

SECOND REGULAR SESSION

HOUSE BILL NO. 3421

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

7271H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 105.711, 115.143, 115.306, 115.427, 136.055, 226.008, 301.032, 301.040, 301.149, and 408.032, RSMo, and to enact in lieu thereof eleven new sections relating to the transfer of certain duties of the department of revenue to the department of transportation.

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

Section A. Sections 105.711, 115.143, 115.306, 115.427, 136.055, 226.008, 301.032, 2 301.040, 301.149, and 408.032, RSMo, are repealed and eleven new sections enacted in lieu 3 thereof, to be known as sections 105.711, 115.143, 115.306, 115.427, 226.008, 301.005, 4 301.032, 301.040, 301.149, 302.013, and 408.032, to read as follows:

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist 2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to 3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any 5 claim or any amount required by any final judgment rendered by a court of competent 6 jurisdiction against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 8 536.087 or section 537.600;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, 10 including, without limitation, elected officials, appointees, members of state boards or 11 commissions, and members of the Missouri National Guard upon conduct of such officer or 12 employee arising out of and performed in connection with his or her official duties on behalf

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

13 of the state, or any agency of the state, provided that moneys in this fund shall not be
14 available for payment of claims made under chapter 287;

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other
16 health care provider licensed to practice in Missouri under the provisions of chapter 330, 332,
17 334, 335, 336, 337 or 338 who is employed by the state of Missouri or any agency of the state
18 under formal contract to conduct disability reviews on behalf of the department of elementary
19 and secondary education or provide services to patients or inmates of state correctional
20 facilities on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist,
21 nurse, or other health care provider licensed to practice in Missouri under the provisions of
22 chapter 330, 332, 334, 335, 336, 337, or 338 who is under formal contract to provide services
23 to patients or inmates at a county jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of
25 chapter 334 and his professional corporation organized pursuant to chapter 356 who is
26 employed by or under contract with a city or county health department organized under
27 chapter 192 or chapter 205, or a city health department operating under a city charter, or a
28 combined city-county health department to provide services to patients for medical care
29 caused by pregnancy, delivery, and child care, if such medical services are provided by the
30 physician pursuant to the contract without compensation or the physician is paid from no
31 other source than a governmental agency except for patient co-payments required by federal
32 or state law or local ordinance;

33 (c) Any physician licensed to practice medicine in Missouri under the provisions of
34 chapter 334 who is employed by or under contract with a federally funded community health
35 center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
36 U.S.C. Section 216, 254c) to provide services to patients for medical care caused by
37 pregnancy, delivery, and child care, if such medical services are provided by the physician
38 pursuant to the contract or employment agreement without compensation or the physician is
39 paid from no other source than a governmental agency or such a federally funded community
40 health center except for patient co-payments required by federal or state law or local
41 ordinance. In the case of any claim or judgment that arises under this paragraph, the
42 aggregate of payments from the state legal expense fund shall be limited to a maximum of one
43 million dollars for all claims arising out of and judgments based upon the same act or acts
44 alleged in a single cause against any such physician, and shall not exceed one million dollars
45 for any one claimant;

46 (d) Any physician licensed pursuant to chapter 334 who is affiliated with and receives
47 no compensation from a nonprofit entity qualified as exempt from federal taxation under
48 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free
49 health screening in any setting or any physician, nurse, physician assistant, dental hygienist,

50 dentist, or other health care professional licensed or registered under chapter 330, 331, 332,
51 334, 335, 336, 337, or 338 who provides health care services within the scope of his or her
52 license or registration at a city or county health department organized under chapter 192 or
53 chapter 205, a city health department operating under a city charter, or a combined city-
54 county health department, or a nonprofit community health center qualified as exempt from
55 federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended,
56 excluding federally funded community health centers as specified in paragraph (c) of this
57 subdivision and rural health clinics under 42 U.S.C. Section 1396d(1)(1), if such services are
58 restricted to primary care and preventive health services, provided that such services shall not
59 include the performance of an abortion, and if such health services are provided by the health
60 care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or
61 338 without compensation. MO HealthNet or Medicare payments for primary care and
62 preventive health services provided by a health care professional licensed or registered under
63 chapter 330, 331, 332, 334, 335, 336, 337, or 338 who volunteers at a community health
64 clinic is not compensation for the purpose of this section if the total payment is assigned to
65 the community health clinic. For the purposes of the section, "community health clinic"
66 means a nonprofit community health center qualified as exempt from federal taxation under
67 Section 501(c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary
68 care and preventive health services to people without health insurance coverage. In the case
69 of any claim or judgment that arises under this paragraph, the aggregate of payments from the
70 state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for
71 all claims arising out of and judgments based upon the same act or acts alleged in a single
72 cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance
73 policies purchased pursuant to the provisions of section 105.721 shall be limited to five
74 hundred thousand dollars. Liability or malpractice insurance obtained and maintained in
75 force by or on behalf of any health care professional licensed or registered under chapter 330,
76 331, 332, 334, 335, 336, 337, or 338 shall not be considered available to pay that portion of a
77 judgment or claim for which the state legal expense fund is liable under this paragraph;

