

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE BILL NO. 499

AN ACT

To repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with penalty provisions.

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

Section A. Sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 136.055, 227.453, 227.454, 227.457, 227.458, 227.459, 227.460, 227.461, 227.462, 227.469, 227.471, 227.547, 227.549, 227.550, 227.800, 227.801, 227.802, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, to read as follows:

136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use

1 taxes when required under sections 144.070 and 144.440, and who
2 receives no salary from the department of revenue, shall be
3 authorized to collect from the party requiring such services
4 additional fees as compensation in full and for all services
5 rendered on the following basis:

6 (1) For each motor vehicle or trailer registration issued,
7 renewed or ~~[transferred-three]~~ transferred, six dollars ~~[and~~
8 ~~fifty cents]~~ and ~~[seven]~~ twelve dollars for those licenses sold
9 or biennially renewed pursuant to section 301.147;

10 (2) For each application or transfer of ~~[title-two]~~ title,
11 six dollars ~~[and fifty cents];~~

12 (3) For each instruction permit, nondriver license,
13 chauffeur's, operator's or driver's license issued for a period
14 of three years or ~~[less-two]~~ less, six dollars ~~[and fifty cents]~~
15 and ~~[five]~~ twelve dollars for licenses or instruction permits
16 issued or renewed for a period exceeding three years;

17 (4) For each notice of lien ~~[processed-two]~~ processed, six
18 dollars ~~[and fifty cents];~~

19 (5) ~~[No]~~ Notary fee or ~~[other fee or additional charge~~
20 ~~shall be paid or collected except for]~~ electronic ~~[telephone]~~
21 transmission ~~[reception-two]~~ per processing, two dollars.

22 2. The director of revenue shall award fee office contracts
23 under this section through a competitive bidding process. The
24 competitive bidding process shall give priority to organizations
25 and entities that are exempt from taxation under Section
26 501(c)(3), 501(c)(6), or 501(c)(4), except those civic
27 organizations that would be considered action organizations under
28 26 C.F.R. Section 1.501(c)(3)-1(c)(3), of the Internal Revenue

1 Code of 1986, as amended, with special consideration given to
2 those organizations and entities that reinvest a minimum of
3 seventy-five percent of the net proceeds to charitable
4 organizations in Missouri, and political subdivisions, including
5 but not limited to, municipalities, counties, and fire protection
6 districts. The director of the department of revenue may
7 promulgate rules and regulations necessary to carry out the
8 provisions of this subsection. Any rule or portion of a rule, as
9 that term is defined in section 536.010, that is created under
10 the authority delegated in this subsection shall become effective
11 only if it complies with and is subject to all of the provisions
12 of chapter 536 and, if applicable, section 536.028. This section
13 and chapter 536 are nonseverable and if any of the powers vested
14 with the general assembly pursuant to chapter 536 to review, to
15 delay the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after August 28, 2009,
18 shall be invalid and void.

19 3. All fees collected by a tax-exempt organization may be
20 retained and used by the organization.

21 4. All fees charged shall not exceed those in this section.
22 The fees imposed by this section shall be collected by all
23 permanent offices and all full-time or temporary offices
24 maintained by the department of revenue.

25 5. Any person acting as agent of the department of revenue
26 for the sale and issuance of registrations, licenses, and other
27 documents related to motor vehicles shall have an insurable
28 interest in all license plates, licenses, tabs, forms and other

1 documents held on behalf of the department.

2 6. The fees authorized by this section shall not be
3 collected by motor vehicle dealers acting as agents of the
4 department of revenue under section 32.095 or those motor vehicle
5 dealers authorized to collect and remit sales tax under
6 subsection 8 of section 144.070.

7 7. Notwithstanding any other provision of law to the
8 contrary, the state auditor may audit all records maintained and
9 established by the fee office in the same manner as the auditor
10 may audit any agency of the state, and the department shall
11 ensure that this audit requirement is a necessary condition for
12 the award of all fee office contracts. No confidential records
13 shall be divulged in such a way to reveal personally identifiable
14 information.

15 227.453. The portion of State Highway 79 from Spring Street
16 continuing north to North Street in the City of Hannibal in
17 Marion County shall be designated as "Jake Beckley Memorial
18 Highway". The department of transportation shall erect and
19 maintain appropriate signs designating such highway, with the
20 costs to be paid by private donations.

21 227.454. The portion of State Highway 79 from 5th Street
22 continuing north to U.S. State Highway 36/Interstate 72 in the
23 City of Hannibal in Marion County shall be designated as "Molly
24 Brown Memorial Highway". The department of transportation shall
25 erect and maintain appropriate signs designating such highway,
26 with the costs to be paid by private donations.

27 227.457. The portion of State Highway 740 from Audubon
28 Drive to .25 miles east of MO 763 in Boone County shall be

1 designated the "SGT Phillip Anderson Memorial Highway". The
2 department of transportation shall erect and maintain appropriate
3 signs designating such highway, with the costs to be paid by
4 private donations.

5 227.458. The portion of State Highway 740 from .25 miles
6 east of MO 763 to .35 miles west of Providence Boulevard in Boone
7 County shall be designated the "SPC Steven Fitzmorris Memorial
8 Highway". The department of transportation shall erect and
9 maintain appropriate signs designating such highway, with the
10 costs to be paid by private donations.

11 227.459. The portion of State Highway 740 from .35 miles
12 west of Providence Boulevard to .25 miles west of Forum Boulevard
13 in Boone County shall be designated the "SPC Jason Fingar
14 Memorial Highway". The department of transportation shall erect
15 and maintain appropriate signs designating such highway, with the
16 costs to be paid by private donations.

17 227.460. The portion of State Highway 740 from .25 miles
18 west of Forum Boulevard to .25 miles south of State Highway TT in
19 Boone County shall be designated the "SFC Charles Sadell Memorial
20 Highway". The department of transportation shall erect and
21 maintain appropriate signs designating such highway, with the
22 costs to be paid by private donations.

23 227.461. The portion of State Highway 740 from .25 miles
24 south of State Highway TT to the intersection of State Highway E
25 and Aaron Drive in Boone County shall be designated the "SPC
26 Sterling Wyatt Memorial Highway". The department of
27 transportation shall erect and maintain appropriate signs
28 designating such highway, with the costs to be paid by private

1 donations.

2 227.462. The portion of Interstate 70 from State Highway A
3 continuing east to Lake St. Louis Boulevard in St. Charles County
4 shall be designated as the "Ralph Barrale Memorial Highway". The
5 department of transportation shall erect and maintain appropriate
6 signs designating such highway, with the costs to be paid by
7 private donations.

8 227.469. The portion of State Highway 76 from Stonebridge
9 Parkway continuing east to Old Highway 76 Road shall be
10 designated as the "Mary Herschend Memorial Highway". The
11 department of transportation shall erect and maintain appropriate
12 signs designating such highway, with the costs to be paid by
13 private donations.

14 227.471. The portion of State Highway 115 from Bellerive
15 Acres to Marietta Drive in St. Louis County shall be designated
16 as "Marguerite Ross Barnett Memorial Highway". The department of
17 transportation shall erect and maintain appropriate signs
18 designating such highway, with the costs to be paid by private
19 donations.

20 227.547. The portion of State Highway E from Lafayette
21 Street South to Outer Road 70 East in Lafayette County shall be
22 designated the "Firefighter Jeff Sanders Memorial Highway". The
23 department of transportation shall erect and maintain appropriate
24 signs designating such highway, with the costs to be paid by
25 private donations.

