the same meaning as provided in section 400.9-109.

9 3. Rules and regulations for the issuance of special
10 permits shall be prescribed by the state highways and
11 transportation commission and filed with the secretary of state.
12 No rule or portion of a rule promulgated pursuant to the
13 authority of section 304.010 and this section shall become
14 effective unless it has been promulgated pursuant to the
15 provisions of chapter 536.

16 4. The officer in charge of the maintenance of the streets
17 of any municipality may issue such permits for the use of the
18 streets by such vehicles within the limits of such
19 municipalities.

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

24 6. No manufactured home, as defined in section 700.010
25 shall be transported under this section unless the owner of such
26 manufactured home has paid property taxes on the manufactured
27 home for the taxable year in which the manufactured home is to be
28 transported and for all prior taxable years. For the purposes of
29 this section, in determining the amount of taxes to be paid in

1 the taxable year in which the manufactured home is to be
2 transported, the tax liability shall be the amount paid or owing
3 for the immediate preceding taxable year. If the amount paid
4 exceeds the actual tax liability for such year, the owner shall
5 be entitled to a refund, and if the amount paid is less than the
6 actual tax liability, the owner shall be liable for the unpaid
7 portion at the time and in the manner as otherwise provided by
8 law. The owner or title holder of the manufactured home shall
9 obtain, prior to transport under this section, a receipt from the
10 county collector or collector-treasurer showing all property
11 taxes on the manufactured home have been paid.

12 387.040. 1. No motor carrier subject to the provisions of
13 this chapter shall engage or participate in the transportation of
14 passengers [or household goods], between points within this
15 state, until its schedules of rates, fares and charges shall have
16 been filed with the state highways and transportation commission
17 and published in accordance with the provisions of this chapter.
18 Any motor carrier, which shall undertake to perform any service
19 or furnish any product or commodity unless or until the rates,
20 tolls, fares, charges, classifications and rules and regulations
21 relating thereto, applicable to such service, product or
22 commodity, have been filed with the highways and transportation
23 commission and published in accordance with the provisions of
24 this chapter, shall be subject to forfeiture to the state
25 pursuant to the provisions of sections 390.156 to 390.176.

26 2. [Notwithstanding subsection 1 of this section, a motor
27 carrier shall not be required to file its schedules of rates,
28 fares, and charges for shipments of household goods that are
29 transported wholly or exclusively within a commercial zone as

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

20 387.050. 1. Every motor carrier shall file with the
21 **[division of motor carrier and railroad safety]** state highways
22 and transportation commission and shall print and keep open to
23 public inspection schedules showing the rates, fares and charges
24 for the transportation of passengers and household goods within
25 this state between each point upon its route and all other points
26 thereon and between each point upon its route and all points upon
27 every route leased, operated or controlled by it and between each
28 point on its route or upon any route leased, operated or
29 controlled by it and all points upon the route of any other motor

1 carrier, whenever a through route and joint rate shall have been
2 established or ordered between any two such points. If no joint
3 rate over a through route has been established, the several
4 carriers in such through route shall file, print and keep open to
5 public inspection, as aforesaid, the separately established
6 rates, fares and charges applied to the through transportation.
7 Beginning August 28, 2011, motor carriers shall not be required
8 to file their schedules showing the rates, fares, rules, and
9 charges for the transportation of household goods within this
10 state but shall print and keep open for public inspection such
11 schedules in accordance with this section and section 387.040.

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

23 3. Such schedules shall be plainly printed in large type,
24 and a copy thereof shall be kept by every such carrier readily
25 accessible to and for convenient inspection by the public in
26 every station or office of such carrier where passengers or
27 household goods are respectively received for transportation,
28 when such station or office is in charge of an agent, and in
29 every station or office of such carrier where passenger tickets

1 for transportation or tickets covering bills of lading or
2 receipts for household goods are issued. All or any of such
3 schedules kept as aforesaid shall be immediately produced by such
4 carrier for inspection upon the demand of any person.

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

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

14 6. The [division] state highways and transportation
15 commission shall have power, from time to time, in its
16 discretion, to determine and prescribe by order such changes in
17 the form of such schedules as may be found expedient, and to
18 modify the requirements of this section in respect to publishing,
19 posting and filing of schedules either in particular instances or
20 by general order applicable to special or peculiar circumstances
21 or conditions.

