

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2141**  
**97TH GENERAL ASSEMBLY**

6404S.06T

2014

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**AN ACT**

To repeal sections 142.803, 142.869, 305.230, 323.010, 323.025, 323.050, 413.225, and 413.226, RSMo, and to enact in lieu thereof eight new sections relating to alternative motor fuel, with an effective date and an existing penalty provision.

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

Section A. Sections 142.803, 142.869, 305.230, 323.010, 323.025, 323.050, 413.225, and 413.226, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 142.803, 142.869, 305.230, 323.010, 323.025, 323.050, 413.225, and 413.226, to read as follows:

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon;

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080 to be collected as required under this chapter;

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.

13           **(4) Compressed natural gas fuel, five cents per gasoline gallon equivalent until**  
14 **December 31, 2019, eleven cents per gasoline gallon equivalent from January 1, 2020 until**  
15 **December 31, 2024, and then seventeen cents per gasoline gallon equivalent thereafter. The**  
16 **gasoline gallon equivalent and method of sale for compressed natural gas shall be as**  
17 **published by the National Institute of Standards and Technology in Handbooks 44 and**  
18 **130, and supplements thereto or revisions thereof. In the absence of such standard or**  
19 **agreement, the gasoline gallon equivalent and method of sale for compressed natural gas**  
20 **shall be equal to five and sixty-six-hundredths pounds of compressed natural gas. All**  
21 **applicable provisions contained in this chapter governing administration, collections, and**  
22 **enforcement of the state motor fuel tax shall apply to the tax imposed on compressed**  
23 **natural gas, including but not limited to licensing, reporting, penalties, and interest;**

24           **(5) Liquefied natural gas fuel, five cents per diesel gallon equivalent until December**  
25 **31, 2019, eleven cents per diesel gallon equivalent from January 1, 2020 until December 31,**  
26 **2024, and then seventeen cents per diesel gallon equivalent thereafter. The diesel gallon**  
27 **equivalent and method of sale for liquefied natural gas shall be as published by the**  
28 **National Institute of Standards and Technology in Handbooks 44 and 130, and**  
29 **supplements thereto or revisions thereof.**

30 **In the absence of such standard or agreement, the diesel gallon equivalent and method of**  
31 **sale for liquefied natural gas shall be equal to six and six-hundredths pounds of liquefied**  
32 **natural gas. All applicable provisions contained in this chapter governing administration,**  
33 **collections, and enforcement of the state motor fuel tax shall apply to the tax imposed on**  
34 **liquefied natural gas, including but not limited to licensing, reporting, penalties, and**  
35 **interest;**

36           **(6) If a natural gas, compressed natural gas, or liquefied natural gas connection is**  
37 **used for fueling motor vehicles and for another use, such as heating, the tax imposed by**  
38 **this section shall apply to the entire amount of natural gas, compressed natural gas, or**  
39 **liquefied natural gas used unless an approved separate metering and accounting system**  
40 **is in place.**

41           **2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be**  
42 **precollected as described in this chapter, for the facility and convenience of the consumer. The**  
43 **levy and assessment on other persons as specified in this chapter shall be as agents of this state**  
44 **for the precollection of the tax.**

          142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles,  
2 buses as defined in section 301.010, or commercial motor vehicles registered in this state which  
3 are powered by alternative fuel, and for which a valid decal has been acquired as provided in this  
4 section, **provided that sales made to alternative fueled vehicles powered by compressed**

5 **natural gas or liquefied natural gas that do not meet the requirements of subsection 3 of**  
6 **this section shall be taxed exclusively pursuant to subdivisions (4) and (5) of subsection 1**  
7 **of section 142.803, respectively.** The owners or operators of such motor vehicles shall, in lieu  
8 of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows:  
9 seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010,  
10 and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds  
11 or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of  
12 eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming  
13 transportation operations and registered with a license plate designated with the letter "F"; one  
14 hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of  
15 eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each  
16 passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059,  
17 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross  
18 weight in excess of thirty-six thousand pounds used for farm or farming transportation operations  
19 and registered with a license plate designated with the letter "F"; and one thousand dollars on  
20 each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds.  
21 Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic  
22 under section 301.131 which are powered by alternative fuel shall be exempt from both the tax  
23 imposed by this chapter and the alternative fuel decal requirements of this section.

