

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 56 & 61
102ND GENERAL ASSEMBLY

1205H.05C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 144.020, 144.070, 302.130, 302.178, 302.304, 302.440, 302.525, 302.574, 304.820, 407.812, and 407.828, RSMo, and to enact in lieu thereof eleven new sections relating to motor vehicles, with penalty provisions.

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

Section A. Sections 144.020, 144.070, 302.130, 302.178, 302.304, 302.440, 302.525,
2 302.574, 304.820, 407.812, and 407.828, RSMo, are repealed and eleven new sections
3 enacted in lieu thereof, to be known as sections 144.020, 144.070, 302.130, 302.178, 302.304,
4 302.440, 302.525, 302.574, 304.822, 407.812, and 407.828, to read as follows:

144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and
2 used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the
3 highways or waters of this state which are required to be titled under the laws of the state of
4 Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the
5 privilege of engaging in the business of selling tangible personal property or rendering
6 taxable service at retail in this state. The rate of tax shall be as follows:

7 (1) Upon every retail sale in this state of tangible personal property, excluding motor
8 vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to
9 be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this
10 subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case
11 such sale involves the exchange of property, a tax equivalent to four percent of the
12 consideration paid or charged, including the fair market value of the property exchanged at
13 the time and place of the exchange, except as otherwise provided in section 144.025;

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

14 (2) A tax equivalent to four percent of the amount paid for admission and seating
15 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation,
16 games and athletic events, except amounts paid for any instructional class;

17 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of
18 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or
19 industrial consumers;

20 (4) (a) A tax equivalent to four percent on the basic rate paid or charged on all sales
21 of local and long distance telecommunications service to telecommunications subscribers and
22 to others through equipment of telecommunications subscribers for the transmission of
23 messages and conversations and upon the sale, rental or leasing of all equipment or services
24 pertaining or incidental thereto; except that, the payment made by telecommunications
25 subscribers or others, pursuant to section 144.060, and any amounts paid for access to the
26 internet or interactive computer services shall not be considered as amounts paid for
27 telecommunications services;

28 (b) If local and long distance telecommunications services subject to tax under this
29 subdivision are aggregated with and not separately stated from charges for
30 telecommunications service or other services not subject to tax under this subdivision,
31 including, but not limited to, interstate or international telecommunications services, then the
32 charges for nontaxable services may be subject to taxation unless the telecommunications
33 provider can identify by reasonable and verifiable standards such portion of the charges not
34 subject to such tax from its books and records that are kept in the regular course of business,
35 including, but not limited to, financial statement, general ledgers, invoice and billing systems
36 and reports, and reports for regulatory tariffs and other regulatory matters;

37 (c) A telecommunications provider shall notify the director of revenue of its intention
38 to utilize the standards described in paragraph (b) of this subdivision to determine the charges
39 that are subject to sales tax under this subdivision. Such notification shall be in writing and
40 shall meet standardized criteria established by the department regarding the form and format
41 of such notice;

42 (d) The director of revenue may promulgate and enforce reasonable rules and
43 regulations for the administration and enforcement of the provisions of this subdivision. Any
44 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
45 authority delegated in this section shall become effective only if it complies with and is
46 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
47 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
48 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
49 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
50 rule proposed or adopted after August 28, 2019, shall be invalid and void;

51 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of
52 services for transmission of messages of telegraph companies;

53 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,
54 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house,
55 drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or
56 drinks are regularly served to the public. The tax imposed under this subdivision shall not
57 apply to any automatic mandatory gratuity for a large group imposed by a restaurant when
58 such gratuity is reported as employee tip income and the restaurant withholds income tax
59 under section 143.191 on such gratuity;

60 (7) A tax equivalent to four percent of the amount paid or charged for intrastate
61 tickets by every person operating a railroad, sleeping car, dining car, express car, boat,
62 airplane and such buses and trucks as are licensed by the division of motor carrier and railroad
63 safety of the department of economic development of Missouri, engaged in the transportation
64 of persons for hire;

65 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease
66 of tangible personal property, provided that if the lessor or renter of any tangible personal
67 property had previously purchased the property under the conditions of sale at retail or leased
68 or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor,
69 sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease,
70 sublease, rental or subrental receipts from that property. The purchase, rental or lease of
71 motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors
72 shall be taxed and the tax paid as provided in this section and section 144.070. In no event
73 shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to,
74 for or in places of amusement, entertainment or recreation nor shall any such rental or lease
75 be subject to any tax imposed to, for, or in such places of amusement, entertainment or
76 recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of
77 the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible
78 personal property which is exempt from the sales or use tax under section 144.030 upon a sale
79 thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

80 (9) A tax equivalent to four percent of the purchase price, as defined in section
81 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or
82 acquired for use on the highways or waters of this state which are required to be registered
83 under the laws of the state of Missouri. This tax is imposed on the person titling such
84 property, and shall be paid according to the procedures in section **144.070 or** 144.440.

85 2. All tickets sold which are sold under the provisions of this chapter which are
86 subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words
87 "This ticket is subject to a sales tax."

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing or rental company and pay an annual fee of two hundred fifty dollars for such authority. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor

38 which is leased as the result of a contract executed in this state shall be presumed to be
39 domiciled in this state.

40 6. Every applicant to be a registered fleet owner as described in subsections 6 to 10 of
41 section 301.032 shall furnish with the application to operate as a registered fleet owner a
42 corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued
43 by any state or federal financial institution in the penal sum of one hundred thousand dollars,
44 on a form approved by the department. The bond or irrevocable letter of credit shall be
45 conditioned upon the registered fleet owner complying with the provisions of any statutes
46 applicable to registered fleet owners, and the bond shall be an indemnity for any loss
47 sustained by reason of the acts of the person bonded when such acts constitute grounds for the
48 suspension or revocation of the registered fleet owner license. The bond shall be executed in
49 the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable
50 letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate
51 liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed
52 the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable
53 letter of credit shall be paid upon receipt by the department of a final judgment from a
54 Missouri court of competent jurisdiction against the principal and in favor of an aggrieved
55 party.

56 7. Any corporation may have one or more of its divisions separately apply to the
57 director of revenue for authorization to operate as a leasing company, provided that the
58 corporation:

59 (1) Has filed a written consent with the director authorizing any of its divisions to
60 apply for such authority;

61 (2) Is authorized to do business in Missouri;

62 (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor
63 from one of its divisions to another of its divisions as a sale at retail;

64 (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230
65 each of its divisions doing business in Missouri as a leasing company; and

66 (5) Operates each of its divisions on a basis separate from each of its other divisions.
67 However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a
68 corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to
69 sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not
70 apply.

71 8. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge
72 and collect sales tax as provided in this section, the owner shall make application to the
73 director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor
74 leasing company. The director of revenue shall promulgate rules and regulations determining

75 the qualifications of such a company, and the method of collection and reporting of sales tax
76 charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers,
77 boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard
78 motor leasing companies under the provisions of subsection 5 of this section, and no motor
79 vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or
80 leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all
81 motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

82 9. Any person, company, or corporation engaged in the business of renting or leasing
83 three thousand five hundred or more motor vehicles which are to be used exclusively for
84 rental or leasing purposes and not for resale, and that has applied to the director of revenue for
85 authority to operate as a leasing company may also operate as a registered fleet owner as
86 prescribed in section 301.032.

87 10. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560
88 engaged in the business of selling motor vehicles or trailers ~~may~~ **shall** apply to the director
89 of revenue for authority to collect and remit the sales tax required under this section on all
90 motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to
91 collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any
92 motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this
93 subsection shall be entitled to deduct and retain an amount equal to two percent of the motor
94 vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this
95 subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not
96 constitute state revenue. In no event shall revenues from the general revenue fund or any
97 other state fund be utilized to compensate motor vehicle dealers for their role in collecting and
98 remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is
99 held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer
100 shall be authorized to collect and remit sales taxes on motor vehicles under this section. No
101 motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a
102 court of competent jurisdiction declares that the retention of two percent of the motor vehicle
103 sales tax is unconstitutional and orders the return of such revenues.