78 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
79 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
80 hygienist in Missouri under the provisions of chapter 332, 334, or 335, or lawfully practicing,
81 who provides medical, nursing, or dental treatment within the scope of his license or
82 registration to students of a school whether a public, private, or parochial elementary or
83 secondary school or summer camp, if such physician's treatment is restricted to primary care
84 and preventive health services and if such medical, dental, or nursing services are provided by
85 the physician, dentist, physician assistant, dental hygienist, or nurse without compensation.
86 In the case of any claim or judgment that arises under this paragraph, the aggregate of

87 payments from the state legal expense fund shall be limited to a maximum of five hundred
88 thousand dollars, for all claims arising out of and judgments based upon the same act or acts
89 alleged in a single cause and shall not exceed five hundred thousand dollars for any one
90 claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall
91 be limited to five hundred thousand dollars; or

92 (f) Any physician licensed under chapter 334, or dentist licensed under chapter 332,
93 providing medical care without compensation to an individual referred to his or her care by a
94 city or county health department organized under chapter 192 or 205, a city health department
95 operating under a city charter, or a combined city-county health department, or nonprofit
96 health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal
97 Revenue Code of 1986, as amended, or a federally funded community health center organized
98 under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C. Section
99 216, 254c; provided that such treatment shall not include the performance of an abortion. In
100 the case of any claim or judgment that arises under this paragraph, the aggregate of payments
101 from the state legal expense fund shall be limited to a maximum of one million dollars for all
102 claims arising out of and judgments based upon the same act or acts alleged in a single cause
103 and shall not exceed one million dollars for any one claimant, and insurance policies
104 purchased under the provisions of section 105.721 shall be limited to one million dollars.
105 Liability or malpractice insurance obtained and maintained in force by or on behalf of any
106 physician licensed under chapter 334, or any dentist licensed under chapter 332, shall not be
107 considered available to pay that portion of a judgment or claim for which the state legal
108 expense fund is liable under this paragraph;

109 (4) Staff employed by the juvenile division of any judicial circuit;

110 (5) Any attorney licensed to practice law in the state of Missouri who practices law at
111 or through a nonprofit community social services center qualified as exempt from federal
112 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or
113 through any agency of any federal, state, or local government, if such legal practice is
114 provided by the attorney without compensation. In the case of any claim or judgment that
115 arises under this subdivision, the aggregate of payments from the state legal expense fund
116 shall be limited to a maximum of five hundred thousand dollars for all claims arising out of
117 and judgments based upon the same act or acts alleged in a single cause and shall not exceed
118 five hundred thousand dollars for any one claimant, and insurance policies purchased
119 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand
120 dollars; or

121 (6) Any social welfare board created under section 205.770 and the members and
122 officers thereof upon conduct of such officer or employee while acting in his or her capacity
123 as a board member or officer, and any physician, nurse, physician assistant, dental hygienist,

124 dentist, or other health care professional licensed or registered under chapter 330, 331, 332,
125 334, 335, 336, 337, or 338 who is referred to provide medical care without compensation by
126 the board and who provides health care services within the scope of his or her license or
127 registration as prescribed by the board]; or

128 ~~(7) Any person who is selected or appointed by the state director of revenue under~~
129 ~~subsection 2 of section 136.055 to act as an agent of the department of revenue, to the extent~~
130 ~~that such agent's actions or inactions upon which such claim or judgment is based were~~
131 ~~performed in the course of the person's official duties as an agent of the department of~~
132 ~~revenue and in the manner required by state law or department of revenue rules].~~

133 3. The department of health and senior services shall promulgate rules regarding
134 contract procedures and the documentation of care provided under paragraphs (b), (c), (d),
135 (e), and (f) of subdivision (3) of subsection 2 of this section. The limitation on payments
136 from the state legal expense fund or any policy of insurance procured pursuant to the
137 provisions of section 105.721, provided in subsection 7 of this section, shall not apply to any
138 claim or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
139 subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d),
140 (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the state legal
141 expense fund or any policy of insurance procured pursuant to section 105.721, to the extent
142 damages are allowed under sections 538.205 to 538.235. Liability or malpractice insurance
143 obtained and maintained in force by any health care professional licensed or registered under
144 chapter 330, 331, 332, 334, 335, 336, 337, or 338 for coverage concerning his or her private
145 practice and assets shall not be considered available under subsection 7 of this section to pay
146 that portion of a judgment or claim for which the state legal expense fund is liable under
147 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section.
148 However, a health care professional licensed or registered under chapter 330, 331, 332, 334,
149 335, 336, 337, or 338 may purchase liability or malpractice insurance for coverage of liability
150 claims or judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of
151 subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage
152 provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b),
153 (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or modified, the
154 state legal expense fund shall be available for damages which occur while the pertinent
155 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section is in
156 effect.