26 227.549. The portion of State Highway P from Dove Nest Lane
27 continuing east to State Highway M in St. Charles County shall be
28 designated as "Waylon Jennings Memorial Highway". Costs for such

1 designation shall be paid by private donations.

2 227.550. The portion of State Highway 6 beginning from U.S.
3 State Highway 169 continuing east to Riverside Road through the
4 city of St. Joseph in Buchanan County shall be designated as
5 "Firefighter Travis Owens Memorial Highway". The department of
6 transportation shall erect and maintain appropriate signs
7 designating such highway, with costs to be paid by private
8 donations.

9 227.800. The portion of Interstate 70 in Jackson County
10 from the Blue Ridge Cutoff overpass continuing west to the Troost
11 Avenue overpass shall be designated the "Senator Phil B. Curls
12 Memorial Highway". The department of transportation shall erect
13 and maintain appropriate signs designating such highway, with the
14 costs to be paid by private donations.

15 227.801. The portion of Interstate 70 in the city of St.
16 Louis from the Salisbury Street overpass continuing west to the
17 Goodfellow Boulevard overpass shall be designated the "Senator
18 Paula J. Carter Memorial Highway". The department of
19 transportation shall erect and maintain appropriate signs
20 designating such highway, with the costs to be paid by private
21 donations.

22 227.802. The portion of Highway 32 in Dent County from
23 Highway 72 continuing east to Craig Industrial Drive in the city
24 of Salem shall be designated the "Gerald T. Lizotte, Jr. Memorial
25 Highway". The department of transportation shall erect and
26 maintain appropriate signs designating such highway, with the
27 costs to be paid by private donations.

28 301.010. As used in this chapter and sections 304.010 to

1 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the
2 following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle
4 manufactured and used exclusively for off-highway use which is
5 fifty inches or less in width, with an unladen dry weight of one
6 thousand five hundred pounds or less, traveling on three, four or
7 more nonhighway tires;

8 (2) "Autocycle", a three-wheeled motor vehicle which the
9 drivers and passengers ride in a partially or completely enclosed
10 nonstraddle seating area, that is designed to be controlled with
11 a steering wheel and pedals, and that has met applicable
12 Department of Transportation National Highway Traffic Safety
13 Administration requirements or federal motorcycle safety
14 standards;

15 (3) "Automobile transporter", any vehicle combination
16 capable of carrying cargo on the power unit and designed and used
17 for the transport of assembled motor vehicles, including truck
18 camper units;

19 (4) "Axle load", the total load transmitted to the road by
20 all wheels whose centers are included between two parallel
21 transverse vertical planes forty inches apart, extending across
22 the full width of the vehicle;

23 (5) "Backhaul", the return trip of a vehicle transporting
24 cargo or general freight, especially when carrying goods back
25 over all or part of the same route;

26 (6) "Boat transporter", any vehicle combination capable of
27 carrying cargo on the power unit and designed and used
28 specifically to transport assembled boats and boat hulls. Boats

1 may be partially disassembled to facilitate transporting;

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

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

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

12 (10) "Cotton trailer", a trailer designed and used
13 exclusively for transporting cotton at speeds less than forty
14 miles per hour from field to field or from field to market and
15 return;

16 (11) "Dealer", any person, firm, corporation, association,
17 agent or subagent engaged in the sale or exchange of new, used or
18 reconstructed motor vehicles or trailers;

19 (12) "Director" or "director of revenue", the director of
20 the department of revenue;

21 (13) "Driveaway operation":

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

27 (b) The movement of any vehicle or vehicles, not owned by
28 the transporter, constituting the commodity being transported, by

1 a person engaged in the business of furnishing drivers and
2 operators for the purpose of transporting vehicles in transit
3 from one place to another by the driveaway or towaway methods; or

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

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

17 (15) "Farm tractor", a tractor used exclusively for
18 agricultural purposes;

19 (16) "Fleet", any group of ten or more motor vehicles owned
20 by the same owner;

21 (17) "Fleet vehicle", a motor vehicle which is included as
22 part of a fleet;

23 (18) "Fullmount", a vehicle mounted completely on the frame
24 of either the first or last vehicle in a saddlemount combination;

25 (19) "Gross weight", the weight of vehicle and/or vehicle
26 combination without load, plus the weight of any load thereon;

27 (20) "Hail-damaged vehicle", any vehicle, the body of which
28 has become dented as the result of the impact of hail;

1 (21) "Highway", any public thoroughfare for vehicles,
2 including state roads, county roads and public streets, avenues,
3 boulevards, parkways or alleys in any municipality;

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

7 (23) "Intersecting highway", any highway which joins
8 another, whether or not it crosses the same;

9 (24) "Junk vehicle", a vehicle which:

10 (a) Is incapable of operation or use upon the highways and
11 has no resale value except as a source of parts or scrap; or

12 (b) Has been designated as junk or a substantially
13 equivalent designation by this state or any other state;

14 (25) "Kit vehicle", a motor vehicle assembled by a person
15 other than a generally recognized manufacturer of motor vehicles
16 by the use of a glider kit or replica purchased from an
17 authorized manufacturer and accompanied by a manufacturer's
18 statement of origin;

19 (26) "Land improvement contractors' commercial motor
20 vehicle", any not-for-hire commercial motor vehicle the operation
21 of which is confined to:

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

28 (b) An area that extends not more than a radius of fifty

1 miles from its home base of operations when transporting its
2 owner's machinery, equipment, or auxiliary supplies to or from
3 projects not involving soil and water conservation.

4 Nothing in this subdivision shall be construed to prevent any
5 motor vehicle from being registered as a commercial motor vehicle
6 or local commercial motor vehicle;

7 (27) "Local commercial motor vehicle", a commercial motor
8 vehicle whose operations are confined to a municipality and that
9 area extending not more than fifty miles therefrom, or a
10 commercial motor vehicle whose property-carrying operations are
11 confined solely to the transportation of property owned by any
12 person who is the owner or operator of such vehicle to or from a
13 farm owned by such person or under the person's control by virtue
14 of a landlord and tenant lease; provided that any such property
15 transported to any such farm is for use in the operation of such
16 farm;

17 (28) "Local log truck", a commercial motor vehicle which is
18 registered pursuant to this chapter to operate as a motor vehicle
19 on the public highways of this state, used exclusively in this
20 state, used to transport harvested forest products, operated
21 solely at a forested site and in an area extending not more than
22 a one hundred mile radius from such site, carries a load with
23 dimensions not in excess of twenty-five cubic yards per two axles
24 with dual wheels, and when operated on the national system of
25 interstate and defense highways described in 23 U.S.C. Section
26 103, as amended, or outside the one hundred mile radius from such
27 site with an extended distance local log truck permit, such
28 vehicle shall not exceed the weight limits of section 304.180,

1 does not have more than four axles, and does not pull a trailer
2 which has more than three axles. Harvesting equipment which is
3 used specifically for cutting, felling, trimming, delimiting,
4 debarking, chipping, skidding, loading, unloading, and stacking
5 may be transported on a local log truck. A local log truck may
6 not exceed the limits required by law, however, if the truck does
7 exceed such limits as determined by the inspecting officer, then
8 notwithstanding any other provisions of law to the contrary, such
9 truck shall be subject to the weight limits required by such
10 sections as licensed for eighty thousand pounds;