22 387.080. 1. The names of the several carriers which are
23 parties to any joint tariff shall be specified therein, and each
24 of the parties thereto, other than the one filing the same, shall
25 file with the [division of motor carrier and railroad safety]
26 state highways and transportation commission such evidence of
27 concurrence therein or acceptance thereof as may be required or
28 approved by the [division] state highways and transportation

1 commission; and where such evidence of concurrence or acceptance
2 is filed, it shall not be necessary for the carriers filing the
3 same also to file copies of the tariffs in which they are named
4 as parties. The provisions of this subsection shall not apply to
5 motor carriers of household goods. Carriers of household goods
6 participating in through routes or interline service shall
7 publish joint tariffs and evidence of concurrence or acceptance
8 thereof or individual tariffs for each participating carrier in
9 accordance with sections 387.040 and 387.050.

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

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

21 387.110. [1.] No motor carrier shall make or give any
22 undue or unreasonable preference or advantage to any person or
23 corporation or to any locality or to any particular description
24 of traffic in any respect whatsoever, or subject any particular
25 person or corporation or locality or any particular description
26 of traffic, to any undue or unreasonable prejudice or
27 disadvantage in any respect whatsoever.

28 [2. Notwithstanding any other provision of law to the

1 contrary, no common carrier of household goods shall use any
2 schedule of rates or charges, or both, for the transportation of
3 household goods within this state which divides this state into
4 territorial rate areas. Any schedule of rates or charges, or
5 both, which divides, or attempts to divide, this state into
6 territorial rate areas is unjust, unreasonable, and invalid.】

7 387.137. The state highways and transportation commission
8 shall establish consumer protection requirements for motor
9 carriers transporting household goods in intrastate commerce and
10 establish a system for filing, logging, and responding to
11 consumer complaints.

12 387.139. 1. The division of motor carrier services shall
13 keep an information file about each complaint filed with it
14 regarding the movement of household goods in intrastate commerce.
15 The division of motor carrier service's information file shall be
16 kept current and contain a record for each complaint of:

17 (1) All persons contacted in relation to the complaint;
18 (2) A summary of findings in response to the complaint;
19 (3) An explanation of the reason for a complaint that is
20 dismissed; and
21 (4) Any other relevant information.

22 2. If a written complaint is filed with the division that
23 is within the division's jurisdiction, the division, at least as
24 frequently as quarterly and until final disposition of the
25 complaint, shall notify the complainant of the status of the
26 complaint unless the notice would jeopardize an ongoing
27 investigation.

28 3. The highways and transportation commission shall adopt
29 by rule a form to standardize information concerning complaints

1 made to the division of motor carriers regarding the
2 transportation of household goods. The commission shall
3 prescribe by rule information to be provided to a person when the
4 person files a complaint with the division of motor carrier
5 services.

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

19 387.207. 1. All rates, tolls, charges, schedules and joint
20 rates fixed by the [division] highways and transportation
21 commission with reference to the transportation of passengers [or
22 household goods] by motor carrier shall be in force and shall be
23 prima facie lawful, and all regulations, practices and services
24 prescribed by the [division] commission shall be in force and
25 shall be prima facie lawful and reasonable until found otherwise
26 in a suit brought for that purpose pursuant to the provisions of
27 this chapter.

28 2. All rates, tolls, charges, schedules, and joint rates

1 published in accordance with subsection 3 of section 387.050 with
2 reference to the transportation of household goods by motor
3 carrier shall be in force and shall be prima facie lawful, and
4 all regulations, practices and services prescribed by the
5 highways and transportation commission shall be in force and
6 shall be prima facie lawful and reasonable until found otherwise
7 in a suit brought for that purpose pursuant to the provisions of
8 this chapter.

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

20 390.051. 1. Except as otherwise provided in section
21 390.030, no person shall engage in the business of a common
22 carrier of household goods or passengers in intrastate commerce
23 on any public highway in this state unless there is in force with
24 respect to such carrier a certificate issued by the [division]
25 state highways and transportation commission authorizing such
26 operations.

27 2. Application for a certificate shall be made in writing
28 to the [division] state highways and transportation commission
29 and shall contain such information as the [division] state

1 highways and transportation commission shall, by rule, require
2 and shall include:

3 (1) Full information concerning the ownership, financial
4 [condition] status of applicant through the submission of
5 documentation describing assets, liabilities, and capital,
6 equipment to be used and a statement listing the physical
7 equipment of applicant and the reasonable value thereof;

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

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

24 3. [Except as provided for in subsection 4 of this section,
25 if the division] If the state highways and transportation
26 commission finds that an applicant seeking to transport [general
27 and specialized commodities in truckload lots, agricultural
28 commodities in bulk in dump trucks] household goods, or

1 passengers [in charter service] is fit, willing and able to
2 properly perform the service proposed and to conform to the
3 provisions of this chapter and the requirements, rules and
4 regulations of the [division] state highways and transportation
5 commission established thereunder, a certificate therefor shall
6 be issued.