104 **11. (1) Every motor vehicle dealer licensed under section 301.560, as soon as**
105 **technologically possible following the development and maintenance of a modernized,**
106 **integrated system for the titling of vehicles, issuance and renewal of vehicle**
107 **registrations, issuance and renewal of driver's licenses and identification cards, and**
108 **perfection and release of liens and encumbrances on vehicles, to be funded by the motor**
109 **vehicle administration technology fund as created in section 301.558, shall collect and**
110 **remit the sales tax required under this section on all motor vehicles that such dealer**

111 sells. In collecting and remitting this sales tax, motor vehicle dealers shall be subject to
112 all applicable provisions under sections 144.010 to 144.527.

113 (2) The director of revenue may promulgate all necessary rules and regulations
114 for the administration of this subsection. Any rule or portion of a rule, as that term is
115 defined in section 536.010, that is created under the authority delegated in this
116 subsection shall become effective only if it complies with and is subject to all of the
117 provisions of chapter 536 and, if applicable, section 536.028. This subsection and
118 chapter 536 are nonseverable and if any of the powers vested with the general assembly
119 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
120 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
121 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

302.130. 1. Any person at least fifteen years of age who, except for age or lack of
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a
4 temporary instruction permit entitling the applicant, while having such permit in the
5 applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the
6 highways for a period of twelve months, but any such person, except when operating a
7 motorcycle or motortricycle, must be accompanied by a licensed operator for the type of
8 motor vehicle being operated who is actually occupying a seat beside the driver for the
9 purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of
10 age, and in the case of any driver under sixteen years of age, the licensed operator occupying
11 the seat beside the driver shall be a grandparent, parent, guardian, a person who is at least
12 twenty-five years of age who has been licensed for a minimum of three years and has received
13 written permission from the parent or legal guardian to escort or accompany the driver, a
14 driver training instructor holding a valid driver education endorsement on a teaching
15 certificate issued by the department of elementary and secondary education or a qualified
16 instructor of a private drivers' education program who has a valid driver's license. **Any**
17 **person occupying a seat beside a driver as required under this subsection shall not be**
18 **under the influence of alcohol, controlled substances, or marijuana.** An applicant for a
19 temporary instruction permit shall successfully complete a vision test and a test of the
20 applicant's ability to understand highway signs which regulate, warn or direct traffic and
21 practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition,
22 beginning January 1, 2007, no permit shall be granted pursuant to this subsection unless a
23 parent or legal guardian gives written permission by signing the application and in so signing,
24 state they, or their designee as set forth in subsection 2 of this section, will provide a
25 minimum of forty hours of behind-the-wheel driving instruction, including a minimum of ten
26 hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling

27 between sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is
28 completed pursuant to this subsection may include any time that the holder of an instruction
29 permit has spent operating a motor vehicle in a driver training program taught by a driver
30 training instructor holding a valid driver education endorsement on a teaching certificate
31 issued by the department of elementary and secondary education or by a qualified instructor
32 of a private drivers' education program. If the applicant for a permit is enrolled in a federal
33 residential job training program, the instructor, as defined in subsection 5 of this section, is
34 authorized to sign the application stating that the applicant will receive the behind-the-wheel
35 driving instruction required by this section.

36 2. In the event the parent, grandparent or guardian of the person under sixteen years
37 of age has a physical disability which prohibits or disqualifies said parent, grandparent or
38 guardian from being a qualified licensed operator pursuant to this section, said parent,
39 grandparent or guardian may designate a maximum of two individuals authorized to
40 accompany the applicant for the purpose of giving instruction in driving the motor vehicle.
41 An authorized designee must be a licensed operator for the type of motor vehicle being
42 operated and have attained twenty-one years of age. At least one of the designees must
43 occupy the seat beside the applicant while giving instruction in driving the motor vehicle.
44 **Any person occupying a seat beside a driver as required under this subsection shall not**
45 **be under the influence of alcohol, controlled substances, or marijuana.** The name of the
46 authorized designees must be provided to the department of revenue by the parent,
47 grandparent or guardian at the time of application for the temporary instruction permit. The
48 name of each authorized designee shall be printed on the temporary instruction permit,
49 however, the director may delay the time at which permits are printed bearing such names
50 until the inventories of blank permits and related forms existing on August 28, 1998, are
51 exhausted.

52 3. The director, upon proper application on a form prescribed by the director, in his or
53 her discretion, may issue a restricted instruction permit effective for a school year or more
54 restricted period to an applicant who is enrolled in a high school driver training program
55 taught by a driver training instructor holding a valid driver education endorsement on a
56 teaching certificate issued by the state department of elementary and secondary education
57 even though the applicant has not reached the age of sixteen years but has passed the age of
58 fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such
59 permit in his or her immediate possession, to operate a motor vehicle on the highways, but
60 only when a driver training instructor holding a valid driver education endorsement on a
61 teaching certificate issued by the state department of elementary and secondary education is
62 occupying a seat beside the driver.

63 4. The director, in his or her discretion, may issue a temporary driver's permit to an
64 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
65 vehicle while the director is completing the director's investigation and determination of all
66 facts relative to such applicant's rights to receive a license. Such permit must be in the
67 applicant's immediate possession while operating a motor vehicle, and it shall be invalid
68 when the applicant's license has been issued or for good cause has been refused.

69 5. In the event that the applicant for a temporary instruction permit described in
70 subsection 1 of this section is a participant in a federal residential job training program, the
71 permittee may operate a motor vehicle accompanied by a driver training instructor who holds
72 a valid driver education endorsement issued by the department of elementary and secondary
73 education and a valid driver's license.

74 6. A person at least fifteen years of age may operate a motor vehicle as part of a
75 driver training program taught by a driver training instructor holding a valid driver education
76 endorsement on a teaching certificate issued by the department of elementary and secondary
77 education or a qualified instructor of a private drivers' education program.

78 7. Beginning January 1, 2003, the director shall issue with every temporary
79 instruction permit issued pursuant to subsection 1 of this section a sticker or sign bearing the
80 words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined
81 by the director by regulation. Every applicant issued a temporary instruction permit and
82 sticker on or after January 1, 2003, may display or affix the sticker or sign on the rear window
83 of the motor vehicle. Such sticker or sign may be displayed on the rear window of the motor
84 vehicle whenever the holder of the instruction permit operates a motor vehicle during his or
85 her temporary permit licensure period.

86 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
87 permit issued under this section is lawfully present in the United States before accepting the
88 application. The director shall not issue an instruction permit for a period that exceeds an
89 applicant's lawful presence in the United States. The director may establish procedures to
90 verify the lawful presence of the applicant and establish the duration of any permit issued
91 under this section.

92 9. The director may adopt rules and regulations necessary to carry out the provisions
93 of this section.

302.178. 1. Any person between the ages of sixteen and eighteen years who is
2 qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the
3 director shall issue, an intermediate driver's license entitling the applicant, while having such
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the
5 highways of this state in conjunction with the requirements of this section. An intermediate

6 driver's license shall be readily distinguishable from a license issued to those over the age of
7 eighteen. All applicants for an intermediate driver's license shall:

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 4 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the
17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the Armed Forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal
25 guardian; or

26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate
33 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
34 no person shall operate a motor vehicle on the highways of this state under such an
35 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
36 accompanied by a person described in subsection 1 of section 302.130; except the licensee
37 may operate a motor vehicle without being accompanied if the travel is to or from a school or
38 educational program or activity, a regular place of employment or in emergency situations as
39 defined by the director by regulation. **Any person accompanying a driver as required**
40 **under this subsection shall not be under the influence of alcohol, controlled substances,**
41 **or marijuana.**

42 3. Each intermediate driver's license shall be restricted by requiring that the driver
43 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
44 restriction shall not apply to a person operating a motorcycle. For the first six months after
45 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
46 vehicle with more than one passenger who is under the age of nineteen who is not a member
47 of the holder's immediate family. As used in this subsection, an intermediate driver's license
48 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
49 driver, including adopted or foster children residing in the same household of the intermediate
50 driver's license holder. After the expiration of the first six months, the holder of an
51 intermediate driver's license shall not operate a motor vehicle with more than three passengers
52 who are under nineteen years of age and who are not members of the holder's immediate
53 family. The passenger restrictions of this subsection shall not be applicable to any
54 intermediate driver's license holder who is operating a motor vehicle being used in
55 agricultural work-related activities.

56 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
57 intermediate driver's license shall be five dollars and such license shall be valid for a period of
58 two years.

