

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 480
96TH GENERAL ASSEMBLY

4472L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 144.030, 260.392, 301.010, 306.532, and 390.020, RSMo, and to enact in lieu thereof six new sections relating to regulation of motor carriers.

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

Section A. Sections 144.030, 260.392, 301.010, 306.532, and 390.020, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 144.030, 227.513,
3 260.392, 301.010, 306.532, and 390.020, to read as follows:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, [motor vehicles,] watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the**
39 **trailers pulled by such motor vehicles, that are actually used in the normal course of**
40 **business to haul property on the public highways of the state, and that are capable of**
41 **hauling loads commensurate with the motor vehicle's registered weight; and the materials,**
42 **replacement parts, and equipment purchased for use directly upon, and for the repair and**
43 **maintenance or manufacture of such vehicles. For purposes of this subsection "motor**
44 **vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;**

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

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

61 [(5)] (6) Machinery and equipment, and parts and the materials and supplies solely
62 required for the installation or construction of such machinery and equipment, purchased and
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
65 a product which is intended to be sold ultimately for final use or consumption;

66 [(6)] (7) Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 [(7)] (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 [(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 [(9)] (10) The rentals of films, records or any type of sound or picture transcriptions for
74 public commercial display;

75 [(10)] (11) Pumping machinery and equipment used to propel products delivered by
76 pipelines engaged as common carriers;

77 [(11)] (12) Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by [common] **motor** carriers, as defined in section 390.020, in the
80 transportation of persons or property;

81 [(12)] (13) Electrical energy used in the actual primary manufacture, processing,
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary
83 processing or fabricating of the product, or a material recovery processing plant as defined in
84 subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost
85 of electrical energy so used exceeds ten percent of the total cost of production, either primary or
86 secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such
87 processing contain at least twenty-five percent recovered materials as defined in section 260.200.
88 There shall be a rebuttable presumption that the raw materials used in the primary manufacture

89 of automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

93 [(13)] **(14)** Anodes which are used or consumed in manufacturing, processing,
94 compounding, mining, producing or fabricating and which have a useful life of less than one
95 year;

96 [(14)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used
97 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
98 supplies solely required for the installation, construction or reconstruction of such machinery,
99 equipment, appliances and devices;

100 [(15)] **(16)** Machinery, equipment, appliances and devices purchased or leased and used
101 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
102 supplies solely required for the installation, construction or reconstruction of such machinery,
103 equipment, appliances and devices;

104 [(16)] **(17)** Tangible personal property purchased by a rural water district;

105 [(17)] **(18)** All amounts paid or charged for admission or participation or other fees paid
106 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
107 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
108 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
109 the municipality or other political subdivision and do not inure to any private person, firm, or
110 corporation;

111 [(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January
112 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
113 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
114 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
115 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
116 administer those items, including samples and materials used to manufacture samples which may
117 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
118 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
119 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
120 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
121 one or more physical or mental disabilities to enable them to function more independently, all
122 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
123 alternative and augmentative communication devices, and items used solely to modify motor
124 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of

125 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
126 the Food and Drug Administration to meet the over-the-counter drug product labeling
127 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
128 licensed to prescribe;

129 [(19)] **(20)** All sales made by or to religious and charitable organizations and institutions
130 in their religious, charitable or educational functions and activities and all sales made by or to
131 all elementary and secondary schools operated at public expense in their educational functions
132 and activities;

133 [(20)] **(21)** All sales of aircraft to common carriers for storage or for use in interstate
134 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
135 organizations, including fraternal organizations which have been declared tax-exempt
136 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
137 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
138 and penal institutions and industries of the state, and all sales made to any private not-for-profit
139 institution of higher education not otherwise excluded pursuant to subdivision (19) of this
140 subsection or any institution of higher education supported by public funds, and all sales made
141 to a state relief agency in the exercise of relief functions and activities;

142 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational associations
143 which are formed to foster, encourage, and promote progress and improvement in the science of
144 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
145 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
146 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
147 fair conducted by a county agricultural and mechanical society organized and operated pursuant
148 to sections 262.290 to 262.530;

149 [(22)] **(23)** All sales made to any private not-for-profit elementary or secondary school,
150 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
151 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
152 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
153 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
154 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
155 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
156 new generation cooperative or an eligible new generation processing entity as defined in section
157 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
158 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
159 additives" means tangible personal property which, when mixed with feed for livestock or
160 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term

"pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

~~[(23)]~~ **(24)** Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

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

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

196 service rate classification and the provision of service thereunder shall be conclusive as to
197 whether or not the utility must charge sales tax;