24         2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as  
25 defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles  
26 registered outside this state which are powered by alternative fuel **other than compressed**  
27 **natural gas and liquefied natural gas**, and for which a valid temporary alternative fuel decal  
28 has been acquired as provided in this section. The owners or operators of such motor vehicles  
29 shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee  
30 of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from  
31 the date of issuance and shall be attached to the lower right-hand corner of the front windshield  
32 on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All  
33 proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative  
34 fuel dealers selling such decals in accordance with rules and regulations prescribed by the  
35 director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

36         3. **Owners or operators of passenger motor vehicles, buses as defined in section**  
37 **301.010, or commercial motor vehicles registered in this state which are powered by**  
38 **compressed natural gas or liquefied natural gas who have installed a compressed natural**  
39 **gas fueling station or liquefied natural gas fueling station used solely to fuel the motor**  
40 **vehicles they own or operate as of December 31, 2015, may continue to apply for and use**

41 **the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5)**  
42 **of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling**  
43 **stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel**  
44 **decal shall be prohibited from selling or providing compressed natural gas or liquefied**  
45 **natural gas to any motor vehicle they do not own or operate. Owners or operators of**  
46 **motor vehicles powered by compressed natural gas or liquefied natural gas bearing an**  
47 **alternative fuel decal after January 1, 2016 that decline to renew the alternative fuel decals**  
48 **for such motor vehicles shall no longer be eligible to apply for and use alternative fuel**  
49 **decals under this subsection. Any compressed natural gas or liquefied natural gas**  
50 **obtained at any fueling station not owned by the owner or operator of the motor vehicle**  
51 **bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5)**  
52 **of subsection 1 of section 142.803.**

53 **4.** The director shall annually, on or before January thirty-first of each year, collect or  
54 cause to be collected from owners or operators of the motor vehicles specified in subsection 1  
55 of this section the annual decal fee. Applications for such decals shall be supplied by the  
56 department of revenue. In the case of a motor vehicle which is not in operation by January  
57 thirty-first of any year, a decal may be purchased for a fractional period of such year, and the  
58 amount of the decal fee shall be reduced by one-twelfth for each complete month which shall  
59 have elapsed since the beginning of such year.

60 **[4.] 5.** Upon the payment of the fee required by subsection 1 of this section, the director  
61 shall issue a decal, which shall be valid for the current calendar year and shall be attached to the  
62 lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

63 **[5.] 6.** The decal fee paid pursuant to subsection 1 of this section for each motor vehicle  
64 shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or  
65 natural gas equipment is removed from a motor vehicle upon a change of ownership and is  
66 reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be  
67 accomplished in accordance with rules and regulations promulgated by the director.

68 **[6.] 7.** It shall be unlawful for any person to operate a motor vehicle required to have  
69 an alternative fuel decal upon the highways of this state without a valid decal.

70 **[7.] 8.** No person shall cause to be put, or put, LP gas [or natural gas] into the fuel  
71 supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor  
72 vehicle has a valid decal attached to it. Sales of fuel placed in the supply receptacle of a motor  
73 vehicle displaying such decal shall be recorded upon an invoice, which invoice shall include the  
74 decal number, the motor vehicle license number and the number of gallons placed in such supply  
75 receptacle.

76 [8.] 9. Any person violating any provision of this section is guilty of an infraction and  
77 shall, upon conviction thereof, be fined five hundred dollars.

78 [9.] 10. Motor vehicles displaying a valid alternative fuel decal are exempt from the  
79 licensing and reporting requirements of this chapter.

