

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 1, Line 1, by inserting after the number 46 the following:

", Page 7, Section 68.075, Line 57, by inserting after all of said section and line the following:

"105.1550. 1. For purposes of this section, the following terms mean:

(1) "Department", the department of labor and industrial relations;

(2) "Director", the director of the department of labor and industrial relations or the director's designee;

(3) "Nonresident bidder", a person or entity who is not a resident bidder;

(4) "Public body", the state and any of its political subdivisions including, but not limited to, a school district or public utility;

(5) "Public improvement", a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, or any of its political subdivisions, including road construction, reconstruction, and maintenance projects;

(6) "Public utility", includes municipally owned utilities and municipally owned waterworks;

(7) "Resident bidder", a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least three years prior to the date of the first advertisement for the public improvement. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country;

(8) "Resident labor force preference", a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

2. Notwithstanding any provision of this chapter to the contrary, when a contract for a public improvement is to be awarded to the lowest and best bidder, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country including, but not limited to, any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed a resident bidder shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the

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1 state or foreign country in which the nonresident bidder is a resident.

2 3. If it is determined by the director that this section shall cause denial of federal funds
3 which would otherwise be available, or would otherwise be inconsistent with requirements of any
4 federal law or regulation, this section may be waived to the extent necessary to prevent denial of the
5 funds or to eliminate the inconsistency with federal requirements.

6 4. A public body awarding a contract for public improvement shall require a nonresident
7 bidder to specify on all project bid specifications and contract documents whether any preference as
8 described in subsection 2 of this section is in effect in the nonresident bidder's state or country of
9 domicile at the time of a bid submittal.

10 5. The director and the department shall administer and enforce this section, and the director
11 shall adopt rules for the administration and enforcement of this section.

12 6. The director shall have the following powers and duties for the purposes of this section:

13 (1) The director shall hold hearings and investigate complaints of violations of this section;

14 (2) The director shall, consistent with due process of law, enter any place of employment to
15 inspect records concerning labor force residency and to question an employer or employee and to
16 investigate such facts, conditions, or matters as are deemed appropriate in determining whether any
17 person has violated the provisions of this section. The director shall only make such an entry in
18 response to a written complaint;

19 (3) The director shall develop a written complaint form applicable to this section and make
20 it available in department offices and on the department's internet website;

21 (4) The director shall sue for injunctive relief against the awarding of a contract, the
22 undertaking of a public improvement, or the continuation of a public improvement in response to a
23 violation of this section;

24 (5) The director shall investigate and ascertain the residency of a worker engaged in any
25 public improvement in this state;

26 (6) The director shall administer oaths, take or cause to be taken deposition of witnesses,
27 and require by subpoena the attendance and testimony of witnesses and the production of all books,
28 registers, payrolls, and other evidence relevant to a matter under investigation or hearing;

29 (7) The director shall employ qualified personnel as are necessary for the enforcement of
30 this section; and

31 (8) The director shall require a contractor or subcontractor to file, within ten days of receipt
32 of a request, any records enumerated in subsection 7 of this section. If the contractor or
33 subcontractor fails to provide the requested records within ten days, the director shall direct, within
34 fifteen days after the end of the ten-day period, the fiscal or financial office charged with the
35 custody and disbursement of funds of the public body that contracted for construction of the public
36 improvement or undertook the public improvement, to immediately withhold from payment to the
37 contractor or subcontractor up to twenty-five percent of the amount to be paid to the contractor or
38 subcontractor under the terms of the contract or written instrument under which the public
39 improvement is being performed. The amount withheld shall be immediately released upon receipt
40 by the public body of a notice from the director indicating that the request for records as required by
41 this section has been satisfied.

42 7. While participating in a public improvement, a nonresident bidder domiciled in a state or
43 country that has established a resident labor force preference shall make and keep, for a period of no
44 less than three years, accurate records of all workers employed by the contractor or subcontractor on
45 the public improvement. The records shall include each worker's name, address, telephone number
46 if available, Social Security number, trade classification, and the starting and ending time of
47 employment.

48 8. Any person or entity that violates the provisions of this section shall be subject to a civil
49 penalty in an amount not to exceed one thousand dollars for each violation found in a first

investigation by the director, not to exceed five thousand dollars for each violation found in a second investigation by the director, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the director. Each violation of this section for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the director shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the department.