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

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

11 (2) Commodities in bulk in dump trucks, other than
12 agricultural commodities in bulk in dump trucks, as defined in
13 section 390.020;

14 (3) Mobile homes;

15 (4) Household goods;

16 (5) Passengers other than in charter service;

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

18 (7) Boats; is fit, willing and able to properly perform the
19 service proposed, and to conform to the provisions of this
20 chapter and the requirement, rules and regulations of the
21 division, and that the service proposed will serve a useful
22 present or future public purpose, a certificate therefor
23 specifying the service authorized shall be issued, unless the
24 division finds on the basis of evidence presented by persons
25 objecting to the issuance of a certificate that the
26 transportation to be authorized by the certificate will be
27 inconsistent with the public convenience and necessity.

28 5. In making findings under subsection 4 of this section,

1 the division shall consider the testimony of the applicant, the
2 proposed users of the service contemplated by the applicant, and
3 any other relevant testimony or evidence, and the division shall
4 consider, and to the extent applicable, make findings on at least
5 the following:

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

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

11 6.] The [division] state highways and transportation
12 commission shall streamline and simplify to the maximum extent
13 practicable the process for issuance of certificates to which the
14 provisions of this section apply.

15 [7.] 5. The [division] state highways and transportation
16 commission shall dismiss on its motion any application for
17 substantially the same common [or contract] authority that has
18 been previously denied within six months of filing the subsequent
19 application.

20 390.054. Beginning August 28, 2011, and continuing
21 thereafter, no certificate or permit to transport household goods
22 in intrastate commerce shall be issued or renewed unless the
23 applicant demonstrates that the applicant has workers'
24 compensation insurance coverage that complies with chapter 287,
25 for all employees. If any household goods carrier subject to the
26 provisions of this chapter or chapter 387 is found by the
27 division of workers' compensation to be out of compliance with
28 chapter 287, the division shall report such fact to the state

1 highways and transportation commission. The commission shall
2 suspend the household goods carrier's certificate or permit
3 pursuant to section 390.106 until such time the carrier
4 demonstrates that it has procured workers' compensation insurance
5 coverage that complies with chapter 287.

6 390.061. 1. Except as otherwise provided in section
7 390.030, no person shall engage in the business of a contract
8 carrier of household goods or passengers in intrastate commerce
9 on any public highway in this state unless there is in force with
10 respect to such carrier a permit issued by the [division of motor
11 carrier and railroad safety] state highways and transportation
12 commission authorizing such operations.

13 2. Applications for such permits shall be made to the
14 [division] state highways and transportation commission in
15 writing and shall contain such information as the [division]
16 state highways and transportation commission shall, by rule,
17 require and shall include:

18 (1) Full information concerning the ownership, financial
19 [condition] status of applicant through the submission of
20 documentation describing assets, liabilities, and capital,
21 equipment to be used and a statement listing the physical
22 equipment of applicant and the reasonable value thereof;

23 (2) The complete route or routes over which the applicant
24 desires to operate, or territory to be served; except that the
25 state highways and transportation commission shall not restrict
26 any certificate or permit authorizing the transportation of
27 household goods or passengers with reference to any route or
28 routes; except that the state highways and transportation

1 commission shall restrict the applicant's registration against
2 the transportation of any hazardous material as designated in
3 Title 49, Code of Federal Regulations, if the state highways and
4 transportation commission finds that the applicant has not shown
5 it is qualified to safely transport that hazardous material in
6 compliance with all registration, liability insurance, and safety
7 requirements applicable to the transportation of that hazardous
8 material pursuant to Title 49, Code of Federal Regulations.

9 3. If the [division] state highways and transportation
10 commission shall find that the applicant is seeking to transport
11 [general and specialized commodities in truckload lots,
12 agricultural commodities in bulk,] household goods, or passengers
13 [in charter service], and is fit, willing and able to properly
14 perform the service proposed and to conform to the provisions of
15 this chapter and the requirements, rules and regulations of the
16 [division] state highways and transportation commission
17 thereunder, a permit therefor shall be issued.