59 5. Any intermediate driver's licensee accumulating six or more points in a twelve-
60 month period may be required to participate in and successfully complete a driver-
61 improvement program approved by the state highways and transportation commission. The
62 driver-improvement program ordered by the director of revenue shall not be used in lieu of
63 point assessment.

64 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
65 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no
66 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
67 within the thirty days immediately preceding their eighteenth birthday may apply for and
68 receive without further examination, other than a vision test as prescribed by section 302.173,
69 a license issued pursuant to this chapter granting full driving privileges. Such person shall
70 pay the required fee for such license as prescribed in section 302.177.

71 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
72 such license shall remain valid for the five business days immediately following the
73 expiration date. In no case shall a licensee whose intermediate driver's license expires on a
74 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid
75 driver's license if such offense occurred within five business days immediately following an
76 expiration date that occurs on a Saturday, Sunday, or legal holiday.

77 (3) The director of revenue shall deny an application for a full driver's license until
78 the person has had no traffic convictions for which points are assessed for a period of twelve

79 months prior to the date of application for license or until the person is eligible to apply for a
80 six-year driver's license as provided for in section 302.177, provided the applicant is
81 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
82 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
83 (1) of this section.

84 7. No person upon reaching the age of eighteen years whose intermediate driver's
85 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
86 other state for any reason may apply for a full driver's license until such license or driving
87 privilege is fully reinstated. Any such person whose intermediate driver's license has been
88 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
89 reinstatement of the revocation from the director, pass the complete driver examination, apply
90 for a new license, and pay the proper fee before again operating a motor vehicle upon the
91 highways of this state.

92 8. A person shall be exempt from the intermediate licensing requirements if the
93 person has reached the age of eighteen years and meets all other licensing requirements.

94 9. Any person who violates any of the provisions of this section relating to
95 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
96 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
97 driving record for any such violation.

98 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
99 created under the authority delegated in this section shall become effective only if it complies
100 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
101 This section and chapter 536 are nonseverable and if any of the powers vested with the
102 general assembly pursuant to chapter 536 to review, to delay the effective date or to
103 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
104 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
105 and void.

302.304. 1. The director shall notify by ordinary mail any operator of the point value
2 charged against the operator's record when the record shows four or more points have been
3 accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under this section
5 points shall be accumulated on the date of conviction. No case file of any conviction for a
6 driving violation for which points may be assessed pursuant to section 302.302 may be closed
7 until such time as a copy of the record of such conviction is forwarded to the department of
8 revenue.

9 3. The director shall suspend the license and driving privileges of any person whose
10 driving record shows the driver has accumulated eight points in eighteen months.

11 4. The license and driving privilege of any person whose license and driving privilege
12 have been suspended under the provisions of sections 302.010 to 302.540 except those
13 persons whose license and driving privilege have been suspended under the provisions of
14 subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points
15 together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who
16 has filed proof of financial responsibility with the department of revenue, in accordance with
17 chapter 303, and is otherwise eligible, shall be reinstated as follows:

18 (1) In the case of an initial suspension, thirty days after the effective date of the
19 suspension;

20 (2) In the case of a second suspension, sixty days after the effective date of the
21 suspension;

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective
23 date of the suspension.

24

25 Unless proof of financial responsibility is filed with the department of revenue, a suspension
26 shall continue in effect for two years from its effective date.

27 5. The period of suspension of the driver's license and driving privilege of any person
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving
32 privilege, upon compliance with other requirements of law and upon filing of proof of
33 financial responsibility with the department of revenue, in accordance with chapter 303, the
34 license and driving privilege shall be reinstated. If a person, otherwise subject to the
35 provisions of this subsection, files proof of installation with the department of revenue that
36 any vehicle operated by such person is equipped with a functioning, certified ignition
37 interlock device, there shall be no period of suspension. However, in lieu of a suspension the
38 person shall instead complete a ninety-day period of restricted driving privilege. If the person
39 fails to maintain such proof of the device with the director of revenue as required, the
40 restricted driving privilege shall be terminated. Upon completion of such ninety-day period
41 of restricted driving privilege, upon compliance with other requirements of law, and upon
42 filing of proof of financial responsibility with the department of revenue, in accordance with
43 chapter 303, the license and driving privilege shall be reinstated. However, if the monthly
44 monitoring reports during such ninety-day period indicate that the ignition interlock device
45 has registered a confirmed blood alcohol concentration level above the alcohol setpoint
46 established by the department of transportation or such reports indicate that the ignition
47 interlock device has been tampered with or circumvented, then the license and driving

48 privilege of such person shall not be reinstated until the person completes an additional thirty-
49 day period of restricted driving privilege.

50 6. If the person fails to maintain proof of financial responsibility in accordance with
51 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is
52 equipped with a functioning, certified ignition interlock device installed pursuant to
53 subsection 5 of this section, the person's driving privilege and license shall be resuspended.

54 7. The director shall revoke the license and driving privilege of any person when the
55 person's driving record shows such person has accumulated twelve points in twelve months or
56 eighteen points in twenty-four months or twenty-four points in thirty-six months. The
57 revocation period of any person whose license and driving privilege have been revoked under
58 the provisions of sections 302.010 to 302.540 and who has filed proof of financial
59 responsibility with the department of revenue in accordance with chapter 303 and is otherwise
60 eligible, shall be terminated by a notice from the director of revenue after one year from the
61 effective date of the revocation. Unless proof of financial responsibility is filed with the
62 department of revenue, except as provided in subsection 2 of section 302.541, the revocation
63 shall remain in effect for a period of two years from its effective date. If the person fails to
64 maintain proof of financial responsibility in accordance with chapter 303, the person's license
65 and driving privilege shall be rerevoked. Any person whose license and driving privilege
66 have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of
67 the notice of termination of the revocation from the director, pass the complete driver
68 examination and apply for a new license before again operating a motor vehicle upon the
69 highways of this state.

70 8. If, prior to conviction for an offense that would require suspension or revocation of
71 a person's license under the provisions of this section, the person's total points accumulated
72 are reduced, pursuant to the provisions of section 302.306, below the number of points
73 required for suspension or revocation pursuant to the provisions of this section, then the
74 person's license shall not be suspended or revoked until the necessary points are again
75 obtained and accumulated.

76 9. If any person shall neglect or refuse to surrender the person's license, as provided
77 herein, the director shall direct the state highway patrol or any peace or police officer to
78 secure possession thereof and return it to the director.

79 10. Upon the issuance of a reinstatement or termination notice after a suspension or
80 revocation of any person's license and driving privilege under the provisions of sections
81 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that
82 the points of any person serving as a member of the Armed Forces of the United States
83 outside the limits of the United States during a period of suspension or revocation shall be
84 reduced to zero upon the date of the reinstatement or termination of notice. It shall be the

85 responsibility of such member of the Armed Forces to submit copies of official orders to the
86 director of revenue to substantiate such overseas service. Any other provision of sections
87 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points
88 remaining on the record upon reinstatement or termination shall be the date of the
89 reinstatement or termination notice.

90 11. No credit toward reduction of points shall be given during periods of suspension
91 or revocation or any period of driving under a limited driving privilege granted by a court or
92 the director of revenue.

93 12. Any person or nonresident whose license or privilege to operate a motor vehicle
94 in this state has been suspended or revoked under this or any other law shall, before having
95 the license or privilege to operate a motor vehicle reinstated, pay to the director a
96 reinstatement fee of twenty dollars which shall be in addition to all other fees provided by
97 law.

98 13. Notwithstanding any other provision of law to the contrary, if after two years from
99 the effective date of any suspension or revocation issued under this chapter, except any
100 suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or
101 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate
102 such license or privilege to operate a motor vehicle in this state. Any person who has had his
103 or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be
104 required to pay the reinstatement fee.