9. A party seeking review of the director's determination pursuant to this section shall file a written request for an informal conference with the department. The request shall be received by the department within fifteen days after the date of issuance of the director's determination that a violation has occurred. During the conference, the party seeking review shall present written or oral information and arguments as to why the director's determination should be amended or vacated. The department shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void."; and

Further amend said bill"; and

Further amend said amendment, Page 2, Line 20, by inserting after all of said line the following:

"Further amend said bill, Page 28, Section 301.033, Line 50, by inserting after all of said section and line the following:

"301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. ~~[Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle's location, and in addition may be driven up to one thousand miles per year for personal use. The owner of the historic vehicle shall be responsible for keeping a log of the miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique auto tour or event and~~

mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section shall be punishable under section 301.440 and in addition to any other penalties prescribed by law, upon plea or finding of guilt thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section.

—5.] Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri that is over twenty-five years old, in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as an historic vehicle plate as set forth in subsections 1 and 2 of this section, provided that the configuration of letters, numbers or combination of letters and numbers of such plate are not identical to the configuration of letters, numbers or combination of letters and numbers of any plates already issued to an owner by the director. Such license plate shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed in section 301.130. The owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of registration in the vehicle at all times. The certificate of registration shall be prima facie evidence that the vehicle has been properly registered with the director and that all fees have been paid."; and

Further amend said bill, Page 52, Section 304.050, Line 76, by inserting after all of said section and line the following:

"304.153. 1. As used in this section, the following terms shall mean:

(1) "Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) "Motor club", ~~[an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle]~~ a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers in accordance with section 385.450;

(3) "Patrol officer", a Missouri state highway patrol officer;

(4) "Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) "Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) "Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

(7) "Towing", moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

(8) "Towing company", any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer's jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this

1 section, an owner or operator's request for a specific towing company shall be honored by the
2 Missouri state highway patrol unless:

3 (a) The requested towing company cannot or does not respond in a reasonable time, as
4 determined by a law enforcement officer; or

5 (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law
6 enforcement officer.

7 3. A patrol officer shall not use a towing company located outside of Missouri under this
8 section except under the following circumstances:

9 (1) A state or federal emergency has been declared; or

10 (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a
11 member, requests a specific out-of-state towing company.

12 4. A towing company shall not tow a vehicle to a location outside of Missouri without the
13 consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which
14 the driver or owner of the motor vehicle is a member.

15 5. Any towing company or tow truck arriving at the scene of an accident that has not been
16 called by a patrol officer, a law enforcement officer, a Missouri department of transportation
17 employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor
18 club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the
19 scene of the accident, unless the towing company or tow truck operator is rendering emergency aid
20 in the interest of public safety, or is operating during a declared state of emergency under section
21 44.100.

22 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in
23 violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or
24 pleading guilty for the first violation, and such tow truck shall be subject to impounding. The
25 penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or
26 subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow
27 truck operator from being charged with tampering under chapter 569.

28 7. The provisions of this section shall also apply to motor vehicles towed under section
29 304.155 or 304.157.

30 8. The provisions of this section shall not apply to counties of the third or fourth
31 classification."; and

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33 Further amend said bill, Page 67, Section 365.020, Line 60, by inserting after all of said section and
34 line the following:

35
36 "385.450. 1. As used in this section, the following terms shall mean:

37 (1) "Motor club", a legal entity that, in consideration of dues, assessments, or periodic
38 payments of money, promises to provide motor club services to its members or subscribers;

39 (2) "Motor club contract", an agreement whereby a motor club promises to render, furnish,
40 or procure motor club services to or for its members or subscribers;

41 (3) "Motor club services", services that assist a member or subscriber of a motor club in
42 matters relating to motor travel or the operation, use, or maintenance of a motor vehicle by
43 supplying services that may include, but are not limited to, towing service, emergency road service,
44 bail and guaranteed arrest bond certificate service, discount service, theft service, map service,
45 touring service, legal fee reimbursement service in the defense of traffic offenses, and the
46 participation in an accident and sickness or accidental death insurance benefit program.

47 2. Fees collected from the sale of motor club contracts shall not be subject to taxation of
48 premiums under chapter 148.