18 4. [If the division finds that an applicant seeking to
19 transport commodities or passengers as described in subsection 4
20 of section 390.051 is fit, willing and able to properly perform
21 the service proposed, and to conform to the provisions of this
22 chapter and the requirements, rules and regulations of the
23 division, and that the service proposed will serve a useful
24 present or future purpose, a permit therefor specifying the
25 service authorized shall be issued, unless the division finds on
26 the basis of evidence presented by persons objecting to the
27 issuance of a permit that the transportation to be authorized by
28 the permit will be inconsistent with the public convenience and

1 necessity.

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

5 [6.] 5. The [division] state highways and transportation
6 commission will not have jurisdiction over contract rates. A
7 copy of the original contract must be filed with the [division]
8 state highways and transportation commission prior to issuance of
9 a permit. In the event the applicant chooses not to disclose
10 contract rates in the application, the contract shall contain in
11 lieu of rates a specific provision which incorporates by
12 reference a schedule of rates, in writing, to be effective
13 between carrier and shipper. Current contracts and rate
14 schedules must be maintained by the carrier and contracting
15 shippers. A contract permit, authorizing the transportation of
16 [commodities] household goods or passengers [other than as
17 described in subsection 4 of section 390.051], may be amended to
18 include additional contracting parties by the filing of said
19 contracts with the [division] state highways and transportation
20 commission and acknowledgment by the [division] state highways
21 and transportation commission.

22 390.116. 1. Common carriers of [property] household goods
23 may establish reasonable through routes or interline service and
24 joint rates, charges and classifications with other such carriers
25 or with common carriers by railroad or express; and common
26 carriers of passengers may establish reasonable through routes
27 and joint rates, fares or charges with other such carriers or
28 with common carriers by railroad. In case of such joint rates,

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

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

25 390.280. 1. Certificates or permits, or both, which were
26 issued before January 1, 1995, and which authorized a person to
27 transport any property in intrastate commerce by motor vehicle as
28 a common carrier or contract carrier, or both, are void, except

1 that to the extent such certificates or permits, or portions
2 thereof, authorized a person to transport household goods over
3 irregular routes or passengers in intrastate commerce, or any
4 property or passengers in interstate commerce, those certificates
5 or permits, or portions thereof, are exempt from the provisions
6 of this subsection.

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

29 3. Notwithstanding any provision of this section to the

1 contrary, this section shall not be construed as authorizing any
2 person to transport any hazardous material as designated in Title
3 49, Code of Federal Regulations, except hazardous materials which
4 that person was expressly authorized to transport in intrastate
5 commerce within this state on August 28, 1996. A person may file
6 an application for property carrier registration pursuant to
7 section 390.290 to transport additional hazardous materials.
8 Nothing in this section shall be construed to conflict with
9 chapter 260, or of relieving an applicant of any duty to obtain a
10 license pursuant to chapter 260.

11 4. Notwithstanding any provision of the law to the
12 contrary, any geographic restriction or provision limiting the
13 carrier's scope of authority to particular routes within this
14 state contained in a certificate or permit, or both, authorizing
15 the transportation of household goods in intrastate commerce,
16 which was issued prior to August 28, 2011, and any similar
17 provision contained in a carrier's tariff schedule filed prior to
18 such date, shall be deemed void. In lieu of the geographic
19 restrictions expressed in such certificates, permits, or tariff
20 schedules, a motor carrier shall be authorized to provide
21 intrastate transportation of household goods between all points
22 and destinations within the state until such time the
23 certificates, permits, and tariff schedules are reissued or
24 amended to reflect the motor carrier's statewide operating
25 authority. Nothing contained in the provisions of sections
26 390.051 to 390.116 shall be construed to exempt or to alter the
27 obligation of compliance by carriers transporting passengers
28 point-to-point within the jurisdiction described in 67.1802 from
29 the provisions of sections 67.1800 to 67.1822.

1 444.771. Notwithstanding any other provision of law to the
2 contrary, the commission and the department shall not issue any
3 permits under this chapter or under chapters 643 or 644, to any
4 person whose mine plan boundary is within one thousand feet of
5 any real property where an accredited school has been located for
6 at least five years prior to any such application for permits
7 made pursuant to such provisions, except that the provisions of
8 this section shall not apply to any request for an expansion to
9 an existing mine and/or to any underground mining operation.