105 14. No person who has had a license to operate a motor vehicle suspended or revoked
106 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of
107 subsection 1 of section 302.302 shall have that license reinstated until such person has
108 participated in and successfully completed a substance abuse traffic offender program defined
109 in section 302.010, or a program determined to be comparable by the department of mental
110 health. Assignment recommendations, based upon the needs assessment as described in
111 subdivision (24) of section 302.010, shall be delivered in writing to the person with written
112 notice that the person is entitled to have such assignment recommendations reviewed by the
113 court if the person objects to the recommendations. The person may file a motion in the
114 associate division of the circuit court of the county in which such assignment was given, on a
115 printed form provided by the state courts administrator, to have the court hear and determine
116 such motion pursuant to the provisions of chapter 517. The motion shall name the person or
117 entity making the needs assessment as the respondent and a copy of the motion shall be
118 served upon the respondent in any manner allowed by law. Upon hearing the motion, the
119 court may modify or waive any assignment recommendation that the court determines to be
120 unwarranted based upon a review of the needs assessment, the person's driving record, the
121 circumstances surrounding the offense, and the likelihood of the person committing a like

122 offense in the future, except that the court may modify but may not waive the assignment to
123 an education or rehabilitation program of a person determined to be a prior or persistent
124 offender as defined in section 577.001 or of a person determined to have operated a motor
125 vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.
126 Compliance with the court determination of the motion shall satisfy the provisions of this
127 section for the purpose of reinstating such person's license to operate a motor vehicle. The
128 respondent's personal appearance at any hearing conducted pursuant to this subsection shall
129 not be necessary unless directed by the court.

130 15. The fees for the program authorized in subsection 14 of this section, or a portion
131 thereof to be determined by the department of mental health, shall be paid by the person
132 enrolled in the program. Any person who is enrolled in the program shall pay, in addition to
133 any fee charged for the program, a supplemental fee in an amount to be determined by the
134 department of mental health for the purposes of funding the substance abuse traffic offender
135 program defined in section 302.010 or a program determined to be comparable by the
136 department of mental health. The administrator of the program shall remit to the division of
137 alcohol and drug abuse of the department of mental health on or before the fifteenth day of
138 each month the supplemental fee for all persons enrolled in the program, less two percent for
139 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees
140 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate
141 not to exceed the annual rate established pursuant to the provisions of section 32.065, plus
142 three percentage points. The supplemental fees and any interest received by the department
143 of mental health pursuant to this section shall be deposited in the mental health earnings fund
144 which is created in section 630.053.

145 16. Any administrator who fails to remit to the division of alcohol and drug abuse of
146 the department of mental health the supplemental fees and interest for all persons enrolled in
147 the program pursuant to this section shall be subject to a penalty equal to the amount of
148 interest accrued on the supplemental fees due the division pursuant to this section. If the
149 supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug
150 abuse of the department of mental health within six months of the due date, the attorney
151 general of the state of Missouri shall initiate appropriate action of the collection of said fees
152 and interest accrued. The court shall assess attorney fees and court costs against any
153 delinquent program.

154 17. Any person who has had a license to operate a motor vehicle suspended or
155 revoked as a result of:

156 **(1)** An assessment of points for a conviction for an intoxication-related traffic
157 offense, as defined under section 577.001, **in which the person's blood alcohol content was**
158 **found to be at least eight-hundredths of one percent but less than fifteen-hundredths of**

159 **one percent by weight of alcohol in such person's blood** and who has a prior alcohol-
160 related enforcement contact as defined under section 302.525[=]; or

161 **(2) An assessment of points for a conviction for an intoxication-related traffic**
162 **offense, as defined under section 577.001, in which the person's blood alcohol content**
163 **was found to be fifteen-hundredths of one percent or more by weight of alcohol in such**
164 **person's blood;**

165

166 shall be required to file proof with the director of revenue that any motor vehicle operated by
167 the person is equipped with a functioning, certified ignition interlock device as a required
168 condition of reinstatement of the license. The ignition interlock device shall further be
169 required to be maintained on all motor vehicles operated by the person for a period of not less
170 than six months immediately following the date of reinstatement. If the monthly monitoring
171 reports show that the ignition interlock device has registered any confirmed blood alcohol
172 concentration readings above the alcohol setpoint established by the department of
173 transportation or that the person has tampered with or circumvented the ignition interlock
174 device within the last three months of the six-month period of required installation of the
175 ignition interlock device, then the period for which the person must maintain the ignition
176 interlock device following the date of reinstatement shall be extended until the person has
177 completed three consecutive months with no violations as described in this section. If the
178 person fails to maintain such proof with the director, the license shall be resuspended or
179 revoked and the person shall be guilty of a class A misdemeanor.

302.440. In addition to any other provisions of law, a court may require that any
2 person who is found guilty of a first intoxication-related traffic offense, as defined in section
3 577.001, and a court shall require that any person who is found guilty of a second or
4 subsequent intoxication-related traffic offense, as defined in section 577.001, **or any person**
5 **who is found guilty of an intoxication-related traffic offense, as defined under section**
6 **577.001, in which the person's blood alcohol content was found to be fifteen-hundredths**
7 **of one percent or more by weight of alcohol in such person's blood** shall not operate any
8 motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock
9 device **that the person must use** for a period of not less than six months from the date of
10 reinstatement of the person's driver's license. In addition, any court authorized to grant a
11 limited driving privilege under section 302.309 to any person who is found guilty of a second
12 or subsequent intoxication-related traffic offense **or to any person who is found guilty of an**
13 **intoxication-related traffic offense, as defined under section 577.001, in which the**
14 **person's blood alcohol content was found to be fifteen-hundredths of one percent or**
15 **more by weight of alcohol in such person's blood** shall require the use of an ignition
16 interlock device on all vehicles operated by the person as a required condition of the limited

17 driving privilege, except as provided in section 302.441. These requirements shall be in
18 addition to any other provisions of this chapter or chapter 577 requiring installation and
19 maintenance of an ignition interlock device. Any person required to use an ignition interlock
20 device shall comply with such requirement subject to the penalties provided by section
21 577.599.

302.525. 1. The license suspension or revocation shall become effective fifteen days
2 after the subject person has received the notice of suspension or revocation as provided in
3 section 302.520, or is deemed to have received the notice of suspension or revocation by mail
4 as provided in section 302.515. If a request for a hearing is received by or postmarked to the
5 department within that fifteen-day period, the effective date of the suspension or revocation
6 shall be stayed until a final order is issued following the hearing; provided, that any delay in
7 the hearing which is caused or requested by the subject person or counsel representing that
8 person without good cause shown shall not result in a stay of the suspension or revocation
9 during the period of delay.

10 2. The period of license suspension or revocation under this section shall be as
11 follows:

12 (1) If the person's driving record shows no prior alcohol-related enforcement contacts
13 during the immediately preceding five years, the period of suspension shall be thirty days
14 after the effective date of suspension, followed by a sixty-day period of restricted driving
15 privilege as defined in section 302.010 and issued by the director of revenue. The restricted
16 driving privilege shall not be issued until he or she has filed proof of financial responsibility
17 with the department of revenue, in accordance with chapter 303, and is otherwise eligible.
18 The restricted driving privilege shall indicate ~~[whether]~~ **that** a functioning, certified ignition
19 interlock device is required as a condition of operating a motor vehicle. A copy of the
20 restricted driving privilege shall be given to the person and such person shall carry a copy of
21 the restricted driving privilege while operating a motor vehicle. In no case shall restricted
22 driving privileges be issued pursuant to this section or section 302.535 until the person has
23 completed the first thirty days of a suspension under this section. If a person otherwise
24 subject to the provisions of this subdivision files proof of installation with the department of
25 revenue that any vehicle that he or she operates is equipped with a functioning, certified
26 ignition interlock device, there shall be no period of suspension. However, in lieu of a
27 suspension the person shall instead complete a ninety-day period of restricted driving
28 privilege. Upon completion of such ninety-day period of restricted driving privilege,
29 compliance with other requirements of law, and filing of proof of financial responsibility with
30 the department of revenue, in accordance with chapter 303, the license and driving privilege
31 shall be reinstated. However, if the monthly monitoring reports during such ninety-day
32 period indicate that the ignition interlock device has registered a confirmed blood alcohol

33 concentration level above the alcohol setpoint established by the department of transportation
34 or such reports indicate that the ignition interlock device has been tampered with or
35 circumvented, then the license and driving privilege of such person shall not be reinstated
36 until the person completes an additional thirty-day period of restricted driving privilege. If
37 the person fails to maintain such proof of the device with the director of revenue as required,
38 the restricted driving privilege shall be terminated;

39 (2) The period of revocation shall be one year if the person's driving record shows
40 one or more prior alcohol-related enforcement contacts during the immediately preceding five
41 years;

42 (3) In no case shall restricted driving privileges be issued under this section to any
43 person whose driving record shows one or more prior alcohol-related enforcement contacts **or**
44 **to any person whose driving record shows an intoxication-related traffic offense, as**
45 **defined under section 577.001, in which the person's blood alcohol content was found to**
46 **be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood**
47 until the person has filed proof with the department of revenue that any motor vehicle
48 operated by the person is equipped with a functioning, certified ignition interlock device as a
49 required condition of the restricted driving privilege. If the person fails to maintain such
50 proof the restricted driving privilege shall be terminated.