305.230. 1. The state highways and transportation commission shall administer an  
2 aeronautics program within this state. The commission shall encourage, foster and participate  
3 with the political subdivisions of this state in the promotion and development of aeronautics.  
4 The commission may provide financial assistance in the form of grants from funds appropriated  
5 for such purpose to any political subdivision or instrumentality of this state acting independently  
6 or jointly or to the owner or owners of any privately owned airport designated as a reliever by  
7 the Federal Aviation Administration for the planning, acquisition, construction, improvement  
8 or maintenance of airports, or for other aeronautical purposes.

9 2. Any political subdivision or instrumentality of this state or the owner or owners of any  
10 privately owned airport designated as a reliever by the Federal Aviation Administration receiving  
11 state funds for the purchase, construction, or improvement, except maintenance, of an airport  
12 shall agree before any funds are paid to it to control by ownership or lease the airport for a period  
13 equal to the useful life of the project as determined by the commission following the last  
14 payment of state or federal funds to it. In the event an airport authority ceases to exist for any  
15 reason, this obligation shall be carried out by the governing body which created the authority.

16 3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the  
17 owner or owners of any privately owned airport designated as a reliever by the Federal Aviation  
18 Administration shall be made from the aviation trust fund. In making grants, the commission  
19 shall consider whether the local community has given financial support to the airport in the past.  
20 Priority shall be given to airports with local funding for the past five years with no reduction in  
21 such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of  
22 section 33.080 relating to the transfer of funds to the general revenue funds of the state by the  
23 state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited  
24 to the credit of the same fund.

25 4. The moneys in the aviation trust fund shall be administered by the commission and,  
26 when appropriated, shall be used for the following purposes:

27 (1) As matching funds on an up to ninety percent state/ten percent local basis, except in  
28 the case where federal funds are being matched, when the ratio of state and local funds used to  
29 match the federal funds shall be fifty percent state/fifty percent local:

30 (a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for  
31 emergency repairs of the same;

32 (b) For the acquisition of land for the development and improvement of airports;

- 33 (c) For the earthwork and drainage necessary for the construction, reconstruction or  
34 repair of runways, taxiways, and aircraft parking areas;
- 35 (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;
- 36 (e) For the acquisition of land or easements necessary to satisfy Federal Aviation  
37 Administration safety requirements;
- 38 (f) For the identification, marking or removal of natural or manmade obstructions to  
39 airport control zone surfaces and safety areas;
- 40 (g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights,  
41 together with any work directly related to the electrical equipment;
- 42 (h) For the erection of fencing on or around the perimeter of an airport;
- 43 (i) For purchase, installation or repair of air navigational and landing aid facilities and  
44 communication equipment;
- 45 (j) For engineering related to a project funded under the provisions of this section and  
46 technical studies or consultation related to aeronautics;
- 47 (k) For airport planning projects including master plans and site selection for  
48 development of new airports, for updating or establishing master plans [and] , airport layout  
49 plans, **airport business plans, and strategic plans** at existing airports;
- 50 (l) For the purchase, installation, or repair of safety equipment and such other capital  
51 improvements and equipment as may be required for the safe and efficient operation of the  
52 airport;
- 53 (m) If at least [six] **four million five hundred thousand** dollars is deposited into the  
54 aviation trust fund in the previous calendar year, [up to two million dollars may be expended  
55 annually upon] **funds may be spent for** the study or promotion of expanded domestic or  
56 international scheduled commercial service, the study or promotion of intrastate scheduled  
57 commercial service, **the promotion of aviation in the state**, or to assist airport sponsors  
58 participating in a federally funded air service program supporting intrastate scheduled  
59 commercial service, **subject to the following provisions:**
- 60 **a. No more than two million dollars may be spent from the aviation trust fund for**  
61 **the purposes provided in this paragraph in any calendar year; and**
- 62 **b. The commission shall be required to expend at least four million dollars of the**  
63 **annual, calendar year deposits into the aviation trust fund for purposes other than the**  
64 **purposes described in this paragraph;**
- 65 (2) As total funds, with no local match:
- 66 (a) For providing air markers, windsocks, and other items determined to be in the interest  
67 of the safety of the general flying public;