10 537.293. 1. Notwithstanding any other provision of law,
11 the use of vehicles on a public street or highway in a manner
12 which is legal under state and local law shall not constitute a
13 public or private nuisance, and shall not be the basis of a civil
14 action for public or private nuisance.

15 2. No individual or business entity shall be subject to any
16 civil action in law or equity for a public or private nuisance on
17 the basis of such individual or business entity legally using
18 vehicles on a public street or highway. Any actions by a court
19 in this state to enjoin the use of a public street or highway in
20 violation of this section and any damages awarded or imposed by a
21 court, or assessed by a jury, against an individual or business
22 entity for public or private nuisance in violation of this
23 section shall be null and void.

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

28 558.021. 1. The court shall find the defendant to be a
29 prior offender, persistent offender, dangerous offender,

1 persistent sexual offender or predatory sexual offender if:

2 (1) The indictment or information, original or amended, or
3 the information in lieu of an indictment pleads all essential
4 facts warranting a finding that the defendant is a prior
5 offender, persistent offender, dangerous offender, persistent
6 sexual offender or predatory sexual offender; and

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

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

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

1 be construed to preclude a remand to permit correction of such
2 error after notice and hearing.

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

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

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

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

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

18 571.101. 1. All applicants for concealed carry
19 endorsements issued pursuant to subsection 7 of this section must
20 satisfy the requirements of sections 571.101 to 571.121. If the
21 said applicant can show qualification as provided by sections
22 571.101 to 571.121, the county or city sheriff shall issue a
23 certificate of qualification for a concealed carry endorsement.
24 Upon receipt of such certificate, the certificate holder shall
25 apply for a driver's license or nondriver's license with the
26 director of revenue in order to obtain a concealed carry
27 endorsement. Any person who has been issued a concealed carry
28 endorsement on a driver's license or nondriver's license and such
29 endorsement or license has not been suspended, revoked, canceled,

1 or denied may carry concealed firearms on or about his or her
2 person or within a vehicle. A concealed carry endorsement shall
3 be valid for a period of three years from the date of issuance or
4 renewal. The concealed carry endorsement is valid throughout
5 this state.

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

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

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

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

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

22 (3) Has not been convicted of, pled guilty to or entered a
23 plea of nolo contendere to one or more misdemeanor offenses
24 involving crimes of violence within a five-year period
25 immediately preceding application for a certificate of
26 qualification for a concealed carry endorsement or if the
27 applicant has not been convicted of two or more misdemeanor
28 offenses involving driving while under the influence of
29 intoxicating liquor or drugs or the possession or abuse of a

1 controlled substance within a five-year period immediately
2 preceding application for a certificate of qualification for a
3 concealed carry endorsement;

4 (4) Is not a fugitive from justice or currently charged in
5 an information or indictment with the commission of a crime
6 punishable by imprisonment for a term exceeding one year under
7 the laws of any state of the United States other than a crime
8 classified as a misdemeanor under the laws of any state and
9 punishable by a term of imprisonment of two years or less that
10 does not involve an explosive weapon, firearm, firearm silencer,
11 or gas gun;

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

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

17 (7) Is not adjudged mentally incompetent at the time of
18 application or for five years prior to application, or has not
19 been committed to a mental health facility, as defined in section
20 632.005, or a similar institution located in another state
21 following a hearing at which the defendant was represented by
22 counsel or a representative;

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

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

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

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

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

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

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

13 (4) An affirmation that the applicant has not pled guilty
14 to or been convicted of a crime punishable by imprisonment for a
15 term exceeding one year under the laws of any state or of the
16 United States other than a crime classified as a misdemeanor
17 under the laws of any state and punishable by a term of
18 imprisonment of one year or less that does not involve an
19 explosive weapon, firearm, firearm silencer, or gas gun;

20 (5) An affirmation that the applicant has not been
21 convicted of, pled guilty to, or entered a plea of nolo
22 contendere to one or more misdemeanor offenses involving crimes
23 of violence within a five-year period immediately preceding
24 application for a certificate of qualification to obtain a
25 concealed carry endorsement or if the applicant has not been
26 convicted of two or more misdemeanor offenses involving driving
27 while under the influence of intoxicating liquor or drugs or the
28 possession or abuse of a controlled substance within a five-year
29 period immediately preceding application for a certificate of

1 qualification to obtain a concealed carry endorsement;

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

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

13 (8) An affirmation that the applicant is not adjudged
14 mentally incompetent at the time of application or for five years
15 prior to application, or has not been committed to a mental
16 health facility, as defined in section 632.005, or a similar
17 institution located in another state, except that a person whose
18 release or discharge from a facility in this state pursuant to
19 chapter 632, or a similar discharge from a facility in another
20 state, occurred more than five years ago without subsequent
21 recommitment may apply;

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

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

28 (11) A conspicuous warning that false statements made by
29 the applicant will result in prosecution for perjury pursuant to

1 the laws of the state of Missouri.