11 (29) "Local log truck tractor", a commercial motor vehicle
12 which is registered under this chapter to operate as a motor
13 vehicle on the public highways of this state, used exclusively in
14 this state, used to transport harvested forest products, operated
15 at a forested site and in an area extending not more than a one
16 hundred mile radius from such site, operates with a weight not
17 exceeding twenty-two thousand four hundred pounds on one axle or
18 with a weight not exceeding forty-four thousand eight hundred
19 pounds on any tandem axle, and when operated on the national
20 system of interstate and defense highways described in 23 U.S.C.
21 Section 103, as amended, or outside the one hundred mile radius
22 from such site with an extended distance local log truck permit,
23 such vehicle does not exceed the weight limits contained in
24 section 304.180, and does not have more than three axles and does
25 not pull a trailer which has more than three axles. Violations
26 of axle weight limitations shall be subject to the load limit
27 penalty as described for in sections 304.180 to 304.220;

28 (30) "Local transit bus", a bus whose operations are

1 confined wholly within a municipal corporation, or wholly within
2 a municipal corporation and a commercial zone, as defined in
3 section 390.020, adjacent thereto, forming a part of a public
4 transportation system within such municipal corporation and such
5 municipal corporation and adjacent commercial zone;

6 (31) "Log truck", a vehicle which is not a local log truck
7 or local log truck tractor and is used exclusively to transport
8 harvested forest products to and from forested sites which is
9 registered pursuant to this chapter to operate as a motor vehicle
10 on the public highways of this state for the transportation of
11 harvested forest products;

12 (32) "Major component parts", the rear clip, cowl, frame,
13 body, cab, front-end assembly, and front clip, as those terms are
14 defined by the director of revenue pursuant to rules and
15 regulations or by illustrations;

16 (33) "Manufacturer", any person, firm, corporation or
17 association engaged in the business of manufacturing or
18 assembling motor vehicles, trailers or vessels for sale;

19 (34) "Motor change vehicle", a vehicle manufactured prior
20 to August, 1957, which receives a new, rebuilt or used engine,
21 and which used the number stamped on the original engine as the
22 vehicle identification number;

23 (35) "Motor vehicle", any self-propelled vehicle not
24 operated exclusively upon tracks, except farm tractors;

25 (36) "Motor vehicle primarily for business use", any
26 vehicle other than a recreational motor vehicle, motorcycle,
27 motortricycle, or any commercial motor vehicle licensed for over
28 twelve thousand pounds:

- 1 (a) Offered for hire or lease; or
- 2 (b) The owner of which also owns ten or more such motor
3 vehicles;
- 4 (37) "Motorcycle", a motor vehicle operated on two wheels;
- 5 (38) "Motorized bicycle", any two-wheeled or three-wheeled
6 device having an automatic transmission and a motor with a
7 cylinder capacity of not more than fifty cubic centimeters, which
8 produces less than three gross brake horsepower, and is capable
9 of propelling the device at a maximum speed of not more than
10 thirty miles per hour on level ground;
- 11 (39) "Motortricycle", a motor vehicle upon which the
12 operator straddles or sits astride that is designed to be
13 controlled by handle bars and is operated on three wheels,
14 including a motorcycle while operated with any conveyance,
15 temporary or otherwise, requiring the use of a third wheel. A
16 motortricycle shall not be included in the definition of
17 all-terrain vehicle;
- 18 (40) "Municipality", any city, town or village, whether
19 incorporated or not;
- 20 (41) "Nonresident", a resident of a state or country other
21 than the state of Missouri;
- 22 (42) "Non-USA-std motor vehicle", a motor vehicle not
23 originally manufactured in compliance with United States
24 emissions or safety standards;
- 25 (43) "Operator", any person who operates or drives a motor
26 vehicle;
- 27 (44) "Owner", any person, firm, corporation or association,
28 who holds the legal title to a vehicle or in the event a vehicle

1 is the subject of an agreement for the conditional sale or lease
2 thereof with the right of purchase upon performance of the
3 conditions stated in the agreement and with an immediate right of
4 possession vested in the conditional vendee or lessee, or in the
5 event a mortgagor of a vehicle is entitled to possession, then
6 such conditional vendee or lessee or mortgagor shall be deemed
7 the owner;

8 (45) "Public garage", a place of business where motor
9 vehicles are housed, stored, repaired, reconstructed or repainted
10 for persons other than the owners or operators of such place of
11 business;

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

15 (47) "Reconstructed motor vehicle", a vehicle that is
16 altered from its original construction by the addition or
17 substitution of two or more new or used major component parts,
18 excluding motor vehicles made from all new parts, and new
19 multistage manufactured vehicles;

20 (48) "Recreational motor vehicle", any motor vehicle
21 designed, constructed or substantially modified so that it may be
22 used and is used for the purposes of temporary housing quarters,
23 including therein sleeping and eating facilities which are either
24 permanently attached to the motor vehicle or attached to a unit
25 which is securely attached to the motor vehicle. Nothing herein
26 shall prevent any motor vehicle from being registered as a
27 commercial motor vehicle if the motor vehicle could otherwise be
28 so registered;

1 (49) "Recreational off-highway vehicle", any motorized
2 vehicle manufactured and used exclusively for off-highway use
3 which is more than fifty inches but no more than sixty-seven
4 inches in width, with an unladen dry weight of two thousand
5 pounds or less, traveling on four or more nonhighway tires and
6 which may have access to ATV trails;

7 (50) "Recreational trailer", any trailer designed,
8 constructed, or substantially modified so that it may be used and
9 is used for the purpose of temporary housing quarters, including
10 therein sleeping or eating facilities, which can be temporarily
11 attached to a motor vehicle or attached to a unit which is
12 securely attached to a motor vehicle;

13 (51) "Rollback or car carrier", any vehicle specifically
14 designed to transport wrecked, disabled or otherwise inoperable
15 vehicles, when the transportation is directly connected to a
16 wrecker or towing service;

17 [~~51~~] (52) "Saddlemount combination", a combination of
18 vehicles in which a truck or truck tractor tows one or more
19 trucks or truck tractors, each connected by a saddle to the frame
20 or fifth wheel of the vehicle in front of it. The "saddle" is a
21 mechanism that connects the front axle of the towed vehicle to
22 the frame or fifth wheel of the vehicle in front and functions
23 like a fifth wheel kingpin connection. When two vehicles are
24 towed in this manner the combination is called a "double
25 saddlemount combination". When three vehicles are towed in this
26 manner, the combination is called a "triple saddlemount
27 combination";

28 [~~52~~] (53) "Salvage dealer and dismantler", a business

1 that dismantles used motor vehicles for the sale of the parts
2 thereof, and buys and sells used motor vehicle parts and
3 accessories;

4 ~~[(53)]~~ (54) "Salvage vehicle", a motor vehicle,
5 semitrailer, or house trailer which:

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

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

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

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

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

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

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

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

11 ~~[(54)]~~ (55) "School bus", any motor vehicle used solely to
12 transport students to or from school or to transport students to
13 or from any place for educational purposes;

14 ~~[(55)]~~ (56) "Scrap processor", a business that, through
15 the use of fixed or mobile equipment, flattens, crushes, or
16 otherwise accepts motor vehicles and vehicle parts for processing
17 or transportation to a shredder or scrap metal operator for
18 recycling;

19 ~~[(56)]~~ (57) "Shuttle bus", a motor vehicle used or
20 maintained by any person, firm, or corporation as an incidental
21 service to transport patrons or customers of the regular business
22 of such person, firm, or corporation to and from the place of
23 business of the person, firm, or corporation providing the
24 service at no fee or charge. Shuttle buses shall not be
25 registered as buses or as commercial motor vehicles;