198 (c) Each person making domestic use purchases of services or property and who uses any
199 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
200 of the fourth month following the year of purchase, and without assessment, notice or demand,
201 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
202 nondomestic purchases of services or property and who uses any portion of the services or
203 property so purchased for domestic use, and each person making domestic purchases on behalf
204 of occupants of residential apartments or condominiums through a single or master meter,
205 including service for common areas and facilities and vacant units, under a nonresidential utility
206 service rate classification may, between the first day of the first month and the fifteenth day of
207 the fourth month following the year of purchase, apply for credit or refund to the director of
208 revenue and the director shall give credit or make refund for taxes paid on the domestic use
209 portion of the purchase. The person making such purchases on behalf of occupants of residential
210 apartments or condominiums shall have standing to apply to the director of revenue for such
211 credit or refund;

212 [(24)] (25) All sales of handicraft items made by the seller or the seller's spouse if the
213 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
214 such sales do not constitute a majority of the annual gross income of the seller;

215 [(25)] (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,
216 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The
217 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local
218 sales taxes on such excise taxes;

219 [(26)] (27) Sales of fuel consumed or used in the operation of ships, barges, or
220 waterborne vessels which are used primarily in or for the transportation of property or cargo, or
221 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
222 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
223 while it is afloat upon such river;

224 [(27)] (28) All sales made to an interstate compact agency created pursuant to sections
225 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
226 of such agency as provided pursuant to the compact;

227 [(28)] (29) Computers, computer software and computer security systems purchased for
228 use by architectural or engineering firms headquartered in this state. For the purposes of this
229 subdivision, "headquartered in this state" means the office for the administrative management
230 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

231 [(29)] **(30)** All livestock sales when either the seller is engaged in the growing, producing
232 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
233 bartering or leasing of such livestock;

234 [(30)] **(31)** All sales of barges which are to be used primarily in the transportation of
235 property or cargo on interstate waterways;

236 [(31)] **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other
237 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
238 products or in any material recovery processing plant as defined in subdivision (4) of this
239 subsection;

240 [(32)] **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides
241 or herbicides used in the production of crops, aquaculture, livestock or poultry;

242 [(33)] **(34)** Tangible personal property and utilities purchased for use or consumption
243 directly or exclusively in the research and development of agricultural/biotechnology and plant
244 genomics products and prescription pharmaceuticals consumed by humans or animals;

245 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

246 [(35)] **(36)** All sales of feed which are developed for and used in the feeding of pets
247 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
248 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

249 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in another state,
250 provided that the entity is authorized to issue a certificate of exemption for purchases to a
251 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
252 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
253 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
254 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
255 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
256 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
257 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
258 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
259 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
260 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
261 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
262 or remodeling facilities for the following:

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

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

~~[(37)]~~ **(38)** All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

~~[(38)]~~ **(39)** Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

~~[(39)]~~ **(40)** All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

~~[(40)]~~ **(41)** Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

~~[(41)]~~ **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.

227.513. The portion of Interstate 70 from the Kansas/Missouri state line east to the Missouri/Illinois state line, and the portion of Interstate 44 within the state of Missouri to the Missouri/Oklahoma state line, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donation.

260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

10 (3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended,
11 a quantity of radioactive material within a single package. Highway route controlled quantity
12 shipments [of thirty miles or less within the state] are exempt from the provisions of this section;

13 (4) "Low-level radioactive waste", any radioactive waste not classified as high-level
14 radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States
15 Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources
16 meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste
17 that are within a radius of no more than fifty miles from the point of origin, and all naturally
18 occurring radioactive material given written approval for landfill disposal by the Missouri
19 department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this
20 section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one
21 hundred twenty days is exempt from the provisions of this section;

22 (5) "Shipper", the generator, owner, or company contracting for transportation by truck
23 or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity
24 shipments, transuranic radioactive waste, or low-level radioactive waste;

25 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following
26 irradiation, the constituent elements of which have not been separated by reprocessing;

27 (7) "State-funded institutions of higher education", any campus of any university within
28 the state of Missouri that receives state funding and has a nuclear research reactor;

29 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as
30 waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with
31 half-lives greater than twenty years, per gram of waste. For the purposes of this section,
32 transuranic waste shall not include:

33 (a) High-level radioactive wastes;

34 (b) Any waste determined by the Environmental Protection Agency with the concurrence
35 of the Environmental Protection Agency administrator that does not need the degree of isolation
36 required by this section; or

37 (c) Any waste that the United States Nuclear Regulatory Commission has approved for
38 disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