51 3. For purposes of this section, "alcohol-related enforcement contacts" shall include
52 any suspension or revocation under sections 302.500 to 302.540, any suspension or
53 revocation entered in this or any other state for a refusal to submit to chemical testing under
54 an implied consent law, and any conviction in this or any other state for a violation which
55 involves driving while intoxicated, driving while under the influence of drugs or alcohol, or
56 driving a vehicle while having an unlawful alcohol concentration.

57 4. Where a license is suspended or revoked under this section and the person is also
58 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
59 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
60 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this
61 section and any other suspension or revocation arising from such convictions shall be
62 imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall
63 be credited against any other suspension or revocation arising from such convictions, and the
64 total period of suspension or revocation shall not exceed the longer of the two suspension or
65 revocation periods.

66 5. Any person who has had a license to operate a motor vehicle revoked under this
67 section or suspended under this section with one or more prior alcohol-related enforcement
68 contacts **or an intoxication-related traffic offense, as defined under section 577.001, in**
69 **which the person's blood alcohol content was found to be fifteen-hundredths of one**

70 **percent or more by weight of alcohol in such person's blood** showing on their driver
71 record shall be required to file proof with the director of revenue that any motor vehicle
72 operated by that person is equipped with a functioning, certified ignition interlock device as a
73 required condition of reinstatement. The ignition interlock device shall further be required to
74 be maintained on all motor vehicles operated by the person for a period of not less than six
75 months immediately following the date of reinstatement. If the monthly monitoring reports
76 show that the ignition interlock device has registered any confirmed blood alcohol
77 concentration readings above the alcohol setpoint established by the department of
78 transportation or that the person has tampered with or circumvented the ignition interlock
79 device within the last three months of the six-month period of required installation of the
80 ignition interlock device, then the period for which the person must maintain the ignition
81 interlock device following the date of reinstatement shall be extended until the person has
82 completed three consecutive months with no violations as described in this section. If the
83 person fails to maintain such proof with the director, the license shall be suspended or
84 revoked, until proof as required by this section is filed with the director, and the person shall
85 be guilty of a class A misdemeanor.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the
2 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the
3 director of revenue, serve the notice of license revocation personally upon the person and
4 shall take possession of any license to operate a vehicle issued by this state which is held by
5 that person. The officer shall issue a temporary permit, on behalf of the director of revenue,
6 which is valid for fifteen days and shall also give the person notice of his or her right to file a
7 petition for review to contest the license revocation.

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

11 (1) That the officer has:

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

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

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

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

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

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

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

27 (6) Any license, which the officer has taken into possession, to operate a motor
28 vehicle.

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

34 4. If a person's license has been revoked because of the person's refusal to submit to a
35 chemical test, such person may petition for a hearing before a circuit division or associate
36 division of the court in the county in which the arrest or stop occurred. Pursuant to local court
37 rule promulgated pursuant to Section 15 of Article V of the Missouri Constitution, the case
38 may also be assigned to a traffic judge pursuant to section 479.500. The person may request
39 such court to issue an order staying the revocation until such time as the petition for review
40 can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a
41 form prescribed by the director of revenue and shall send a copy of such order to the director.
42 Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the
43 director shall maintain possession of the person's license to operate a motor vehicle until
44 termination of any revocation under this section. Upon the person's request, the clerk of the
45 court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the
46 hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

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

48 (2) Whether the officer had:

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

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

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

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

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

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

64 7. No person who has had a license to operate a motor vehicle suspended or revoked
65 under the provisions of this section shall have that license reinstated until such person has
66 participated in and successfully completed a substance abuse traffic offender program defined
67 in section 302.010, or a program determined to be comparable by the department of mental
68 health. Assignment recommendations, based upon the needs assessment as described in
69 subdivision (24) of section 302.010, shall be delivered in writing to the person with written
70 notice that the person is entitled to have such assignment recommendations reviewed by the
71 court if the person objects to the recommendations. The person may file a motion in the
72 associate division of the circuit court of the county in which such assignment was given, on a
73 printed form provided by the state courts administrator, to have the court hear and determine
74 such motion under the provisions of chapter 517. The motion shall name the person or entity
75 making the needs assessment as the respondent and a copy of the motion shall be served upon
76 the respondent in any manner allowed by law. Upon hearing the motion, the court may
77 modify or waive any assignment recommendation that the court determines to be unwarranted
78 based upon a review of the needs assessment, the person's driving record, the circumstances
79 surrounding the offense, and the likelihood of the person committing a similar offense in the
80 future, except that the court may modify but shall not waive the assignment to an education or
81 rehabilitation program of a person determined to be a prior or persistent offender as defined in
82 section 577.001, or of a person determined to have operated a motor vehicle with a blood
83 alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the
84 court determination of the motion shall satisfy the provisions of this section for the purpose of
85 reinstating such person's license to operate a motor vehicle. The respondent's personal
86 appearance at any hearing conducted under this subsection shall not be necessary unless
87 directed by the court.

88 8. The fees for the substance abuse traffic offender program, or a portion thereof, to
89 be determined by the division of behavioral health of the department of mental health, shall
90 be paid by the person enrolled in the program. Any person who is enrolled in the program
91 shall pay, in addition to any fee charged for the program, a supplemental fee to be determined
92 by the department of mental health for the purposes of funding the substance abuse traffic
93 offender program defined in section 302.010. The administrator of the program shall remit to
94 the division of behavioral health of the department of mental health on or before the fifteenth
95 day of each month the supplemental fee for all persons enrolled in the program, less two

96 percent for administrative costs. Interest shall be charged on any unpaid balance of the
97 supplemental fees due to the division of behavioral health under this section, and shall accrue
98 at a rate not to exceed the annual rates established under the provisions of section 32.065, plus
99 three percentage points. The supplemental fees and any interest received by the department
100 of mental health under this section shall be deposited in the mental health earnings fund,
101 which is created in section 630.053.

102 9. Any administrator who fails to remit to the division of behavioral health of the
103 department of mental health the supplemental fees and interest for all persons enrolled in the
104 program under this section shall be subject to a penalty equal to the amount of interest
105 accrued on the supplemental fees due to the division under this section. If the supplemental
106 fees, interest, and penalties are not remitted to the division of behavioral health of the
107 department of mental health within six months of the due date, the attorney general of the
108 state of Missouri shall initiate appropriate action for the collection of said fees and accrued
109 interest. The court shall assess attorneys' fees and court costs against any delinquent program.

110 10. Any person who has had a license to operate a motor vehicle revoked under this
111 section and who has a prior alcohol-related enforcement contact, as defined in section
112 302.525, **or who has been found guilty of an intoxication-related traffic offense, as**
113 **defined under section 577.001, in which the person's blood alcohol content was found to**
114 **be fifteen-hundredths of one percent or more by weight of alcohol in such person's**
115 **blood**, shall be required to file proof with the director of revenue that any motor vehicle
116 operated by the person is equipped with a functioning, certified ignition interlock device as a
117 required condition of license reinstatement. Such ignition interlock device shall further be
118 required to be maintained on all motor vehicles operated by the person for a period of not less
119 than six months immediately following the date of reinstatement. If the monthly monitoring
120 reports show that the ignition interlock device has registered any confirmed blood alcohol
121 concentration readings above the alcohol setpoint established by the department of
122 transportation or that the person has tampered with or circumvented the ignition interlock
123 device within the last three months of the six-month period of required installation of the
124 ignition interlock device, then the period for which the person shall maintain the ignition
125 interlock device following the date of reinstatement shall be extended until the person has
126 completed three consecutive months with no violations as described in this section. If the
127 person fails to maintain such proof with the director as required by this section, the license
128 shall be rerevoked until proof as required by this section is filed with the director, and the
129 person shall be guilty of a class A misdemeanor.