26 ~~[(57)]~~ (58) "Special mobile equipment", every
27 self-propelled vehicle not designed or used primarily for the
28 transportation of persons or property and incidentally operated

1 or moved over the highways, including farm equipment, implements
2 of husbandry, road construction or maintenance machinery,
3 ditch-digging apparatus, stone crushers, air compressors, power
4 shovels, cranes, graders, rollers, well-drillers and wood-sawing
5 equipment used for hire, asphalt spreaders, bituminous mixers,
6 bucket loaders, ditchers, leveling graders, finished machines,
7 motor graders, road rollers, scarifiers, earth-moving carryalls,
8 scrapers, drag lines, concrete pump trucks, rock-drilling and
9 earth-moving equipment. This enumeration shall be deemed partial
10 and shall not operate to exclude other such vehicles which are
11 within the general terms of this section;

12 ~~[(58)]~~ (59) "Specially constructed motor vehicle", a motor
13 vehicle which shall not have been originally constructed under a
14 distinctive name, make, model or type by a manufacturer of motor
15 vehicles. The term specially constructed motor vehicle includes
16 kit vehicles;

17 ~~[(59)]~~ (60) "Stinger-steered combination", a truck
18 tractor-semitrailer wherein the fifth wheel is located on a drop
19 frame located behind and below the rearmost axle of the power
20 unit;

21 ~~[(60)]~~ (61) "Tandem axle", a group of two or more axles,
22 arranged one behind another, the distance between the extremes of
23 which is more than forty inches and not more than ninety-six
24 inches apart;

25 ~~[(61)]~~ (62) "Towaway trailer transporter combination", a
26 combination of vehicles consisting of a trailer transporter
27 towing unit and two trailers or semitrailers, with a total weight
28 that does not exceed twenty-six thousand pounds; and in which the

1 trailers or semitrailers carry no property and constitute
2 inventory property of a manufacturer, distributor, or dealer of
3 such trailers or semitrailers;

4 ~~[(62)]~~ (63) "Tractor", "truck tractor" or "truck-tractor",
5 a self-propelled motor vehicle designed for drawing other
6 vehicles, but not for the carriage of any load when operating
7 independently. When attached to a semitrailer, it supports a
8 part of the weight thereof;

9 ~~[(63)]~~ (64) "Trailer", any vehicle without motive power
10 designed for carrying property or passengers on its own structure
11 and for being drawn by a self-propelled vehicle, except those
12 running exclusively on tracks, including a semitrailer or vehicle
13 of the trailer type so designed and used in conjunction with a
14 self-propelled vehicle that a considerable part of its own weight
15 rests upon and is carried by the towing vehicle. The term
16 trailer shall not include cotton trailers as defined in this
17 section and shall not include manufactured homes as defined in
18 section 700.010;

19 ~~[(64)]~~ (65) "Trailer transporter towing unit", a power
20 unit that is not used to carry property when operating in a
21 towaway trailer transporter combination;

22 ~~[(65)]~~ (66) "Truck", a motor vehicle designed, used, or
23 maintained for the transportation of property;

24 ~~[(66)]~~ (67) "Truck-tractor semitrailer-semitrailer", a
25 combination vehicle in which the two trailing units are connected
26 with a B-train assembly which is a rigid frame extension attached
27 to the rear frame of a first semitrailer which allows for a
28 fifth-wheel connection point for the second semitrailer and has

1 one less articulation point than the conventional A-dolly
2 connected truck-tractor semitrailer-trailer combination;

3 ~~[(67)]~~ (68) "Truck-trailer boat transporter combination",
4 a boat transporter combination consisting of a straight truck
5 towing a trailer using typically a ball and socket connection
6 with the trailer axle located substantially at the trailer center
7 of gravity rather than the rear of the trailer but so as to
8 maintain a downward force on the trailer tongue;

9 ~~[(68)]~~ (69) "Used parts dealer", a business that buys and
10 sells used motor vehicle parts or accessories, but not including
11 a business that sells only new, remanufactured or rebuilt parts.
12 Business does not include isolated sales at a swap meet of less
13 than three days;

14 ~~[(69)]~~ (70) "Utility vehicle", any motorized vehicle
15 manufactured and used exclusively for off-highway use which is
16 more than fifty inches but no more than sixty-seven inches in
17 width, with an unladen dry weight of two thousand pounds or less,
18 traveling on four or six wheels, to be used primarily for
19 landscaping, lawn care, or maintenance purposes;

20 ~~[(70)]~~ (71) "Vanpool", any van or other motor vehicle used
21 or maintained by any person, group, firm, corporation,
22 association, city, county or state agency, or any member thereof,
23 for the transportation of not less than eight nor more than
24 forty-eight employees, per motor vehicle, to and from their place
25 of employment; however, a vanpool shall not be included in the
26 definition of the term bus or commercial motor vehicle as defined
27 in this section, nor shall a vanpool driver be deemed a chauffeur
28 as that term is defined by section 303.020; nor shall use of a

1 vanpool vehicle for ride-sharing arrangements, recreational,
2 personal, or maintenance uses constitute an unlicensed use of the
3 motor vehicle, unless used for monetary profit other than for use
4 in a ride-sharing arrangement;

5 ~~[(71)]~~ (72) "Vehicle", any mechanical device on wheels,
6 designed primarily for use, or used, on highways, except
7 motorized bicycles, vehicles propelled or drawn by horses or
8 human power, or vehicles used exclusively on fixed rails or
9 tracks, or cotton trailers or motorized wheelchairs operated by
10 handicapped persons;

11 ~~[(72)]~~ (73) "Wrecker" or "tow truck", any emergency
12 commercial vehicle equipped, designed and used to assist or
13 render aid and transport or tow disabled or wrecked vehicles from
14 a highway, road, street or highway rights-of-way to a point of
15 storage or repair, including towing a replacement vehicle to
16 replace a disabled or wrecked vehicle;

17 ~~[(73)]~~ (74) "Wrecker or towing service", the act of
18 transporting, towing or recovering with a wrecker, tow truck,
19 rollback or car carrier any vehicle not owned by the operator of
20 the wrecker, tow truck, rollback or car carrier for which the
21 operator directly or indirectly receives compensation or other
22 personal gain.

23 301.067. 1. For each trailer or semitrailer there shall be
24 paid an annual fee of seven dollars fifty cents, and in addition
25 thereto such permit fee authorized by law against trailers used
26 in combination with tractors operated under the supervision of
27 the highways and transportation commission of the department of
28 transportation. The fees for tractors used in any combination

1 with trailers or semitrailers or both trailers and semitrailers
2 (other than on passenger-carrying trailers or semitrailers) shall
3 be computed on the total gross weight of the vehicles in the
4 combination with load.

5 2. Any trailer or semitrailer may at the option of the
6 registrant be registered for a period of three years upon payment
7 of a registration fee of twenty-two dollars and fifty cents.

8 3. Any trailer as defined in section 301.010 or semitrailer
9 may, at the option of the registrant, be registered permanently
10 upon the payment of a registration fee of fifty-two dollars and
11 fifty cents. The permanent plate and registration fee is vehicle
12 specific. The plate and the registration fee paid is
13 nontransferable and nonrefundable, except those covered under the
14 provisions of section 301.442.

15 4. Beginning August 28, 2019, the annual registration fees
16 imposed under this section or section 301.030 for recreational
17 trailers, as defined under section 301.010, shall be payable in
18 the month of May each year. Any fee that would have been due in
19 December 2019, shall be deferred until May 2020.