39 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
40 [highway route controlled quantity shipments,] spent nuclear fuel, or low-level radioactive waste
41 through or within the state shall be subject to the fees established in this subsection, provided
42 that no state-funded institution of higher education that ships nuclear waste shall pay any such
43 fee. These higher education institutions shall reimburse the Missouri state highway patrol
44 directly for all costs related to shipment escorts. The fees for all other shipments shall be:

45 (1) One thousand eight hundred dollars for each cask transported through or within the
46 state by truck of high-level radioactive waste, transuranic radioactive waste[,] **or** spent nuclear
47 fuel [or highway route controlled quantity] shipments. All casks of high-level radioactive waste,
48 transuranic radioactive waste[,] **or** spent nuclear fuel[, or highway route controlled quantity]
49 shipments transported by truck are subject to a surcharge of twenty-five dollars per mile for every
50 mile over two hundred miles traveled within the state;

51 (2) One thousand three hundred dollars for the first cask and one hundred twenty-five
52 dollars for each additional cask for each rail shipment through or within the state of high-level
53 radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

54 (3) One hundred twenty-five dollars for each truck or train transporting low-level
55 radioactive waste through or within the state. The department of natural resources may accept
56 an annual shipment fee as negotiated with a shipper or accept payment per shipment.

57 3. All revenue generated from the fees established in subsection 2 of this section shall
58 be deposited into the environmental radiation monitoring fund established in section 260.750 and
59 shall be used by the department of natural resources to achieve the following objectives and for
60 purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste,
61 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste,
62 including, but not limited to:

63 (1) Inspections, escorts, and security for waste shipment and planning;

64 (2) Coordination of emergency response capability;

65 (3) Education and training of state, county, and local emergency responders;

66 (4) Purchase and maintenance of necessary equipment and supplies for state, county, and
67 local emergency responders through grants or other funding mechanisms;

68 (5) Emergency responses to any transportation incident involving the high-level
69 radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments,
70 spent nuclear fuel, or low-level radioactive waste;

71 (6) Oversight of any environmental remediation necessary resulting from an incident
72 involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway
73 route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste.
74 Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of
75 any party responsible for the incident; such party may be liable for full reimbursement to the state
76 or payment of any other costs associated with the cleanup of contamination related to a
77 transportation incident;

78 (7) Administrative costs attributable to the state agencies which are incurred through
79 their involvement as it relates to the shipment of high-level radioactive waste, transuranic

80 radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level
81 radioactive waste through or within the state.

82 4. Nothing in this section shall preclude any other state agency from receiving
83 reimbursement from the department of natural resources and the environmental radiation
84 monitoring fund for services rendered that achieve the objectives and comply with the provisions
85 of this section.

86 5. Any unencumbered balance in the environmental radiation monitoring fund that
87 exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on
88 a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring
89 fund for that fiscal year.

90 6. The department of natural resources, in coordination with the department of health and
91 senior services and the department of public safety, may promulgate rules necessary to carry out
92 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
93 536.010, that is created under the authority delegated in this section shall become effective only
94 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
95 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
96 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
97 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
98 and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

99 7. All funds deposited in the environmental radiation monitoring fund through fees
100 established in subsection 2 of this section shall be utilized, subject to appropriation by the
101 general assembly, for the administration and enforcement of this section by the department of
102 natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

103 8. All fees shall be paid to the department of natural resources [prior to] **following**
104 shipment.

105 9. **(1)** Notice of any shipment of high-level radioactive waste, transuranic radioactive
106 waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the
107 state shall be provided by the shipper to the governor's designee for advanced notification, as
108 described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state.
109 Notice of any shipment of low-level radioactive waste through or within the state shall be
110 provided by the shipper to the Missouri department of natural resources before such shipment
111 enters the state.

112 **(2) All vehicles and carriers transporting highway route controlled quantities of**
113 **radioactive material are regulated by the United States Department of Transportation and**
114 **required to pass the North American Standard Level VI Inspection for Transuranic Waste**
115 **and Highway Route Controlled Quantities of Radioactive Material at the point of origin.**

116 **If a highway route controlled quantity shipment of a material has been the subject of a**
117 **point of origin level VI inspection and has passed the inspection, the shipment shall not**
118 **otherwise be subject to an additional inspection unless such inspection is determined to be**
119 **necessary at the discretion of state safety resources.**

120 10. Any shipper who fails to pay a fee assessed under this section, or fails to provide
121 notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the
122 amount assessed and not paid. The action shall be brought by the attorney general at the request
123 of the department of natural resources. If the action involves a facility domiciled in the state, the
124 action shall be brought in the circuit court of the county in which the facility is located. If the
125 action does not involve a facility domiciled in the state, the action shall be brought in the circuit
126 court of Cole County.