68 (b) For the printing and distribution of state aeronautical charts and state airport  
69 directories on an annual basis, and a newsletter on a quarterly basis or the publishing and  
70 distribution of any public interest information deemed necessary by the commission;

71 (c) For the conducting of aviation safety workshops;

72 (d) For the promotion of aerospace education;

73 (3) As total funds with no local match, up to five hundred thousand dollars per year may  
74 be used for the cost of operating existing air traffic control towers that do not receive funding  
75 from the Federal Aviation Administration or the United States Department of Defense, except  
76 no more than one hundred sixty-seven thousand dollars per year may be used for any individual  
77 control tower;

78 (4) As total funds with a local match, up to five hundred thousand dollars per year may  
79 be used for air traffic control towers partially funded by the federal government under a  
80 cost-share program. Any expenditures under this program require a nonfederal match, comprised  
81 of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand  
82 dollars per year may be expended for any individual control tower.

83 5. In the event of a natural or manmade disaster which closes any runway or renders  
84 inoperative any electronic or visual landing aid at an airport, any funds appropriated for the  
85 purpose of capital improvements or maintenance of airports may be made immediately available  
86 for necessary repairs once they are approved by the commission. For projects designated as  
87 emergencies by the commission, all requirements relating to normal procurement of engineering  
88 and construction services are waived.

89 6. As used in this section, the term "instrumentality of the state" shall mean any state  
90 educational institution as defined in section 176.010 or any state agency which owned or  
91 operated an airport on January 1, 1997, and continues to own or operate such airport.

323.010. For the purposes of this chapter, the following words and phrases shall mean:

2 (1) "Affiliated industry", any person or firm engaged in the manufacturing, assembling,  
3 and marketing of appliances, containers, and products used in the propane industry, the interstate  
4 or intrastate transportation or storage of propane, the installation or design of propane piping  
5 systems, or other such affiliation with the commercial, residential, or agricultural use of propane  
6 by consumers in Missouri;

7 (2) **"Autogas", propane used solely as the primary motor fuel for internal**  
8 **combustion engines for vehicles in highway use;**

9 (3) "Commission", the Missouri propane [gas] safety commission;

10 [(3)] (4) "Compressed natural gas" (CNG), a mixture of hydrocarbon gases and vapors,  
11 consisting principally of methane in gaseous form that has been compressed for use as a  
12 vehicular fuel;

- 13 [(4) "Director", the executive director of the commission;]
- 14 (5) "Dispensing station", a system of compressors, safety devices, cylinders, piping,  
15 fittings, valves, regulators, gauges, relief devices, vents, installation fixtures and other  
16 compressed natural gas equipment intended for use in conjunction with motor vehicle fueling  
17 by compressed natural gas but does not include a natural gas pipeline located upstream of the  
18 inlet of the compressor;
- 19 (6) "Liquefied petroleum gas", any material which is composed predominantly of any  
20 of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (normal  
21 butane or isobutane), and butylenes;
- 22 (7) "Motor vehicle", all vehicles except those operated on rails which are propelled by  
23 internal combustion engines and are used or designed for use in the transportation of a person  
24 or persons or property;
- 25 (8) "Person", any individual, group of individuals, partnership, association, cooperative,  
26 corporation, or any other entity;
- 27 (9) "Producer", the owner of the propane at the time it is recovered at a manufacturing  
28 facility, irrespective of the state where production occurs;
- 29 (10) "Propane", propane, butane, mixtures of propane and butane, and liquefied  
30 petroleum gas, as defined by the National Fire Protection Association Standard 58 for the storage  
31 and handling of liquefied petroleum gases;
- 32 (11) "Public member", a member of the commission who is a resident of Missouri, is a  
33 user of odorized propane, and is not related by the third degree of consanguinity to any retailer  
34 or wholesale distributor of propane;
- 35 (12) "Retail marketer", a business engaged primarily in selling propane gas, its  
36 appliances, and equipment to the ultimate consumer or to retail propane dispensers;
- 37 (13) "Wholesaler" or "reseller", a seller of propane who is not a producer and who does  
38 not sell propane to the ultimate consumer.