20 302.574. 1. If a person who was operating a vehicle
21 refuses upon the request of the officer to submit to any chemical
22 test under section 577.041, the officer shall, on behalf of the
23 director of revenue, serve the notice of license revocation
24 personally upon the person and shall take possession of any
25 license to operate a vehicle issued by this state which is held
26 by that person. The officer shall issue a temporary permit, on
27 behalf of the director of revenue, which is valid for fifteen
28 days and shall also give the person notice of his or her right to

1 file a petition for review to contest the license revocation.

2 2. Such officer shall make a certified report under
3 penalties of perjury for making a false statement to a public
4 official. The report shall be forwarded to the director of
5 revenue and shall include the following:

6 (1) That the officer has:

7 (a) Reasonable grounds to believe that the arrested person
8 was driving a motor vehicle while in an intoxicated condition; or

9 (b) Reasonable grounds to believe that the person stopped,
10 being under the age of twenty-one years, was driving a motor
11 vehicle with a blood alcohol content of two-hundredths of one
12 percent or more by weight; or

13 (c) Reasonable grounds to believe that the person stopped,
14 being under the age of twenty-one years, was committing a
15 violation of the traffic laws of the state, or political
16 subdivision of the state, and such officer has reasonable grounds
17 to believe, after making such stop, that the person had a blood
18 alcohol content of two-hundredths of one percent or greater;

19 (2) That the person refused to submit to a chemical test;

20 (3) Whether the officer secured the license to operate a
21 motor vehicle of the person;

22 (4) Whether the officer issued a fifteen-day temporary
23 permit;

24 (5) Copies of the notice of revocation, the fifteen-day
25 temporary permit, and the notice of the right to file a petition
26 for review. The notices and permit may be combined in one
27 document; and

28 (6) Any license, which the officer has taken into

1 possession, to operate a motor vehicle.

2 3. Upon receipt of the officer's report, the director shall
3 revoke the license of the person refusing to take the test for a
4 period of one year; or if the person is a nonresident, such
5 person's operating permit or privilege shall be revoked for one
6 year; or if the person is a resident without a license or permit
7 to operate a motor vehicle in this state, an order shall be
8 issued denying the person the issuance of a license or permit for
9 a period of one year.

10 4. If a person's license has been revoked because of the
11 person's refusal to submit to a chemical test, such person may
12 petition for a hearing before a circuit division or associate
13 division of the court in the county in which the arrest or stop
14 occurred. Pursuant to local court rule promulgated pursuant to
15 section 15 of article V of the Missouri Constitution, the case
16 may also be assigned to a traffic judge pursuant to section
17 479.500. The person may request such court to issue an order
18 staying the revocation until such time as the petition for review
19 can be heard. If the court, in its discretion, grants such stay,
20 it shall enter the order upon a form prescribed by the director
21 of revenue and shall send a copy of such order to the director.
22 Such order shall serve as proof of the privilege to operate a
23 motor vehicle in this state and the director shall maintain
24 possession of the person's license to operate a motor vehicle
25 until termination of any revocation under this section. Upon the
26 person's request, the clerk of the court shall notify the
27 prosecuting attorney of the county and the prosecutor shall
28 appear at the hearing on behalf of the director of revenue. At

1 the hearing, the court shall determine only:

2 (1) Whether the person was arrested or stopped;

3 (2) Whether the officer had:

4 (a) Reasonable grounds to believe that the person was
5 driving a motor vehicle while in an intoxicated or drugged
6 condition; or

7 (b) Reasonable grounds to believe that the person stopped,
8 being under the age of twenty-one years, was driving a motor
9 vehicle with a blood alcohol content of two-hundredths of one
10 percent or more by weight; or

11 (c) Reasonable grounds to believe that the person stopped,
12 being under the age of twenty-one years, was committing a
13 violation of the traffic laws of the state, or political
14 subdivision of the state, and such officer had reasonable grounds
15 to believe, after making such stop, that the person had a blood
16 alcohol content of two-hundredths of one percent or greater; and

17 (3) Whether the person refused to submit to the test.

18 5. If the court determines any issue not to be in the
19 affirmative, the court shall order the director to reinstate the
20 license or permit to drive.

21 6. Requests for review as provided in this section shall go
22 to the head of the docket of the court wherein filed.

23 7. No person who has had a license to operate a motor
24 vehicle suspended or revoked under the provisions of this section
25 shall have that license reinstated until such person has
26 participated in and successfully completed a substance abuse
27 traffic offender program defined in section 302.010, or a program
28 determined to be comparable by the department of mental health.

1 Assignment recommendations, based upon the needs assessment as
2 described in subdivision (24) of section 302.010, shall be
3 delivered in writing to the person with written notice that the
4 person is entitled to have such assignment recommendations
5 reviewed by the court if the person objects to the
6 recommendations. The person may file a motion in the associate
7 division of the circuit court of the county in which such
8 assignment was given, on a printed form provided by the state
9 courts administrator, to have the court hear and determine such
10 motion under the provisions of chapter 517. The motion shall
11 name the person or entity making the needs assessment as the
12 respondent and a copy of the motion shall be served upon the
13 respondent in any manner allowed by law. Upon hearing the
14 motion, the court may modify or waive any assignment
15 recommendation that the court determines to be unwarranted based
16 upon a review of the needs assessment, the person's driving
17 record, the circumstances surrounding the offense, and the
18 likelihood of the person committing a similar offense in the
19 future, except that the court may modify but ~~may~~ shall not
20 waive the assignment to an education or rehabilitation program of
21 a person determined to be a prior or persistent offender as
22 defined in section 577.001, or of a person determined to have
23 operated a motor vehicle with a blood alcohol content of
24 fifteen-hundredths of one percent or more by weight. Compliance
25 with the court determination of the motion shall satisfy the
26 provisions of this section for the purpose of reinstating such
27 person's license to operate a motor vehicle. The respondent's
28 personal appearance at any hearing conducted under this

1 subsection shall not be necessary unless directed by the court.

2 8. The fees for the substance abuse traffic offender
3 program, or a portion thereof, to be determined by the division
4 of ~~[alcohol and drug abuse]~~ behavioral health of the department
5 of mental health, shall be paid by the person enrolled in the
6 program. Any person who is enrolled in the program shall pay, in
7 addition to any fee charged for the program, a supplemental fee
8 to be determined by the department of mental health for the
9 purposes of funding the substance abuse traffic offender program
10 defined in section 302.010. The administrator of the program
11 shall remit to the division of ~~[alcohol and drug abuse]~~
12 behavioral health of the department of mental health on or before
13 the fifteenth day of each month the supplemental fee for all
14 persons enrolled in the program, less two percent for
15 administrative costs. Interest shall be charged on any unpaid
16 balance of the supplemental fees due to the division of ~~[alcohol~~
17 ~~and drug abuse]~~ behavioral health under this section, and shall
18 accrue at a rate not to exceed the annual rates established under
19 the provisions of section 32.065, plus three percentage points.
20 The supplemental fees and any interest received by the department
21 of mental health under this section shall be deposited in the
22 mental health earnings fund, which is created in section 630.053.

23 9. Any administrator who fails to remit to the division of
24 ~~[alcohol and drug abuse]~~ behavioral health of the department of
25 mental health the supplemental fees and interest for all persons
26 enrolled in the program under this section shall be subject to a
27 penalty equal to the amount of interest accrued on the
28 supplemental fees due to the division under this section. If the

1 supplemental fees, interest, and penalties are not remitted to
2 the division of [~~alcohol and drug abuse~~] behavioral health of the
3 department of mental health within six months of the due date,
4 the attorney general of the state of Missouri shall initiate
5 appropriate action for the collection of said fees and accrued
6 interest. The court shall assess attorneys' fees and court costs
7 against any delinquent program.