130 11. The revocation period of any person whose license and driving privilege has been
131 revoked under this section and who has filed proof of financial responsibility with the
132 department of revenue in accordance with chapter 303 and is otherwise eligible shall be

133 terminated by a notice from the director of revenue after one year from the effective date of
134 the revocation. Unless proof of financial responsibility is filed with the department of
135 revenue, the revocation shall remain in effect for a period of two years from its effective date.
136 If the person fails to maintain proof of financial responsibility in accordance with chapter 303,
137 the person's license and driving privilege shall be rerevoked.

138 12. A person commits the offense of failure to maintain proof with the Missouri
139 department of revenue if, when required to do so, he or she fails to file proof with the director
140 of revenue that any vehicle operated by the person is equipped with a functioning, certified
141 ignition interlock device or fails to file proof of financial responsibility with the department of
142 revenue in accordance with chapter 303. The offense of failure to maintain proof with the
143 Missouri department of revenue is a class A misdemeanor.

**304.822. 1. This section shall be known as the "Siddens Bening Hands Free
2 Law".**

3 2. As used in this section, the following terms shall mean:

**4 (1) "Commercial motor vehicle", the same meaning as is ascribed to such term
5 in section 302.700;**

**6 (2) "Electronic communication device", a portable device that is used to initiate,
7 receive, store, or view communication, information, images, or data electronically;**

**8 (a) Such term shall include but not be limited to: cellular telephones; portable
9 telephones; text-messaging devices; personal digital assistants; pagers; broadband
10 personal communication devices; electronic devices with mobile data access; computers,
11 including but not limited to tablets, laptops, notebook computers, and electronic or
12 video game systems; devices capable of transmitting, retrieving, or displaying a video,
13 movie, broadcast television image, or visual image; and any substantially similar device
14 that is used to initiate or receive communication or store and review information, videos,
15 images, or data;**

**16 (b) Such term shall not include: radios; citizens band radios; commercial two-
17 way radio communication devices or their functional equivalent; subscription-based
18 emergency communication devices; prescribed medical devices; amateur or ham radio
19 devices; or global positioning system receivers, security, navigation, communication, or
20 remote diagnostics systems permanently affixed to the vehicle;**

21 (3) "Highway", the same meaning as is ascribed to such term in section 302.010;

**22 (4) "Noncommercial motor vehicle", the same meaning as is ascribed to such
23 term in section 302.700;**

24 (5) "Operating", the actual physical control of a vehicle;

25 (6) "Operator", a person who is in actual physical control;

26 (7) "School bus", the same meaning as is ascribed to such term in section
27 302.700;

28 (8) "Voice-operated or hands-free feature or function", a feature or function,
29 whether internally installed or externally attached or connected to an electronic
30 communication device, that allows a person to use an electronic communication device
31 without the use of either hand, except to activate, deactivate, or initiate the feature or
32 function with a single touch or single swipe.

33 3. Except as otherwise provided in this section, while operating a noncommercial
34 motor vehicle or commercial motor vehicle on any highway or property open to the
35 public for vehicular traffic in this state, no operator shall:

36 (1) Physically hold or support, with any part of his or her body, an electronic
37 communication device;

38 (2) Write, send, or read any text-based communication, including but not limited
39 to a text message, instant message, email, or social media interaction on an electronic
40 communication device. This subdivision shall not apply to operators of a
41 noncommercial motor vehicle using a voice-operated or hands-free feature or
42 function that converts the message to be sent as a message in a written form,
43 provided that the operator does not divert his or her attention from lawful operation of
44 the vehicle;

45 (3) Make any communication on an electronic communication device, including
46 a phone call, voice message, or one-way voice communication; provided however, that
47 this prohibition shall not apply to use of a voice-operated or hands-free feature or
48 function;

49 (4) Engage in any form of electronic data retrieval or electronic data
50 communication on an electronic communication device;

51 (5) Manually enter letters, numbers, or symbols into any website, search engine,
52 or application on an electronic communication device;

53 (6) Watch a video or movie on an electronic communication device, other than
54 watching data related to the navigation of the vehicle; or

55 (7) Record, post, send, or broadcast video, including a video conference, on an
56 electronic communication device, provided that this prohibition shall not apply to
57 electronic devices used for the sole purpose of continually monitoring operator behavior
58 by recording or broadcasting video within or outside the vehicle.

59 4. The operator of a school bus shall not use or operate an electronic
60 communication device while the school bus is in motion unless the device is being used in
61 a similar manner as a two-way radio to allow live communication between the operator
62 and school officials or public safety officials. The operator of a school bus shall not use

63 or operate an electronic communication device or a two-way radio while loading or
64 unloading passengers.

65 **5. This section shall not apply to:**

66 **(1) Law enforcement officers or operators of emergency vehicles, as such term is**
67 **defined in section 304.022, who are both using the electronic communication device and**
68 **operating the emergency vehicle in the performance of their official duties;**

69 **(2) Operators using an electronic communication device for the sole purpose of**
70 **reporting an emergency situation and continuing communication with emergency**
71 **personnel during the emergency situation;**

72 **(3) Operators of noncommercial motor vehicles using an electronic**
73 **communication device solely through a voice-operated or hands-free feature or**
74 **function;**

75 **(4) Operators of commercial motor vehicles using a voice-operated or hands-free**
76 **feature or function, as long as the operator remains seated and is restrained by a seat**
77 **belt as required by law;**

78 **(5) Operators of commercial motor vehicles reading a message displayed on a**
79 **permanently installed communication device designed for a commercial motor vehicle**
80 **with a screen that does not exceed ten inches tall by ten inches wide in size;**

81 **(6) Operators using electronic communication devices while the vehicle is**
82 **lawfully stopped or parked;**

83 **(7) Commercial motor vehicles that are responding to a request for roadside**
84 **assistance, when such response is conducted by a motor club as defined in section**
85 **385.450 or a towing company as defined in section 304.001;**

86 **(8) The use of an electronic communication device to relay information between**
87 **a transit or for-hire vehicle operator and that operator's dispatcher, provided the device**
88 **is mounted or affixed to the vehicle;**

89 **(9) The use of an electronic communication device to access or view a map for**
90 **navigational purposes;**

91 **(10) The use of an electronic communication device to access or listen to an audio**
92 **broadcast or digital audio recording; or**

93 **(11) The use of an electronic communication device to relay information through**
94 **a transportation network company's digital network to a transportation network**
95 **company driver, provided the device is mounted or affixed to the vehicle.**

96 **6. Except as otherwise provided in this subsection, violation of this section shall**
97 **be an infraction. Penalties for violations of this section shall be as provided in this**
98 **subsection. Prior convictions shall be pleaded and proven in the same manner as**
99 **required under section 558.021.**

100 **(1) For a conviction under this section where there is no prior conviction under**
101 **this section within the preceding twenty-four months, the court shall impose a fine of up**
102 **to one hundred fifty dollars.**

103 **(2) For a conviction under this section where there is one prior conviction under**
104 **this section within the preceding twenty-four months, the court shall impose a fine of up**
105 **to two hundred fifty dollars.**

106 **(3) For a conviction under this section where there are two or more prior**
107 **convictions under this section in the preceding twenty-four months, the court shall**
108 **impose a fine of up to five hundred dollars.**

109 **(4) For a conviction under this section where the violation occurred in a work**
110 **zone when workers are present, as such terms are defined in section 304.580, or for a**
111 **conviction under this section where the violation occurred in an area designated as a**
112 **school zone and marked in any way that would alert a reasonably prudent operator to**
113 **the presence of the school zone, the court shall impose a fine of up to five hundred**
114 **dollars.**

115 **(5) A violation of this section that is the proximate cause of damage to property**
116 **in excess of five thousand dollars shall be a class D misdemeanor.**

117 **(6) A violation of this section that is the proximate cause of serious physical**
118 **injury to another person shall be a class B misdemeanor.**

119 **(7) A violation of this section that is the proximate cause of the death of another**
120 **person shall be a class D felony.**

121 **(8) A violation of this section while operating a commercial motor vehicle shall**
122 **be deemed a serious traffic violation, as such term is defined in section 302.700, for**
123 **purposes of commercial driver's license disqualification under section 302.755.**

124 **7. A law enforcement officer who stops a noncommercial motor vehicle for a**
125 **violation of this section shall inform the operator of the operator's right to decline a**
126 **search of their electronic communication device. No warrant shall be issued to**
127 **confiscate or access an electronic communication device based on a violation of this**
128 **section unless the violation results in serious bodily injury or death.**