323.025. 1. There is hereby created within the department of agriculture the "Missouri  
2 Propane [Gas] **Safety** Commission", which shall constitute a body corporate and politic, an  
3 independent instrumentality exercising essential public functions. The commission shall ensure  
4 the administration and enforcement of this chapter and all rules and regulations and orders  
5 promulgated thereunder. The powers of the commission shall be vested in nine commissioners,  
6 who shall be residents of this state, to be appointed by the governor, by and with the advice and  
7 consent of the senate. The commission shall consist of one member representing multistate retail  
8 marketers of propane, one member representing wholesalers or resellers of propane, one member  
9 from a county of the third classification representing retail marketers of propane, one member  
10 who is affiliated with the Mechanical Contractors Association in Missouri, one member affiliated



11 with the Plumbing Industry Council, one member representing an affiliated industry, one  
12 member representing the department of agriculture, [one member representing the department  
13 of natural resources] **the Missouri state fire marshal or his or her designee**, and one public  
14 member. The commissioners annually shall elect from among their number a [chairman]  
15 **chairperson** and a vice [chairman] **chairperson**, and such other officers as they may deem  
16 necessary.

17 2. The commissioners shall serve five-year terms, with each term beginning July first and  
18 ending on June thirtieth. However, of the commissioners first appointed, two shall be appointed  
19 for a term of two years, two shall be appointed for a term of three years, two shall be appointed  
20 for a term of four years, and three shall be appointed for a term of five years. Each commissioner  
21 appointed thereafter shall be appointed for a term ending five years from the date of expiration  
22 of the term for which his **or her** predecessor was appointed. A person appointed to fill a vacancy  
23 prior to the expiration of such a term shall be appointed for the remainder of the term. No  
24 commissioner appointed by the governor under this section shall serve more than one full term.  
25 For those commissioners first appointed, if such commissioner serves a term less than five years,  
26 each shall be eligible to serve one full five-year term. Each commissioner shall hold office for  
27 the term of such appointment and until such successor has been appointed and qualified.

28 3. Other than the public member, commission members shall be full-time employees or  
29 owners of businesses in the industry or the agency they represent.

30 4. Notwithstanding the provisions of any other law to the contrary:

31 (1) No officer or employee of this state shall be deemed to have forfeited or shall forfeit  
32 such office or employment by reason of his acceptance of membership on the commission or  
33 such service to the commission;

34 (2) It shall not constitute a conflict of interest for [a director, officer, or] **an** employee  
35 of any company selling propane at retail or wholesale, or engaged in the manufacture, sale,  
36 installation, or distribution of propane-use equipment, the contracting of propane piping systems,  
37 or in the transportation, storage, or marketing of propane, or any other firm, person, or  
38 corporation, to serve as a member of the commission, provided such trustee, director, officer, or  
39 employee shall abstain from deliberation, action, and vote by the commission in each instance  
40 where the business affiliation or public office association of any such trustee, director, officer,  
41 or employee is involved.

42 5. Commissioners shall receive no compensation for the performance of their duties  
43 under this section, but each commissioner shall be reimbursed from the funds of the commission  
44 for his or her actual and necessary expenses incurred in carrying out his or her official duties.

45 6. Meetings shall be held at the call of the [chairman] **chairperson** or whenever two  
46 commissioners so request. Five commissioners of the commission shall constitute a quorum,

47 and any action taken by the commission under the provisions of this chapter may be authorized  
48 by resolution approved by a majority, but not less than four of the commissioners present at any  
49 regular or special meeting. No vacancy in the membership of the commission shall impair the  
50 right of a quorum to exercise all the rights and perform all the duties of the commission.