8 10. Any person who has had a license to operate a motor
9 vehicle revoked under this section and who has a prior
10 alcohol-related enforcement contact, as defined in section
11 302.525, shall be required to file proof with the director of
12 revenue that any motor vehicle operated by the person is equipped
13 with a functioning, certified ignition interlock device as a
14 required condition of license reinstatement. Such ignition
15 interlock device shall further be required to be maintained on
16 all motor vehicles operated by the person for a period of not
17 less than six months immediately following the date of
18 reinstatement. If the monthly monitoring reports show that the
19 ignition interlock device has registered any confirmed blood
20 alcohol concentration readings above the alcohol setpoint
21 established by the department of transportation or that the
22 person has tampered with or circumvented the ignition interlock
23 device within the last three months of the six-month period of
24 required installation of the ignition interlock device, then the
25 period for which the person [~~must~~] shall maintain the ignition
26 interlock device following the date of reinstatement shall be
27 extended until the person has completed three consecutive months
28 with no violations as described in this section. If the person

1 fails to maintain such proof with the director as required by
2 this section, the license shall be rerevoked until proof as
3 required by this section is filed with the director, and the
4 person shall be guilty of a class A misdemeanor.

5 11. The revocation period of any person whose license and
6 driving privilege has been revoked under this section and who has
7 filed proof of financial responsibility with the department of
8 revenue in accordance with chapter 303 and is otherwise eligible
9 shall be terminated by a notice from the director of revenue
10 after one year from the effective date of the revocation. Unless
11 proof of financial responsibility is filed with the department of
12 revenue, the revocation shall remain in effect for a period of
13 two years from its effective date. If the person fails to
14 maintain proof of financial responsibility in accordance with
15 chapter 303, the person's license and driving privilege shall be
16 rerevoked.

17 12. A person commits the offense of failure to maintain
18 proof with the Missouri department of revenue if, when required
19 to do so, he or she fails to file proof with the director of
20 revenue that any vehicle operated by the person is equipped with
21 a functioning, certified ignition interlock device or fails to
22 file proof of financial responsibility with the department of
23 revenue in accordance with chapter 303. The offense of failure
24 to maintain proof with the Missouri department of revenue is a
25 class A misdemeanor.

26 304.580. As used in sections 304.582 and 304.585, the term
27 "construction zone" or "work zone" means any area upon or around
28 any highway as defined in section 302.010 which is visibly marked

1 by the department of transportation or a contractor or
2 subcontractor performing work for the department of
3 transportation as an area where construction, maintenance,
4 incident removal, or other work is temporarily occurring. The
5 term "work zone" or "construction zone" also includes the lanes
6 of highway leading up to the area upon which an activity
7 described in this subsection is being performed, beginning at the
8 point where appropriate signs or traffic control devices are
9 posted or placed. The terms "worker" or "highway worker" as used
10 in sections 304.582 and 304.585 shall mean any person ~~[that]~~ who
11 is working in a construction zone or work zone on a state highway
12 or the right-of-way of a state highway, ~~[or]~~ any employee of the
13 department of transportation ~~[that]~~ who is performing duties
14 under the department's motorist assist program on a state highway
15 or the right-of-way of a state highway, or any utility worker
16 performing utility work on a state highway or the right-of-way of
17 a state highway. "Utility worker" means any employee or person
18 employed under contract of a utility that provides gas, heat,
19 electricity, water, steam, telecommunications or cable services,
20 or sewer services, whether privately, municipally, or
21 cooperatively owned, while in performance of his or her job
22 duties.

23 304.585. 1. A person shall be deemed to commit the offense
24 of "endangerment of a highway worker" upon conviction for any of
25 the following when the offense occurs within a construction zone
26 or work zone, as defined in section 304.580:

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

1 (2) Passing in violation of subsection 4 of section
2 304.582;

3 (3) Failure to stop for a work zone flagman or failure to
4 obey traffic control devices erected in the construction zone or
5 work zone for purposes of controlling the flow of motor vehicles
6 through the zone;

7 (4) Driving through or around a work zone by any lane not
8 clearly designated to motorists for the flow of traffic through
9 or around the work zone;

10 (5) Physically assaulting, or attempting to assault, or
11 threatening to assault a highway worker in a construction zone or
12 work zone, with a motor vehicle or other instrument;

13 (6) Intentionally striking, moving, or altering barrels,
14 barriers, signs, or other devices erected to control the flow of
15 traffic to protect workers and motorists in the work zone for a
16 reason other than avoidance of an obstacle, an emergency, or to
17 protect the health and safety of an occupant of the motor vehicle
18 or of another person; or

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

21 (a) Leaving the scene of an accident in violation of
22 section 577.060;

23 (b) Careless and imprudent driving in violation of
24 subsection 4 of section 304.016;

25 (c) Operating without a valid license in violation of
26 subdivision (1) or (2) of subsection 1 of section 302.020;

27 (d) Operating with a suspended or revoked license;

28 (e) Driving while in an intoxicated condition or under the

1 influence of controlled substances or drugs or driving with an
2 excessive blood alcohol content;

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

4 2. Upon conviction or a plea of guilty for committing the
5 offense of endangerment of a highway worker under subsection 1 of
6 this section if no injury or death to a highway worker resulted
7 from the offense, in addition to any other penalty authorized by
8 law, the person shall be subject to a fine of not more than one
9 thousand dollars and shall have four points assessed to his or
10 her driver's license under section 302.302.

11 3. A person shall be deemed to commit the offense of
12 "aggravated endangerment of a highway worker" upon conviction or
13 a plea of guilty for any offense under subsection 1 of this
14 section when such offense occurs in a construction zone or work
15 zone as defined in section 304.580 and results in the injury or
16 death of a highway worker. Upon conviction or a plea of guilty
17 for committing the offense of aggravated endangerment of a
18 highway worker, in addition to any other penalty authorized by
19 law, the person shall be subject to a fine of not more than five
20 thousand dollars if the offense resulted in injury to a highway
21 worker and ten thousand dollars if the offense resulted in death
22 to a highway worker. In addition, such person shall have twelve
23 points assessed to their driver's license under section 302.302
24 and shall be subject to the provisions of section 302.304
25 regarding the revocation of the person's license and driving
26 privileges.

27 4. Except for the offense established under subdivision (6)
28 of subsection 1 of this section, no person shall be deemed to

1 commit the offense of endangerment of a highway worker except
2 when the act or omission constituting the offense occurred when
3 one or more highway workers were in the construction zone or work
4 zone.

5 5. No person shall be cited or convicted for endangerment
6 of a highway worker or aggravated endangerment of a highway
7 worker, for any act or omission otherwise constituting an offense
8 under subsection 1 of this section, if such act or omission
9 resulted in whole or in part from mechanical failure of the
10 person's vehicle or from the negligence of another person or a
11 highway worker.

12 6. (1) Notwithstanding any provision of this section or
13 any other law to the contrary, the director of the department of
14 revenue or his or her agent shall order the revocation of a
15 driver's license upon its determination that an individual
16 holding such license was involved in a physical accident where
17 his or her negligent acts or omissions contributed to his or her
18 vehicle striking a highway worker within a designated
19 construction zone or work zone where department of transportation
20 guidelines involving notice and signage were properly
21 implemented. The department shall make its determination of
22 these facts on the basis of the report of a law enforcement
23 officer investigating the incident and this determination shall
24 be final unless a hearing is requested and held as provided under
25 subdivision (2) of this subsection. Upon its determination that
26 the facts support a license revocation, the department shall
27 issue a notice of revocation which shall be mailed to the person
28 at the last known address shown on the department's records. The

1 notice is deemed received three days after mailing unless
2 returned by postal authorities. The notice of revocation shall
3 clearly specify the reason and statutory grounds for the
4 revocation, the effective date of the revocation which shall be
5 at least fifteen days from the date the department issued its
6 order, the right of the person to request a hearing, and the date
7 by which the request for a hearing must be made.