127 11. Beginning on December 31, 2009, and every two years thereafter, the department of
128 natural resources shall prepare and submit a report on activities of the environmental radiation
129 monitoring fund to the general assembly. This report shall include information on fee income
130 received and expenditures made by the state to enforce and administer the provisions of this
131 section.

132 12. The provisions of this section shall not apply to high-level radioactive waste,
133 transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel,
134 or low-level radioactive waste shipped by or for the federal government for military or national
135 defense purposes.

136 13. Under section 23.253 of the Missouri sunset act:

137 (1) The provisions of the new program authorized under this section shall automatically
138 sunset six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

139 (2) If such program is reauthorized, the program authorized under this section shall
140 automatically sunset twelve years after the effective date of the reauthorization of this section;
141 and

142 (3) This section shall terminate on September first of the calendar year immediately
143 following the calendar year in which the program authorized under this section is sunset.

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

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

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

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

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

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

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

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

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

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

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

28 (11) "Driveaway operation":

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

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

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

41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor

43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the

79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

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

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

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

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
113 is used exclusively to transport harvested forest products to and from forested sites which is

114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
115 state for the transportation of harvested forest products;

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

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

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

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

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

129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:

132 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement

150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;

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

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

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

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

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

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

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

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

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

- 185 (a) Was damaged during a year that is no more than six years after the manufacturer's
186 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
187 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
188 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
189 immediately preceding the time it was damaged;
- 190 (b) By reason of condition or circumstance, has been declared salvage, either by its
191 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
192 interest in it;
- 193 (c) Has been declared salvage by an insurance company as a result of settlement of a
194 claim;
- 195 (d) Ownership of which is evidenced by a salvage title; or
- 196 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
197 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
198 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
199 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
200 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
201 market value" means the retail value of a motor vehicle as:
- 202 a. Set forth in a current edition of any nationally recognized compilation of retail values,
203 including automated databases, or from publications commonly used by the automotive and
204 insurance industries to establish the values of motor vehicles;
- 205 b. Determined pursuant to a market survey of comparable vehicles with regard to
206 condition and equipment; and
- 207 c. Determined by an insurance company using any other procedure recognized by the
208 insurance industry, including market surveys, that is applied by the company in a uniform
209 manner;
- 210 (53) "School bus", any motor vehicle used solely to transport students to or from school
211 or to transport students to or from any place for educational purposes;
- 212 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
213 corporation as an incidental service to transport patrons or customers of the regular business of
214 such person, firm, or corporation to and from the place of business of the person, firm, or
215 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
216 buses or as commercial motor vehicles;
- 217 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
218 primarily for the transportation of persons or property and incidentally operated or moved over
219 the highways, including farm equipment, implements of husbandry, road construction or
220 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,

221 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
222 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
223 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

306.532. Effective [January 1, 2011] **August 28, 2012**, the certificate of title for a new
2 outboard motor shall designate the year [the outboard motor was manufactured as the "Year
3 Manufactured" and shall further designate the year] the dealer received the new outboard motor
4 from the manufacturer as the "Model Year-NEW" **and the "Year Manufactured" shall reflect**
5 **such date as purchased from manufacturer by dealer. Any new outboard motor purchased**
6 **by a dealer from the manufacturer on or after July first of any year shall be labeled with**
7 **the "Year Manufactured" of the immediately following calendar year unless the**
8 **manufacturer indicates a specific model or program year.**

390.020. As used in this chapter, unless the context clearly requires otherwise, the words
2 and terms mean:

3 (1) "Agricultural commodities in bulk", commodities conforming to the meaning of
4 "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural
5 or forest products or any other products which are grown or produced on a farm or in a forest,
6 and which have not undergone processing at any time since movement from the farm or forest,
7 or processed or unprocessed grain, feed, feed ingredients, or forest products;

8 (2) "Certificate", a written document authorizing a common carrier to engage in
9 intrastate commerce and issued under the provisions of this chapter;

10 (3) "Charter service", the transportation of a group of persons who, pursuant to a
11 common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a
12 passenger-carrying motor vehicle to travel together as a group from a point of origin to a
13 specified destination or for a particular itinerary, either agreed upon in advance or modified by
14 the chartering group after having left the place of origin;