51 7. The commissioners shall employ an executive director. The executive director also  
52 shall serve as the secretary for the commission and shall administer, manage, and direct the  
53 affairs and business of the commission, subject to the policies, control, and direction of the  
54 commissioners. The commission may employ technical experts and such other officers, agents,  
55 and employees as deemed necessary, and may fix their qualifications, duties, and compensation.

56 8. The secretary shall keep a record of the proceedings of the commission and shall be  
57 custodian of all books, documents, and papers filed with the commission and of its minute book  
58 and seal. The secretary shall have the authority to cause to be made copies of all minutes and  
59 other records and documents of the commission and to give certificates, under the seal of the  
60 commission, to the effect that such copies are true copies, and all persons dealing with the  
61 commission may rely upon such certificates. Resolutions of the persons dealing with the  
62 commission need not be published or posted unless the commission shall so direct.

63 9. Before entering into his or her duties, each commissioner of the commission shall  
64 execute a surety bond for fifty thousand dollars, and the **executive** director shall execute a surety  
65 bond for one hundred thousand dollars or, in lieu thereof, the [chairman] **chairperson** of the  
66 commission shall execute a blanket bond covering all members, the **executive** director, and the  
67 employees or other officers of the commission. Each surety bond shall be conditioned on the  
68 faithful performance of the duties of the office or offices covered, shall be executed by a surety  
69 company authorized to transact business in this state as surety, shall be approved by the attorney  
70 general, and shall be filed in the office of the secretary of state. The cost of each such bond shall  
71 be paid by the commission.

72 10. At the beginning of each fiscal year, the commission shall prepare and submit for  
73 public comment a budget plan, including the probable costs of all programs, projects, and  
74 contracts and a recommended rate of assessment as may be necessary to cover such costs.  
75 Publication of the proposed budget in the Missouri Register for at least thirty days shall  
76 constitute appropriate public notice. The commission shall approve or modify the budget  
77 following the public comment period.

78 11. The commission shall, following the close of each fiscal year, submit an annual  
79 report of its activities for the preceding year to the department of agriculture, the governor, and  
80 the general assembly. Each report shall set forth a complete operating and financial statement  
81 for the commission during the fiscal year it covers. At least once in each year, an independent  
82 certified public accountant shall audit the books and accounts of the commission.

83           12. The commission shall have the power necessary to:

84           (1) Sue and be sued in its own name;

85           (2) Have an official seal and alter the same at pleasure;

86           (3) Have perpetual succession;

87           (4) Maintain an office at such place or places within this state as the commission may  
88 designate;

89           (5) Conduct hearings and mediate disputes arising from the enforcement of this chapter;

90           (6) Disperse funds for its lawful activities and fix salaries and wages of its employees;

91 and

92           (7) Exercise all powers necessary or convenient to accomplish its purposes.

93           13. The commission shall have the following duties:

94           (1) Develop comprehensive plans and programs for the prevention, control and  
95 abatement of propane-related accidents in Missouri;

96           (2) Mandate a comprehensive certification training program based on the department of  
97 agriculture's existing liquified petroleum gas certification and training program;

98           (3) Promulgate by rule by August 28, 2010, a statewide code for the installation of  
99 propane-related equipment;

100           (4) Advise, consult, and cooperate with other agencies of the state, the federal  
101 government, other states, and interstate agencies, as well as with affected groups, political  
102 subdivisions, and industries in furtherance of the purposes of this chapter;

103           (5) Accept gifts, contributions, donations, loans and grants from the federal government  
104 and from other sources, public or private, for carrying out any of its functions. Such funds shall  
105 not be expended for other than the purposes for which provided;

106           (6) Exercise general supervision of the administration and enforcement of this chapter  
107 and all rules, regulations, and orders promulgated hereunder;

108           (7) Suspend any registration filed under this chapter granted to persons or companies  
109 doing business under the requirements of this chapter, if such registrant is in violation of any  
110 provision of this chapter;

111           (8) Represent the state of Missouri in all matters pertaining to this chapter, including  
112 negotiation of interstate compact agreements;

113           (9) To do any act necessary or convenient to the exercise of the powers granted by or  
114 reasonably implied from the provisions of this chapter.