2 4. An application for a certificate of qualification for a
3 concealed carry endorsement shall be made to the sheriff of the
4 county or any city not within a county in which the applicant
5 resides. An application shall be filed in writing, signed under
6 oath and under the penalties of perjury, and shall state whether
7 the applicant complies with each of the requirements specified in
8 subsection 2 of this section. In addition to the completed
9 application, the applicant for a certificate of qualification for
10 a concealed carry endorsement must also submit the following:

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

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

17 5. Before an application for a certificate of qualification
18 for a concealed carry endorsement is approved, the sheriff shall
19 make only such inquiries as he or she deems necessary into the
20 accuracy of the statements made in the application. The sheriff
21 may require that the applicant display a Missouri driver's
22 license or nondriver's license or military identification and
23 orders showing the person being stationed in Missouri. In order
24 to determine the applicant's suitability for a certificate of
25 qualification for a concealed carry endorsement, the applicant
26 shall be fingerprinted. The sheriff shall request a criminal
27 background check through the appropriate law enforcement agency
28 within three working days after submission of the properly
29 completed application for a certificate of qualification for a

1 concealed carry endorsement. If no disqualifying record is
2 identified by the fingerprint check at the state level, the
3 fingerprints shall be forwarded to the Federal Bureau of
4 Investigation for a national criminal history record check. Upon
5 receipt of the completed background check, the sheriff shall
6 issue a certificate of qualification for a concealed carry
7 endorsement within three working days. The sheriff shall issue
8 the certificate within forty-five calendar days if the criminal
9 background check has not been received, provided that the sheriff
10 shall revoke any such certificate and endorsement within
11 twenty-four hours of receipt of any background check that results
12 in a disqualifying record, and shall notify the department of
13 revenue.

14 6. The sheriff may refuse to approve an application for a
15 certificate of qualification for a concealed carry endorsement if
16 he or she determines that any of the requirements specified in
17 subsection 2 of this section have not been met, or if he or she
18 has a substantial and demonstrable reason to believe that the
19 applicant has rendered a false statement regarding any of the
20 provisions of sections 571.101 to 571.121. If the applicant is
21 found to be ineligible, the sheriff is required to deny the
22 application, and notify the applicant in writing, stating the
23 grounds for denial and informing the applicant of the right to
24 submit, within thirty days, any additional documentation relating
25 to the grounds of the denial. Upon receiving any additional
26 documentation, the sheriff shall reconsider his or her decision
27 and inform the applicant within thirty days of the result of the
28 reconsideration. The applicant shall further be informed in
29 writing of the right to appeal the denial pursuant to subsections

1 2, 3, 4, and 5 of section 571.114. After two additional reviews
2 and denials by the sheriff, the person submitting the application
3 shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of
4 section 571.114.

5 7. If the application is approved, the sheriff shall issue
6 a certificate of qualification for a concealed carry endorsement
7 to the applicant within a period not to exceed three working days
8 after his or her approval of the application. The applicant
9 shall sign the certificate of qualification in the presence of
10 the sheriff or his or her designee and shall within seven days of
11 receipt of the certificate of qualification take the certificate
12 of qualification to the department of revenue. Upon verification
13 of the certificate of qualification and completion of a driver's
14 license or nondriver's license application pursuant to chapter
15 302, the director of revenue shall issue a new driver's license
16 or nondriver's license with an endorsement which identifies that
17 the applicant has received a certificate of qualification to
18 carry concealed weapons issued pursuant to sections 571.101 to
19 571.121 if the applicant is otherwise qualified to receive such
20 driver's license or nondriver's license. Notwithstanding any
21 other provision of chapter 302, a nondriver's license with a
22 concealed carry endorsement shall expire three years from the
23 date the certificate of qualification was issued pursuant to this
24 section. The requirements for the director of revenue to issue a
25 concealed carry endorsement pursuant to this subsection shall not
26 be effective until July 1, 2004, and the certificate of
27 qualification issued by a county sheriff pursuant to subsection 1
28 of this section shall allow the person issued such certificate to
29 carry a concealed weapon pursuant to the requirements of

1 subsection 1 of section 571.107 in lieu of the concealed carry
2 endorsement issued by the director of revenue from October 11,
3 2003, until the concealed carry endorsement is issued by the
4 director of revenue on or after July 1, 2004, unless such
5 certificate of qualification has been suspended or revoked for
6 cause.