129 **8. A violation of this section shall not be used to establish probable cause for any**
130 **other violation.**

131 **9. The provisions of this section shall be subject to the reporting requirements**
132 **set forth in section 590.650.**

133 **10. The state preempts the field of regulating the use of electronic**
134 **communication devices by the operators of commercial and noncommercial motor**
135 **vehicles. The provisions of this section shall supercede any local laws, ordinances,**
136 **orders, rules, or regulations enacted by a county, municipality, or other political**

137 **subdivision to regulate the use of electronic communication devices by the operator of a**
138 **commercial or noncommercial motor vehicle.**

139 **11. Prior to January 1, 2025, a law enforcement officer who stops a**
140 **noncommercial motor vehicle for a violation of this section shall not issue a citation**
141 **for a violation of this section and shall only issue a warning.**

142 **12. No person shall be stopped, inspected, or detained solely for a violation of**
143 **this section.**

407.812. 1. Any franchisor obtaining or renewing its license after August 28, 2010,
2 shall be bound by the provisions of the MVFP act and shall comply with it, and no franchise
3 agreement made, entered, modified, or renewed after August 28, 2010, shall avoid the
4 requirements of the MVFP act, or violate its provisions, and no franchise agreement shall be
5 performed after the date the franchisor's license is issued or renewed in such a manner that the
6 franchisor avoids or otherwise does not conform or comply with the requirements of the
7 MVFP act. Notwithstanding the effective date of any franchise agreement, all franchisor
8 licenses and renewals thereof are issued subject to all provisions of the MVFP act and chapter
9 301 and any regulations in effect upon the date of issuance, as well as all future provisions of
10 the MVFP act and chapter 301 and any regulations which may become effective during the
11 term of the license.

12 2. The provisions of the MVFP act shall apply to each franchise that a franchisor,
13 manufacturer, importer, or distributor has with a franchisee and all agreements between a
14 franchisee and a common entity or any person that is controlled by a franchisor.

15 **3. No dealer or manufacturer licensed in this state under sections 301.550 to**
16 **301.573 shall allow any subsidiary or related entity to engage in the business of selling**
17 **motor vehicles, as defined in section 301.010, to retail consumers in this state, except as**
18 **otherwise permitted by law. Any dealer or manufacturer licensed in this state shall have**
19 **standing to enforce the provisions of this subsection, provided that a franchise**
20 **relationship exists between the parties.**

21 **4. No entity controlling, controlled by, or sharing a common parent entity or**
22 **sibling entity with a licensed dealer or manufacturer shall engage in the business of**
23 **selling motor vehicles to retail consumers in this state, except as permitted by sections**
24 **301.550 to 301.575 and the MVFP act. Any dealer or manufacturer licensed in this state**
25 **shall have standing to enforce the provisions of this subsection.**

26 **5. No dealer or manufacturer not licensed in this state under sections 301.550 to**
27 **301.575 shall engage in the business of selling motor vehicles to retail consumers in this**
28 **state, except as permitted by sections 301.550 to 301.575 and the MVFP act. Any dealer**
29 **or manufacturer in this state shall have standing to enforce the provisions of this**
30 **subsection, provided that a franchise relationship exists between the parties.**

31 **6. Notwithstanding any provision of sections 301.550 to 301.575 to the contrary,**
32 **a manufacturer, importer, or distributor may engage in the business of selling motor**
33 **vehicles to retail consumers in this state from a dealership if the manufacturer, importer,**
34 **or distributor owned the dealership and initially submitted a dealer license application**
35 **to the Missouri department of revenue on or before August 28, 2023, provided that the**
36 **license is subsequently granted, and the ownership or controlling interest of such**
37 **dealership is not transferred, sold, or conveyed to another person or entity required to**
38 **be licensed under this chapter.**

 407.828. 1. Notwithstanding any provision in a franchise to the contrary, each
2 franchisor shall specify in writing to each of its franchisees in this state the franchisee's
3 obligations for preparation, delivery, and warranty service on its products. The franchisor
4 shall fairly and reasonably compensate the franchisee for preparation, delivery, and warranty
5 service required of the franchisee by the franchisor. The franchisor shall provide the
6 franchisee with the schedule of compensation to be paid to the franchisee for parts, labor, and
7 service, and the time allowance for the performance of the labor and service for the
8 franchisee's obligations for preparation, delivery, and warranty service.

 2. The schedule of compensation shall include reasonable compensation for
9 diagnostic work, as well as repair service and labor for the franchisee to meet its obligations
10 for preparation, delivery, and warranty service. The schedule shall also include reasonable
11 and adequate time allowances for the diagnosis and performance of preparation, delivery, and
12 warranty service to be performed in a careful and professional manner. In the determination
13 of what constitutes reasonable compensation for labor and service pursuant to this section, the
14 principal factor to be given consideration shall be the prevailing wage rates being charged for
15 similar labor and service by ~~[franchisees in the market in which the franchisee is doing~~
16 ~~business, and in no event shall the compensation of a franchisee for labor and service be less~~
17 ~~than the rates charged by]~~ the franchisee for similar labor and service to retail customers for
18 nonwarranty labor and service~~[-, provided that such rates are reasonable]~~. The primary factor
19 in determining ~~[a fair and]~~ reasonable compensation for parts under this section shall be the
20 ~~[prevailing amount charged for similar parts by other same line make franchisees in the~~
21 ~~market in which the franchisee is doing business and the fair and reasonable compensation for~~
22 ~~parts shall not be less than the]~~ amount charged by the franchisee for similar parts to retail
23 customers for nonwarranty parts~~[-, provided that such rates are reasonable. If another same~~
24 ~~line make franchisee is not available within the market, then the prevailing amount charged~~
25 ~~for similar parts by other franchisees in the market shall be used as the primary factor]~~.

 3. A franchisor shall perform all warranty obligations, including recall notices;
27 include in written notices of franchisor recalls to new motor vehicle owners and franchisees
28 the expected date by which necessary parts and equipment will be available to franchisees for
29

30 the correction of the defects; and ~~reasonably~~ compensate any of the franchisees in this state
31 for repairs required by the recall. ~~Reasonable~~ Compensation for parts~~;~~ **and** labor~~;~~ ~~and~~
32 **service] for recall repairs** shall be determined under subsection 2 of this section.

33 4. No franchisor shall require a franchisee to submit a claim authorized under this
34 section sooner than thirty days after the franchisee completes the preparation, delivery, or
35 warranty service authorizing the claim for preparation, delivery, or warranty service. All
36 claims made by a franchisee under this section shall be paid within thirty days after their
37 approval. All claims shall be either approved or disapproved by the franchisor within thirty
38 days after their receipt on a proper form generally used by the franchisor and containing the
39 usually required information therein. Any claims not specifically disapproved in writing
40 within thirty days after the receipt of the form shall be considered to be approved and
41 payment shall be made within fifteen days thereafter. A franchisee shall not be required to
42 maintain defective parts for more than thirty days after submission of a claim.

43 5. A franchisor shall compensate the franchisee for franchisor-sponsored sales or
44 service promotion events, including but not limited to, rebates, programs, or activities in
45 accordance with established written guidelines for such events, programs, or activities, which
46 guidelines shall be provided to each franchisee.

47 6. No franchisor shall require a franchisee to submit a claim authorized under
48 subsection 5 of this section sooner than thirty days after the franchisee becomes eligible to
49 submit the claim. All claims made by a franchisee pursuant to subsection 5 of this section for
50 promotion events, including but not limited to rebates, programs, or activities shall be paid
51 within ten days after their approval. All claims shall be either approved or disapproved by the
52 franchisor within thirty days after their receipt on a proper form generally used by the
53 franchisor and containing the usually required information therein. Any claim not
54 specifically disapproved in writing within thirty days after the receipt of this form shall be
55 considered to be approved and payment shall be made within ~~ten~~ **fifteen** days.

56 7. In calculating the retail rate customarily charged by the franchisee for parts,
57 service, and labor, the following work shall not be included in the calculation:

58 (1) Repairs for franchisor, manufacturer, or distributor special events, specials, or
59 promotional discounts for retail customer repairs;

60 (2) Parts sold at wholesale;

61 (3) Engine assemblies and transmission assemblies;

62 (4) Routine maintenance not covered under any retail customer warranty, such as
63 fluids, filters, and belts not provided in the course of repairs;

64 (5) Nuts, bolts, fasteners, and similar items that do not have an individual part
65 number;

66 (6) Tires; and

67 (7) Vehicle reconditioning.