8 (2) An individual who received notice of revocation from
9 the department under this section may seek reinstatement by
10 either:

11 (a) Taking and passing the written and driving portions of
12 the driver's license examination, in which case the individual's
13 driver's license shall be immediately reinstated; or

14 (b) Petitioning for a hearing before a circuit division or
15 associate division of the court in the county in which the work
16 zone accident occurred. The individual may request such court to
17 issue an order staying the revocation until such time as the
18 petition for review can be heard. If the court, in its
19 discretion, grants such stay, it shall enter the order upon a
20 form prescribed by the director of revenue and shall send a copy
21 of such order to the director. Such order shall serve as proof
22 of the privilege to operate a motor vehicle in this state, and
23 the director shall maintain possession of the person's license to
24 operate a motor vehicle until the termination of any suspension
25 under this subsection. The clerk of the court shall notify the
26 prosecuting attorney of the county, and the prosecutor shall
27 appear at the hearing on behalf of the director of revenue. At
28 the hearing, the court shall determine only:

1 a. Whether the person was involved in a physical accident
2 where his or her vehicle struck a highway worker within a
3 designated construction or work zone;

4 b. Whether the department of transportation guidelines
5 involving notice and signage were properly implemented in such
6 work zone; and

7 c. Whether the investigating officer had probable cause to
8 believe the person's negligent acts or omissions contributed to
9 his or her vehicle striking a highway worker.

10
11 If the court determines subparagraph a., b., or c. of this
12 paragraph not to be in the affirmative, the court shall order the
13 director to reinstate the license or permit to drive.

14 (3) The department of revenue administrative adjudication
15 to reinstate a driver's license that was revoked under this
16 subsection, and any evidence provided to the department related
17 to such adjudication, shall not be produced by subpoena or any
18 other means and made available as evidence in any other
19 administrative action, civil case, or criminal prosecution. The
20 court's determinations issued under this section, and the
21 evidence provided to the court relating to such determinations,
22 shall not be produced by subpoena or any other means and made
23 available in any other administrative action, civil case, or
24 criminal prosecution. Nothing in this subdivision shall be
25 construed to prevent the department from providing information to
26 the system authorized under 49 U.S.C. Section 31309, or any
27 successor federal law, pertaining to the licensing,
28 identification, and disqualification of operators of commercial

1 motor vehicles.

2 304.590. 1. As used in this section, the term "travel safe
3 zone" means any area upon or around any highway, as defined in
4 section 302.010, which is visibly marked by the department of
5 transportation; and when a highway safety analysis demonstrates
6 fatal or disabling motor vehicle crashes exceed a predicted
7 safety performance level for comparable roadways as determined by
8 the department of transportation.

9 2. Upon a conviction or a plea of guilty by any person for
10 a moving violation as defined in section 302.010 or any offense
11 listed in section 302.302, the court [~~shall~~] may double the
12 amount of fine authorized to be imposed by law, if the moving
13 violation or offense occurred within a travel safe zone.

14 3. Upon a conviction or plea of guilty by any person for a
15 speeding violation under section 304.009 or 304.010, the court
16 [~~shall~~] may double the amount of fine authorized by law, if the
17 violation occurred within a travel safe zone.

18 4. The penalty authorized under subsections [~~1~~] 2 and 3 of
19 this section shall only be assessed by the court if the
20 department of transportation has erected signs upon or around a
21 travel safe zone which are clearly visible from the highway and
22 which state substantially the following message: "Travel Safe
23 Zone – Fines Doubled".

24 5. This section shall not be construed to enhance the
25 assessment of court costs or the assessment of points under
26 section 302.302.

27 304.894. 1. A person commits the offense of endangerment
28 of an emergency responder for any of the following offenses when

1 the offense occurs within an active emergency zone:

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

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

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

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

14 (5) Physically assaulting, attempting to assault, or
15 threatening to assault an emergency responder with a motor
16 vehicle or other instrument; or

17 (6) Intentionally striking, moving, or altering barrels,
18 barriers, signs, or other devices erected to control the flow of
19 traffic to protect emergency responders and motorists unless the
20 action was necessary to avoid an obstacle, an emergency, or to
21 protect the health and safety of an occupant of the motor vehicle
22 or of another person.

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

1 section 302.302 upon conviction.

2 3. A person commits the offense of aggravated endangerment
3 of an emergency responder upon a finding of guilt or a plea of
4 guilty for any offense under subsection 1 of this section when
5 such offense results in the injury or death of an emergency
6 responder. Upon a finding of guilt or a plea of guilty for
7 committing the offense of aggravated endangerment of an emergency
8 responder, in addition to any other penalty authorized by law,
9 the court shall assess a fine of not more than five thousand
10 dollars if the offense resulted in injury to an emergency
11 responder, and ten thousand dollars if the offense resulted in
12 the death of an emergency responder. In addition, twelve points
13 shall be assessed to the operator's license pursuant to section
14 302.302 upon conviction.

15 4. Except for the offense established under subdivision (6)
16 of subsection 1 of this section, no person shall be deemed to
17 have committed the offense of endangerment of an emergency
18 responder except when the act or omission constituting the
19 offense occurred when one or more emergency responders were
20 responding to an active emergency.

21 5. No person shall be cited for, or found guilty of,
22 endangerment of an emergency responder or aggravated endangerment
23 of an emergency responder, for any act or omission otherwise
24 constituting an offense under subsection 1 of this section, if
25 such act or omission resulted in whole or in part from mechanical
26 failure of the person's vehicle, or from the negligence of
27 another person or emergency responder.

28 6. (1) Notwithstanding any provision of this section or

1 any other law to the contrary, the director of the department of
2 revenue or his or her agent shall order the revocation of a
3 driver's license upon its determination that an individual
4 holding such license was involved in a physical accident where
5 his or her negligent acts or omissions substantially contributed
6 to his or her vehicle striking an emergency responder within an
7 active emergency zone where the appropriate visual markings for
8 active emergency zones were properly implemented. The department
9 shall make its determination of these facts on the basis of the
10 report of a law enforcement officer investigating the incident
11 and this determination shall be final unless a hearing is
12 requested and held as provided under subdivision (2) of this
13 subsection. Upon its determination that the facts support a
14 license revocation, the department shall issue a notice of
15 revocation which shall be mailed to the person at the last known
16 address shown on the department's records. The notice is deemed
17 received three days after mailing unless returned by postal
18 authorities. The notice of revocation shall clearly specify the
19 reason and statutory grounds for the revocation, the effective
20 date of the revocation which shall be at least fifteen days from
21 the date the department issued its order, the right of the person
22 to request a hearing, and the date by which the request for a
23 hearing must be made.