15 (4) "Commercial zone", unless otherwise increased pursuant to the provisions of
16 subdivision (4) of section 390.041, any municipality within this state together with that territory
17 either within or without the state of Missouri, extending one mile beyond the corporate limits of
18 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;
19 however, any commercial zone of a city not within a county shall extend eighteen miles beyond
20 that city's corporate limits and shall also extend throughout any first class charter county which
21 adjoins that zone;

22 (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being
23 poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are
24 weighed or measured by volume and which conform to the shape of the vehicle transporting
25 them;

26 (6) "Common carrier", any person [which holds itself out to the general public to engage]
27 **who engages** in the transportation by motor vehicle of passengers or property for hire or
28 compensation upon the public highways and airlines engaged in intrastate commerce;

29 (7) "Contract carrier", any person under individual contracts or agreements which engage
30 in transportation by motor vehicles of passenger or property for hire or compensation upon the
31 public highways;

32 (8) "Corporate family", a group of corporations consisting of a parent corporation and
33 all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent
34 interest;

35 (9) "Division", the division of motor carrier and railroad safety of the department of
36 transportation;

37 (10) "Driveaway operator":

38 (a) Any motor carrier who moves any commercial motor vehicle or assembled
39 automobile singly under its own power or in any other combination of two or more vehicles
40 under the power of one of said vehicles upon any public highway for the purpose of delivery for
41 sale or for delivery either before or after sale;

42 (b) A person engaged in the business of furnishing drivers and operators for the purpose
43 of transporting vehicles in transit from one place to another by the driveaway or towaway
44 methods; or

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

50 (11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers
51 commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by
52 tipping or opening the body in such a manner that the load is ejected or dumped by gravity but
53 does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of
54 an auger, conveyor belt, air pressure, pump or other mechanical means;

55 (12) "Household goods", personal effects and property used or to be used in a dwelling
56 when a part of the equipment or supply of such dwelling; new or used furniture; store or office
57 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and
58 articles, which because of their unusual nature or value require specialized handling and
59 equipment usually employed in moving household goods;

60 (13) "Interstate commerce", commerce between a point in this state and a point outside
61 this state, or between points outside this state when such commerce moves through this state
62 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
63 by any other regulated means of transportation where the commodity does not come to rest or
64 change its identity during the movement;

65 (14) "Intrastate commerce", commerce moving wholly between points within this state,
66 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
67 by any other means of transportation;

68 (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle
69 when not restricted to any specific route or routes within the area the motor carrier is authorized
70 to serve;

71 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being
72 transported on the motor vehicle at one time;

73 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and
74 any other transportable building unit designed to be used for residential, commercial, industrial

75 or recreational purposes, including special equipment, wheels, tires, axles, springs, racks,
76 undercarriages and undersupports used or useful in connection with the transportation of mobile
77 homes when transported as part of the transportation of mobile homes;

78 (18) "Motor carrier", any person engaged in the transportation of property or passengers,
79 or both, for compensation or hire, over the public roads of this state by motor vehicle. The term
80 includes both common and contract carriers;

81 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus
82 or any self-propelled vehicle used upon the highways of the state in the transportation of property
83 or passengers;

84 (20) "Party", any person admitted as a party to a division proceeding or seeking and
85 entitled as a matter of right to admission to a division proceeding;

86 (21) "Permit", a permit issued under the provisions of this chapter to a contract carrier
87 to engage in intrastate or interstate commerce or to a common carrier to engage in interstate
88 commerce;

89 (22) "Person", any individual or other legal entity, whether such entity is a
90 proprietorship, partnership, corporation, company, association or joint-stock association,
91 including the partners, officers, employees, and agents of the person, as well as any trustees,
92 assignees, receivers, or personal representatives of the person;

93 (23) "Private carrier", any person engaged in the transportation of property or passengers
94 by motor vehicle upon public highways, but not as a common or contract carrier by motor
95 vehicle; and includes any person who transports property by motor vehicle where such
96 transportation is incidental to or in furtherance of his commercial enterprises;

97 (24) "Public highway", every public street, road, highway or thoroughfare of any kind
98 used by the public, whether actually dedicated to the public;

99 (25) "Regular route", a specific and determined course to be traveled by a motor carrier's
100 vehicle rendering service to, from or between various points or localities in this state;

101 (26) "School bus", any motor vehicle while being used solely to transport students to or
102 from school or to transport students to or from any place for educational purposes or school
103 purposes;

104 (27) "Taxicab", any motor vehicle performing a bona fide for-hire taxicab service having
105 a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular
106 route or between fixed termini;

107 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one
108 consignee for delivery at the direction of the consignor or consignee with the lot or lots being the
109 only lot or lots transported on the motor vehicle at any one time.

✓