7 8. The sheriff shall keep a record of all applications for
8 a certificate of qualification for a concealed carry endorsement
9 and his or her action thereon. The sheriff shall report the
10 issuance of a certificate of qualification to the Missouri
11 uniform law enforcement system. All information on any such
12 certificate that is protected information on any driver's or
13 nondriver's license shall have the same personal protection for
14 purposes of sections 571.101 to 571.121. An applicant's status
15 as a holder of a certificate of qualification or a concealed
16 carry endorsement shall not be public information and shall be
17 considered personal protected information. Any person who
18 violates the provisions of this subsection by disclosing
19 protected information shall be guilty of a class A misdemeanor.

20 9. Information regarding any holder of a certificate of
21 qualification or a concealed carry endorsement is a closed
22 record.

23 10. For processing an application for a certificate of
24 qualification for a concealed carry endorsement pursuant to
25 sections 571.101 to 571.121, the sheriff in each county shall
26 charge a nonrefundable fee not to exceed one hundred dollars
27 which shall be paid to the treasury of the county to the credit
28 of the sheriff's revolving fund.

29 11. For processing a renewal for a certificate of

1 qualification for a concealed carry endorsement pursuant to
2 sections 571.101 to 571.121, the sheriff in each county shall
3 charge a nonrefundable fee not to exceed fifty dollars which
4 shall be paid to the treasury of the county to the credit of the
5 sheriff's revolving fund.

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

11 577.023. 1. For purposes of this section, unless the
12 context clearly indicates otherwise:

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

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

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

25 (2) A "chronic offender" is:

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

28 (b) A person who has pleaded guilty to or has been found
29 guilty of, on two or more separate occasions, any combination of

1 the following: involuntary manslaughter under subdivision (2) or
2 (3) of subsection 1 of section 565.024; murder in the second
3 degree under section 565.021, where the underlying felony is an
4 intoxication-related traffic offense; assault in the second
5 degree under subdivision (4) of subsection 1 of section 565.060;
6 or assault of a law enforcement officer in the second degree
7 under subdivision (4) of subsection 1 of section 565.082; or

8 (c) A person who has pleaded guilty to or has been found
9 guilty of two or more intoxication-related traffic offenses and,
10 in addition, any of the following: involuntary manslaughter
11 under subdivision (2) or (3) of subsection 1 of section 565.024;
12 murder in the second degree under section 565.021, where the
13 underlying felony is an intoxication-related traffic offense;
14 assault in the second degree under subdivision (4) of subsection
15 1 of section 565.060; or assault of a law enforcement officer in
16 the second degree under subdivision (4) of subsection 1 of
17 section 565.082;

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

25 (4) An "intoxication-related traffic offense" is driving
26 while intoxicated, driving with excessive blood alcohol content,
27 involuntary manslaughter pursuant to subdivision (2) or (3) of
28 subsection 1 of section 565.024, murder in the second degree
29 under section 565.021, where the underlying felony is an

1 intoxication-related traffic offense, assault in the second
2 degree pursuant to subdivision (4) of subsection 1 of section
3 565.060, assault of a law enforcement officer in the second
4 degree pursuant to subdivision (4) of subsection 1 of section
5 565.082, or driving under the influence of alcohol or drugs in
6 violation of state law or a county or municipal ordinance;

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

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

10 (b) A person who has pleaded guilty to or has been found
11 guilty of involuntary manslaughter pursuant to subdivision (2) or
12 (3) of subsection 1 of section 565.024, assault in the second
13 degree pursuant to subdivision (4) of subsection 1 of section
14 565.060, assault of a law enforcement officer in the second
15 degree pursuant to subdivision (4) of subsection 1 of section
16 565.082; and

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

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

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

28 4. Any person who pleads guilty to or is found guilty of a
29 violation of section 577.010 or section 577.012 who is alleged

1 and proved to be an aggravated offender shall be guilty of a
2 class C felony.