68 8. If a franchisor, manufacturer, importer, or distributor furnishes a part or component
69 to a franchisee, at no cost, to use in performing repairs under a recall, campaign service
70 action, or warranty repair, the franchisor shall compensate the franchisee for the part or
71 component in the same manner as warranty parts compensation under this section by
72 compensating the franchisee at the average markup on the cost for the part or component as
73 listed in the price schedule of the franchisor, manufacturer, importer, or distributor, less the
74 cost for the part or component. **This subsection shall not apply to entire engine
75 assemblies, propulsion engine assemblies, including electric vehicle batteries, or entire
76 transmission assemblies.**

77 9. A franchisor shall not require a franchisee to establish the retail rate customarily
78 charged by the franchisee for parts, service, or labor by an unduly burdensome or time-
79 consuming method or by requiring information that is unduly burdensome or time consuming
80 to provide, including, but not limited to, part-by-part or transaction-by-transaction
81 calculations. A franchisee shall not request a franchisor to approve a different labor rate
82 or parts rate more than twice in one calendar year.

83 10. If a franchisee submits any claim under this section to a franchisor that is
84 incomplete, inaccurate, or lacking any information usually required by the franchisor, then the
85 franchisor shall promptly notify the franchisee, and the time limit to submit the claim shall be
86 extended for a reasonable length of time, not less than five business days following notice by
87 the franchisor to the franchisee, for the franchisee to provide the complete, accurate, or
88 lacking information to the franchisor.

89 11. (1) A franchisor may only audit warranty, sales, or incentive claims and charge-
90 back to the franchisee unsubstantiated claims for a period of twelve months following
91 payment, subject to all of the provisions of this section. Furthermore, if the franchisor has
92 good cause to believe that a franchisee has submitted fraudulent claims, then the franchisor
93 may only audit suspected fraudulent warranty, sales, or incentive claims and charge-back to
94 the franchisee fraudulent claims for a period of two years following payment, subject to all
95 provisions of this section.

96 (2) A franchisor shall not require documentation for warranty, sales, or incentive
97 claims more than twelve months after the claim was paid.

98 (3) Prior to requiring any charge-back, reimbursement, or credit against a future
99 transaction arising out of an audit, the franchisor shall submit written notice to the franchisee
100 along with a copy of its audit and the detailed reason for each intended charge-back,
101 reimbursement, or credit.

102 12. A franchisee may file a complaint with the administrative hearing commission
103 **pursuant to section 407.822** within ~~thirty~~ **sixty** days after receipt of any ~~such~~ written

104 notice ~~[challenging such action]~~ by a franchisor of any adverse decision on any claim for
 105 reimbursement submitted pursuant to this section, including, but not limited to, specific
 106 claims for reimbursement in individual warranty repair transactions, and requests for
 107 an increase in labor or parts rate. If a complaint is filed within the ~~[thirty]~~ sixty days, then
 108 the ~~[charge-back, reimbursement, or credit]~~ denial or reduction of reimbursement, denial
 109 of a request for an increase in labor or parts rate, charge-back, or other determination
 110 by a franchisor which is adverse to a franchisee shall be stayed pending a hearing and
 111 determination of the matter under section 407.822. **The franchisor shall file an answer to**
 112 **the complaint within thirty days after service of the complaint. If, following a hearing**
 113 **which shall be held within sixty days following service of the franchisor's answer, the**
 114 administrative hearing commission determines that ~~[any portion of the charge-back,~~
 115 ~~reimbursement, or credit is improper, then that portion of the charge-back, reimbursement,~~
 116 ~~or credit shall be void and not allowed]~~ a franchisor has violated any requirements of this
 117 section, then the denial or reduction of reimbursement, denial of a request for an
 118 increase in labor or parts rate, or charge-back shall be void and the franchisor shall,
 119 within fifteen days of the commission's order, fairly compensate the franchisee as
 120 required by the provisions of this section. Section 407.835 shall apply to proceedings
 121 pursuant to this section.

2 ~~[304.820. 1. Except as otherwise provided in this section, no person~~
 3 ~~twenty-one years of age or younger operating a moving motor vehicle upon~~
 4 ~~the highways of this state shall, by means of a hand-held electronic wireless~~
 5 ~~communications device, send, read, or write a text message or electronic~~
 6 ~~message.~~
 7 ~~2. Except as otherwise provided in this section, no person shall operate~~
 8 ~~a commercial motor vehicle while using a hand-held mobile telephone.~~
 9 ~~3. Except as otherwise provided in this section, no person shall operate~~
 10 ~~a commercial motor vehicle while using a wireless communications device to~~
 11 ~~send, read, or write a text message or electronic message.~~
 12 ~~4. The provisions of subsection 1 through subsection 3 of this section~~
 13 ~~shall not apply to a person operating:~~
 14 ~~(1) An authorized emergency vehicle; or~~
 15 ~~(2) A moving motor vehicle while using a hand-held electronic~~
 16 ~~wireless communications device to:~~
 17 ~~(a) Report illegal activity;~~
 18 ~~(b) Summon medical or other emergency help;~~
 19 ~~(c) Prevent injury to a person or property; or~~
 20 ~~(d) Relay information between a transit or for-hire operator and that~~
 21 ~~operator's dispatcher, in which the device is permanently affixed to the vehicle.~~
 22 ~~5. Nothing in this section shall be construed or interpreted as~~
 23 ~~prohibiting a person from making or taking part in a telephone call, by means~~
 24 ~~of a hand-held electronic wireless communications device, while operating a~~
~~noncommercial motor vehicle upon the highways of this state.~~

25 6. ~~As used in this section, "electronic message" means a self-contained~~
26 ~~piece of digital communication that is designed or intended to be transmitted~~
27 ~~between hand-held electronic wireless communication devices. "Electronic~~
28 ~~message" includes, but is not limited to, electronic mail, a text message, an~~
29 ~~instant message, or a command or request to access an internet site.~~

30 7. ~~As used in this section, "hand-held electronic wireless~~
31 ~~communications device" includes any hand-held cellular phone, palm pilot,~~
32 ~~blackberry, or other mobile electronic device used to communicate verbally or~~
33 ~~by text or electronic messaging, but shall not apply to any device that is~~
34 ~~permanently embedded into the architecture and design of the motor vehicle.~~

35 8. ~~As used in this section, "making or taking part in a telephone call"~~
36 ~~means listening to or engaging in verbal communication through a hand held~~
37 ~~electronic wireless communication device.~~

38 9. ~~As used in this section, "send, read, or write a text message or~~
39 ~~electronic message" means using a hand held electronic wireless~~
40 ~~telecommunications device to manually communicate with any person by~~
41 ~~using an electronic message. Sending, reading, or writing a text message or~~
42 ~~electronic message does not include reading, selecting, or entering a phone~~
43 ~~number or name into a hand-held electronic wireless communications device~~
44 ~~for the purpose of making a telephone call.~~

45 10. ~~A violation of this section shall be deemed an infraction and shall~~
46 ~~be deemed a moving violation for purposes of point assessment under section~~
47 ~~302.302.~~

48 11. ~~The state preempts the field of regulating the use of hand-held~~
49 ~~electronic wireless communications devices in motor vehicles, and the~~
50 ~~provisions of this section shall supercede any local laws, ordinances, orders,~~
51 ~~rules, or regulations enacted by a county, municipality, or other political~~
52 ~~subdivision to regulate the use of hand-held electronic wireless~~
53 ~~communication devices by the operator of a motor vehicle.~~

54 12. ~~The provisions of this section shall not apply to:~~

55 (1) ~~The operator of a vehicle that is lawfully parked or stopped;~~

56 (2) ~~Any of the following while in the performance of their official~~
57 ~~duties: a law enforcement officer; a member of a fire department; or the~~
58 ~~operator of a public or private ambulance;~~

59 (3) ~~The use of factory installed or aftermarket global positioning~~
60 ~~systems (GPS) or wireless communications devices used to transmit or receive~~
61 ~~data as part of a digital dispatch system;~~

62 (4) ~~The use of voice-operated technology;~~

63 (5) ~~The use of two-way radio transmitters or receivers by a licensee of~~
64 ~~the Federal Communications Commission in the Amateur Radio Service.]~~

✓