49 3. Motor clubs complying with the provisions of this section shall not be required to comply

1 with the provisions of chapter 374 or 375, or any other provisions governing insurance companies,
 2 except as specifically provided."; and
 3

4 Further amend said bill, Page 79, Section 578.120, Line 20, by inserting after all of said section and
 5 line the following:
 6

7 "643.310. 1. The commission may, by rule, establish a decentralized motor vehicle
 8 emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a
 9 nonattainment area located within the area described in subsection 1 of section 643.305, except that
 10 no decentralized motor vehicle emissions inspection program shall be established in any county with
 11 a charter form of government and with more than three hundred thousand but fewer than four
 12 hundred fifty thousand inhabitants or any county of the first classification with more than one
 13 hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a
 14 charter form of government and with more than two hundred thousand but fewer than three hundred
 15 fifty thousand inhabitants. The decentralized motor vehicle emissions inspection program shall be
 16 implemented and applied in the same manner throughout every portion of a nonattainment area
 17 located within the area described in subsection 1 of section 643.305 except any county with a
 18 charter form of government and with more than three hundred thousand but fewer than four hundred
 19 fifty thousand inhabitants or any county of the first classification with more than one hundred one
 20 thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form
 21 of government and with more than two hundred thousand but fewer than three hundred fifty
 22 thousand inhabitants. The commission shall ensure that, for each nonattainment area, the state
 23 implementation plan established pursuant to subsection 1 of section 643.305 incorporates and
 24 receives all applicable credits allowed by the United States Environmental Protection Agency for
 25 emission reduction programs in other nonattainment areas of like designation in other states. The
 26 commission shall ensure that emission reduction amounts established pursuant to subsection 2 of
 27 section 643.305 shall be consistent with and not exceed the emissions reduction amounts required
 28 by the United States Environmental Protection Agency for other nonattainment areas of like
 29 designation in other states. No motor vehicle emissions inspection program shall be required to
 30 comply with subsection 1 of section 643.305 unless the plan established thereunder takes full
 31 advantage of any changes in requirements or any agreements made or entered into by the United
 32 States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area
 33 concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act,
 34 as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder. If the
 35 exception of certain counties from provisions of this subsection has the effect of placing the state of
 36 Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that
 37 would result in the loss of any federal funds to the state, the exception of certain counties shall
 38 expire three years from the date the state is deemed to be in noncompliance.

39 2. (1) The department, with the cooperation and approval of the commissioner of
 40 administration, shall select a person or persons to operate an inspection facility or inspection
 41 program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated
 42 process or a combination thereof based on criteria and expectations established by the department.
 43 This process may use either a licensing arrangement or contractual arrangement with the selected
 44 party or parties. The selection of persons to operate inspection facilities or inspection programs
 45 shall be exempt from the provisions of all site procurement laws. Each person who is authorized to
 46 operate a station pursuant to this section shall be capable of providing adequate and cost-effective
 47 service to customers.

48 (2) Service management, coordination and data processing may be provided by the
 49 department or by another person, including a contractor or licensee, based upon the most cost-

1 effective proposal for service.

2 (3) A license or contract shall be for a period of up to seven years, consistent with the
3 provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be
4 annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor
5 is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license
6 agreement or contract as determined by the department. A licensee or contractor found to have
7 violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or
8 contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

9 3. The commission, the department of economic development and the office of
10 administration shall, in cooperation with the minority business advocacy commission, select the
11 contractor or contractors to provide an inspection program which satisfies the minimum
12 requirements of this section in accordance with the requirements of section 37.014 and chapter 34.
13 The commission, the office of administration and the department of economic development, in
14 cooperation with the minority business advocacy commission, shall ensure adequate minority
15 business participation in the selection of the contractor or contractors to provide an inspection
16 program pursuant to this section. The commission, the office of administration and the department
17 of economic development shall ensure adequate participation of Missouri businesses in the selection
18 of the contractor or contractors to provide an inspection program pursuant to this section.

19 4. With approval of the commission and pursuant to rules adopted by the commission, an
20 organization whose members are motor vehicle dealers or leasing companies may establish one or
21 more additional emissions inspection facilities, which may be either mobile or stationary, to be used
22 solely to inspect motor vehicles owned and held for sale or lease by the members of the
23 organization. With approval of the commission and pursuant to rules adopted by the commission,
24 any person operating a fleet of motor vehicles may establish one or more additional emissions
25 inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor
26 vehicles owned or leased and operated by the person establishing the facility. The inspections
27 performed in facilities established pursuant to this subsection shall be performed by a contractor
28 selected by the commission pursuant to this section and the contractor performing such inspections
29 shall be responsible solely to the department and shall satisfy all applicable requirements of sections
30 643.300 to 643.355.

31 5. If the governor applies to the administrator of the Environmental Protection Agency to
32 require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355
33 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale
34 to agricultural, commercial or retail customers outside said nonattainment areas subject to
35 reformulated gasoline."; and"; and

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37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.

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40 THIS AMENDS 071H05.14H