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

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

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

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

20 (b) The offender participates in and successfully completes
21 a program established pursuant to section 478.007 or other
22 court-ordered treatment program, if available, and as part of
23 either program, the offender performs at least thirty days of
24 community service under the supervision of the court.

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

28 (a) Unless as a condition of such parole or probation such
29 person performs at least sixty days involving at least four

1 hundred eighty hours of community service under the supervision
2 of the court; or

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

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

11 (4) No chronic offender shall be eligible for parole or
12 probation until he or she has served a minimum of two years
13 imprisonment. In addition to any other terms or conditions of
14 probation, the court shall consider, as a condition of probation
15 for any person who pleads guilty to or is found guilty of an
16 intoxication-related traffic offense, requiring the offender to
17 abstain from consuming or using alcohol or any products
18 containing alcohol as demonstrated by continuous alcohol
19 monitoring or by verifiable breath alcohol testing performed a
20 minimum of four times per day as scheduled by the court for such
21 duration as determined by the court, but not less than ninety
22 days. The court may, in addition to imposing any other fine,
23 costs, or assessments provided by law, require the offender to
24 bear any costs associated with continuous alcohol monitoring or
25 verifiable breath alcohol testing.

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

29 (1) The indictment or information, original or amended, or

1 the information in lieu of an indictment pleads all essential
2 facts warranting a finding that the defendant is a prior offender
3 or persistent offender; and

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

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

12 8. In a jury trial, the facts shall be pleaded, established
13 and found prior to submission to the jury outside of its hearing;
14 provided that any error or omission in pleading or proving the
15 facts required to comply with this section may be corrected by
16 amending the pleadings or supplementing the record, on notice and
17 hearing, prior to sentencing; provided further that any error in
18 pleading or proving the facts required to comply with this
19 section shall not require vacation or reversal of sentence on
20 appeal unless such error results in substantial prejudice to the
21 rights of the defendant or a miscarriage of justice, and nothing
22 herein shall be construed to preclude a remand to permit
23 correction of such error after notice and hearing.

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

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

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

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

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

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

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

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

1 shall be treated as a prior plea of guilty or finding of guilt
2 for purposes of this section.

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

18 2. Upon annual application and payment of a twenty-five
19 dollar emblem-use contribution to the National Rifle Association,
20 that organization shall issue to the vehicle owner, without
21 further charge, an emblem-use authorization statement, which
22 shall be presented by the vehicle owner to the director of
23 revenue at the time of registration. Upon presentation of the
24 annual statement and payment of a fifteen dollar fee in addition
25 to the regular registration fees, and presentation of any
26 documents which may be required by law, the director of revenue
27 shall issue to the vehicle owner a special license plate which
28 shall bear the emblem of the National Rifle Association and the
29 words "National Rifle Association" in place of the words "SHOW-ME

1 STATE". Such license plates shall be made with fully reflective
2 material with a common color scheme and design of the standard
3 license plate, shall be clearly visible at night, shall have a
4 reflective white background in the area of the plate
5 configuration, and shall be aesthetically attractive, as
6 prescribed by section 301.130. Notwithstanding the provisions of
7 section 301.144, no additional fee shall be charged for the
8 personalization of license plates pursuant to this section.

9 3. A vehicle owner who was previously issued a plate with
10 the National Rifle Association emblem authorized by this section,
11 but who does not provide an emblem-use authorization statement at
12 a subsequent time of registration, shall be issued a new plate
13 which does not bear the organization's emblem, as otherwise
14 provided by law. The director of revenue shall make necessary
15 rules and regulations for the enforcement of this section, and
16 shall design all necessary forms required by this section.

17 [226.095. Upon request of the plaintiff in a
18 negligence action against the department of
19 transportation as defendant, the case shall be
20 arbitrated by a panel of three arbiters pursuant to the
21 provisions of chapter 435.]

22 Section B. The repeal and reenactment of section 302.700
23 and the enactment of section 302.768 of this act shall become
24 effective on the date the director of the department of revenue
25 begins accepting commercial driver license medical certifications
26 under sections 302.700 and 302.768, or on May 1, 2013, whichever
27 occurs first. If the director of revenue begins accepting
28 commercial driver license medical certifications under sections
29 302.700 and 302.768 prior to May 1, 2013, the director of the
30 department of revenue shall notify the revisor of statutes of

1 such fact.

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

14 Section D. The repeal and reenactment of section 302.309
15 shall become effective March 31, 2012.

16 Section E. The repeal and reenactment of section 301.147
17 shall become effective July 1, 2012.