115           14. The director may make such investigations as the director deems necessary to carry  
116 out effectively the director's responsibilities under this chapter or to determine whether a person  
117 has engaged or is engaging in acts or practices that constitute a violation of any provision of this  
118 chapter or of any regulation or plan issued under this chapter. For the purpose of any

119 investigation, the [director] **administrator** is empowered to administer oaths and affirmations,  
120 subpoena witnesses, compel their attendance, take evidence, and require the production of books,  
121 papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the  
122 production of any such records may be required from any place in this state. In case of  
123 contumacy by or refusal to obey a subpoena issued to any person, the director may seek  
124 enforcement thereof in the circuit court of proper venue.

125 15. The Missouri propane [gas] **safety** commission is hereby authorized to regulate the  
126 inspection of and provide specifications for propane as provided in this section.

127 16. A commissioner shall be removed from office by the governor for misfeasance,  
128 malfeasance, or willful neglect of duty or other cause after notice and public hearing, unless such  
129 notice or hearing shall be expressly waived in writing.

130 17. The director or any designated employee shall have free access, during reasonable  
131 hours, to any premises in the state where an installation covered by this chapter is being  
132 constructed, or is being installed, for the purpose of ascertaining whether said installation is  
133 being constructed and installed in accordance with the applicable provisions.

323.050. No city, town, village, fire district, **county**, or other political subdivision shall  
2 adopt or enforce any ordinance or regulation in conflict with the provisions of this chapter, or  
3 with the regulations promulgated under section 323.020. Nothing in this section shall prohibit  
4 any political subdivision from establishing a licensing requirement for persons relating to the  
5 installation, repair, replacement, or maintenance of [liquified] **liquefied** petroleum gas and all  
6 other fuel gas piping systems.

413.225. 1. There is established a fee for registration, inspection and calibration services  
2 performed by the division of weights and measures. The fees are due at the time the service is  
3 rendered and shall be paid to the director by the person receiving the service. The director shall  
4 collect fees according to the following schedule and shall deposit them with the state treasurer  
5 into the agriculture protection fund as set forth in section 261.200:

6 (1) From August 28, 2013, until the next January first, laboratory fees for metrology  
7 calibrations shall be at the rate of sixty dollars per hour for tolerance testing or precision  
8 calibration. Time periods over one hour shall be computed to the nearest one-quarter hour. On  
9 the first day of January, 2014, and each year thereafter, the director of agriculture shall ascertain  
10 the total receipts and expenses for the metrology calibrations during the preceding year and shall  
11 fix a fee schedule for the ensuing year at a rate per hour as will yield revenue not more than the  
12 total cost of operating the metrology laboratory during the ensuing year, but not to exceed one  
13 hundred twenty-five dollars;

14 (2) All device test fees charged shall include, but not be limited to, the following  
15 devices:

- 16 (a) Small scales;  
17 (b) Vehicle scales;  
18 (c) Livestock scales;  
19 (d) Hopper scales;  
20 (e) Railroad scales;  
21 (f) Monorail scales;  
22 (g) In-motion scales including but not limited to vehicle, railroad and belt conveyor  
23 scales;  
24 (h) Taximeters;  
25 (i) Timing devices;  
26 (j) Fabric-measuring devices;  
27 (k) Wire- and cordage-measuring devices;  
28 (l) Milk for quantity determination; [and]  
29 (m) Vehicle tank meters;  
30 **(n) Compressed natural gas meters;**  
31 **(o) Liquefied natural gas meters;**  
32 **(p) Electrical charging stations; and**  
33 **(q) Hydrogen fuel meters;**  
34 (3) Devices that require participation in on-site field evaluations for National Type  
35 Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus  
36 mileage from the inspector's official domicile to and from the inspection site. The time shall  
37 begin when the state inspector performing the inspection arrives at the site to be inspected and  
38 shall end when the final report is signed by the owner/operator and the inspector departs;  
39 (4) Every person shall register each location of such person's place of business where  
40 devices or instruments are used to ascertain the moisture content of grains and seeds offered for  
41 sale, processing or storage in this state with the director and shall pay a registration fee for each  
42 location so registered and a fee for each additional device or instrument at such location.  
43 Thereafter, by January thirty-first of each year, each person who is required to register pursuant  
44 to this subdivision shall pay an annual fee for each location so registered and an additional fee  
45 for each additional machine at each location. The fee on newly purchased devices shall be paid  
46 within thirty days after the date of purchase. Application for registration of a place of business  
47 shall be made on forms provided by the director and shall require information concerning the  
48 make, model and serial number of the device and such other information as the director shall  
49 deem necessary. Provided, however, this subsection shall not apply to moisture-measuring  
50 devices used exclusively for the purpose of obtaining information necessary to manufacturing