24 (2) An individual who received notice of revocation from
25 the department under this section may seek reinstatement by
26 either:

27 (a) Taking and passing the written and driving portions of
28 the driver's license examination, in which case the individual's

1 driver's license shall be immediately reinstated; or

2 (b) Petitioning for a hearing before a circuit division or
3 associate division of the court in the county in which the
4 emergency zone accident occurred. The individual may request
5 such court to issue an order staying the revocation until such
6 time as the petition for review can be heard. If the court, in
7 its discretion, grants such stay, it shall enter the order upon a
8 form prescribed by the director of revenue and shall send a copy
9 of such order to the director. Such order shall serve as proof
10 of the privilege to operate a motor vehicle in this state, and
11 the director shall maintain possession of the person's license to
12 operate a motor vehicle until the termination of any suspension
13 under this subsection. The clerk of the court shall notify the
14 prosecuting attorney of the county, and the prosecutor shall
15 appear at the hearing on behalf of the director of revenue. At
16 the hearing, the court shall determine only:

17 a. Whether the person was involved in a physical accident
18 where his or her vehicle struck an emergency responder within an
19 active emergency zone;

20 b. Whether the guidelines involving notice and signage were
21 properly implemented in such emergency zone; and

22 c. Whether the investigating officer had probable cause to
23 believe the person's negligent acts or omissions substantially
24 contributed to his or her vehicle striking an emergency
25 responder.

26
27 If the court determines subparagraph a., b., or c. of this
28 paragraph not to be in the affirmative, the court shall order the

1 director to reinstate the license or permit to drive.

2 (3) The department of revenue administrative adjudication
3 to reinstate a driver's license that was revoked under this
4 subsection, and any evidence provided to the department related
5 to such adjudication, shall not be produced by subpoena or any
6 other means and made available as evidence in any other
7 administrative action, civil case, or criminal prosecution. The
8 court's determinations issued under this section, and the
9 evidence provided to the court relating to such determinations,
10 shall not be produced by subpoena or any other means and made
11 available in any other administrative action, civil case, or
12 criminal prosecution. Nothing in this subdivision shall be
13 construed to prevent the department from providing information to
14 the system authorized under 49 U.S.C. Section 31309, or any
15 successor federal law, pertaining to the licensing,
16 identification, and disqualification of operators of commercial
17 motor vehicles.

18 479.500. 1. In the twenty-first judicial circuit, a
19 majority of the circuit judges, en banc, may establish a traffic
20 court, which shall be a division of the circuit court, and may
21 authorize the appointment of not more than three municipal judges
22 who shall be known as traffic judges. The traffic judges shall
23 be appointed by a traffic court judicial commission consisting of
24 the presiding judge of the circuit, who shall be the chair, one
25 circuit judge elected by the circuit judges, one associate
26 circuit judge elected by the associate circuit judges of the
27 circuit, and two members appointed by the county executive of St.
28 Louis County, each of whom shall represent one of the two

1 political parties casting the highest number of votes at the next
2 preceding gubernatorial election. The procedures and operations
3 of the traffic court judicial commission shall be established by
4 circuit court rule.

5 2. Traffic judges may be authorized to act as commissioners
6 to hear in the first instance nonfelony violations of state law
7 involving motor vehicles, and such other offenses as may be
8 provided by circuit court rule. Traffic judges may also be
9 authorized to hear in the first instance violations of county and
10 municipal ordinances involving motor vehicles, and other county
11 ordinance violations, as provided by circuit court rule.

12 3. In the event that a county municipal court is
13 established pursuant to section 66.010 which takes jurisdiction
14 of county ordinance violations the circuit court may then
15 authorize the appointment of no more than two traffic judges
16 authorized to hear municipal ordinance violations other than
17 county ordinance violations, and to act as commissioner to hear
18 in the first instance nonfelony violations of state law involving
19 motor vehicles, and such other offenses as may be provided by
20 rule. These traffic court judges also may be authorized to act
21 as commissioners to hear in the first instance petitions to
22 review decisions of the department of revenue or the director of
23 revenue filed pursuant to sections 302.309 and 302.311 and, prior
24 to January 1, 2002, pursuant to sections 302.535 and 302.750.

25 4. After January 1, 2002, traffic judges, in addition to
26 the authority provided in subsection 3 of this section, may be
27 authorized by local court rule adopted pursuant to Article V,
28 Section 15 of the Missouri Constitution to conduct proceedings

1 pursuant to sections 302.535, 302.574, and 302.750, subject to
2 procedures that preserve a meaningful hearing before a judge of
3 the circuit court, as follows:

4 (1) Conduct the initial call docket and accept uncontested
5 dispositions of petitions to review;

6 (2) The petitioner shall have the right to the de novo
7 hearing before a judge of the circuit court, except that, at the
8 option of the petitioner, traffic judges may hear in the first
9 instance such petitions for review.

10 5. In establishing a traffic court, the circuit may be
11 divided into such sectors as may be established by a majority of
12 the circuit and associate circuit judges, en banc. The traffic
13 court in each sector shall hear those cases arising within the
14 territorial limits of the sector unless a case arising within
15 another sector is transferred as provided by operating
16 procedures.

17 6. Traffic judges shall be licensed to practice law in this
18 state and shall serve at the pleasure of a majority of the
19 circuit and associate circuit judges, en banc, and shall be
20 residents of St. Louis County, and shall receive from the state
21 as annual compensation an amount equal to one-third of the annual
22 compensation of an associate circuit judge. Each judge shall
23 devote approximately one-third of his working time to the
24 performance of his duties as a traffic judge. Traffic judges
25 shall not accept or handle cases in their practice of law which
26 are inconsistent with their duties as a traffic judge and shall
27 not be a judge or prosecutor for any other court. Traffic judges
28 shall not be considered state employees and shall not be members

1 of the state employees' or judicial retirement system or be
2 eligible to receive any other employment benefit accorded state
3 employees or judges.

4 7. A majority of the judges, en banc, shall establish
5 operating procedures for the traffic court which shall provide
6 for regular sessions in the evenings after 6:00 p.m. and for
7 Saturday or other sessions as efficient operation and convenience
8 to the public may require. Proceedings in the traffic court,
9 except when a judge is acting as a commissioner pursuant to this
10 section, shall be conducted as provided in supreme court rule 37.
11 The hearing shall be before a traffic judge without jury, and the
12 judge shall assume an affirmative duty to determine the merits of
13 the evidence presented and the defenses of the defendant and may
14 question parties and witnesses. In the event a jury trial is
15 requested, the cause shall be certified to the circuit court for
16 trial by jury as otherwise provided by law. Clerks and computer
17 personnel shall be assigned as needed for the efficient operation
18 of the court.

19 8. In establishing operating procedure, provisions shall be
20 made for appropriate circumstances whereby defendants may enter
21 not guilty pleas and obtain trial dates by telephone or written
22 communication without personal appearance, or to plead guilty and
23 deliver by mail or electronic transfer or other approved method
24 the specified amount of the fine and costs as otherwise provided
25 by law, within a specified period of time.

26 9. Operating procedures shall be provided for electronic
27 recording of proceedings, except that if adequate recording
28 equipment is not provided at county expense, then, in that event,

1 a person aggrieved by a judgment of a traffic judge or
2 commissioner shall have the right of a trial de novo. The
3 procedures for perfecting the right of a trial de novo shall be
4 the same as that provided under sections 512.180 to 512.320,
5 except that the provisions of subsection 2 of section 512.180
6 shall not apply to such cases.

7 10. The circuit court shall only have the authority to
8 appoint two commissioners with the jurisdiction provided in
9 subsection 3 of this section.

10 11. All costs to establish and operate a county municipal
11 court under section 66.010 and this section shall be borne by
12 such county.

13 ✓

14 _____
15

16
17 _____

18 Representative Aaron Griesheimer Senator Dave Schatz