51 processes involving plant products. In addition to fees required by this subdivision, a fee shall  
52 be charged for each device subject to retest.

53 2. On the first day of January, 1995, and each year thereafter, the director of agriculture  
54 shall ascertain the total receipts and expenses for the testing of weighing and measuring devices  
55 referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees  
56 or rate per hour for such weighing and measuring devices to derive revenue not more than the  
57 total cost of the operation.

58 3. On the first day of October, 2014, and each year thereafter, the director of the  
59 department of agriculture shall submit a report to the general assembly that states the current  
60 laboratory fees for metrology calibration, the expenses for administering this section for the  
61 previous calendar year, any proposed change to the laboratory fee structure, and estimated  
62 expenses for administering this section during the ensuing year. The proposed change to the  
63 laboratory fee structure shall not yield revenue greater than the total cost of administering this  
64 section during the ensuing year.

65 4. Beginning August 28, 2013, and each year thereafter, the director of the department  
66 of agriculture shall publish the laboratory fee schedule on the departmental website. The website  
67 shall be updated within thirty days of a change in the laboratory fee schedule set forth in this  
68 section.

69 5. Retests for any device within the same calendar year will be charged at the same rate  
70 as the initial test. Devices being retested in the same calendar year as a result of rejection and  
71 repair are exempt from the requirements of this subsection.

72 6. All device inspection fees shall be paid within thirty days of the issuance of the  
73 original invoice. Any fee not paid within ninety days after the date of the original invoice will  
74 be cause for the director to deem the device as incorrect and it may be condemned and taken out  
75 of service, and may be seized by the director until all fees are paid.

76 7. No fee provided for by this section shall be required of any person owning or  
77 operating a moisture-measuring device or instrument who uses such device or instrument solely  
78 in agricultural or horticultural operations on such person's own land, and not in performing  
79 services, whether with or without compensation, for another person.

413.226. 1. The provisions of sections 413.005 to 413.229 shall not apply to:

2 (1) Any gas, water or electric meter used or intended to be used for measuring or  
3 ascertaining the quantity of gas or electric current used for light, heat or power, or the quantity  
4 of water, furnished by any person or corporation to or for the use of any person, **unless such**  
5 **meter is used for charging electric vehicles at a retail location;**

6 (2) Any measuring device used by any person, firm, or corporation selling at retail or  
7 wholesale gasoline, diesel fuel, heating oil, kerosene, or jet fuel subject to inspection in  
8 accordance with chapter 414;

9 (3) Any liquid meter used for the measurement and retail sale of liquefied petroleum gas  
10 or **any meter used for** compressed natural gas subject to inspection in accordance with chapter  
11 323, **unless such meter dispenses fuel for vehicle use.**

12 **2. The provisions of sections 413.005 to 413.229 shall apply to the following**  
13 **commercial weighing and measuring equipment used for measuring and ascertaining the**  
14 **quantity of gas, electricity, or fuel for vehicle use:**

15 **(1) Compressed natural gas meters;**

16 **(2) Liquefied natural gas meters;**

17 **(3) Electrical charging stations; and**

18 **(4) Hydrogen fuel meters.**

Section B. Section A of this act shall become effective January 1, 2016.

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