157 4. The attorney general shall promulgate rules regarding contract procedures and the
158 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.
159 The limitation on payments from the state legal expense fund or any policy of insurance
160 procured pursuant to section 105.721 as provided in subsection 7 of this section shall not

161 apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section.
162 Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be
163 paid by the state legal expense fund or any policy of insurance procured pursuant to section
164 105.721 to the extent damages are allowed under sections 538.205 to 538.235. Liability or
165 malpractice insurance otherwise obtained and maintained in force shall not be considered
166 available under subsection 7 of this section to pay that portion of a judgment or claim for
167 which the state legal expense fund is liable under subdivision (5) of subsection 2 of this
168 section. However, an attorney may obtain liability or malpractice insurance for coverage of
169 liability claims or judgments based upon legal practice rendered under subdivision (5) of
170 subsection 2 of this section that exceed the amount of liability coverage provided by the state
171 legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision
172 (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be
173 available for damages that occur while the pertinent subdivision (5) of subsection 2 of this
174 section is in effect.

175 5. All payments shall be made from the state legal expense fund by the commissioner
176 of administration with the approval of the attorney general. Payment from the state legal
177 expense fund of a claim or final judgment award against a health care professional licensed or
178 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a),
179 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney
180 in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in
181 accordance with the conditions of such paragraphs. In the case of any claim or judgment
182 against an officer or employee of the state or any agency of the state based upon conduct of
183 such officer or employee arising out of and performed in connection with his or her official
184 duties on behalf of the state or any agency of the state that would give rise to a cause of action
185 under section 537.600, the state legal expense fund shall be liable, excluding punitive
186 damages, for:

- 187 (1) Economic damages to any one claimant; and
188 (2) Up to three hundred fifty thousand dollars for noneconomic damages.

189

190 The state legal expense fund shall be the exclusive remedy and shall preclude any other civil
191 actions or proceedings for money damages arising out of or relating to the same subject
192 matter against the state officer or employee, or the officer's or employee's estate. No officer
193 or employee of the state or any agency of the state shall be individually liable in his or her
194 personal capacity for conduct of such officer or employee arising out of and performed in
195 connection with his or her official duties on behalf of the state or any agency of the state. The
196 provisions of this subsection shall not apply to any defendant who is not an officer or
197 employee of the state or any agency of the state in any proceeding against an officer or

198 employee of the state or any agency of the state. Nothing in this subsection shall limit the
199 rights and remedies otherwise available to a claimant under state law or common law in
200 proceedings where one or more defendants is not an officer or employee of the state or any
201 agency of the state.

202 6. The limitation on awards for noneconomic damages provided for in this subsection
203 shall be increased or decreased on an annual basis effective January first of each year in
204 accordance with the Implicit Price Deflator for Personal Consumption Expenditures as
205 published by the Bureau of Economic Analysis of the United States Department of
206 Commerce. The current value of the limitation shall be calculated by the director of the
207 department of commerce and insurance, who shall furnish that value to the secretary of state,
208 who shall publish such value in the Missouri Register as soon after each January first as
209 practicable, but it shall otherwise be exempt from the provisions of section 536.021.

210 7. Except as provided in subsection 3 of this section, in the case of any claim or
211 judgment that arises under sections 537.600 and 537.610 against the state of Missouri, or an
212 agency of the state, the aggregate of payments from the state legal expense fund and from any
213 policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed
214 the limits of liability as provided in sections 537.600 to 537.610. No payment shall be made
215 from the state legal expense fund or any policy of insurance procured with state funds
216 pursuant to section 105.721 unless and until the benefits provided to pay the claim by any
217 other policy of liability insurance have been exhausted.

218 8. The provisions of section 33.080 notwithstanding, any moneys remaining to the
219 credit of the state legal expense fund at the end of an appropriation period shall not be
220 transferred to general revenue.

221 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is
222 promulgated under the authority delegated in sections 105.711 to 105.726 shall become
223 effective only if it has been promulgated pursuant to the provisions of chapter 536. Nothing
224 in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted
225 prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section
226 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
227 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
228 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
229 rule proposed or adopted after August 28, 1999, shall be invalid and void.

115.143. 1. Each election authority may appoint persons regularly employed in the
2 office of the clerk of any city, town or village, [~~any department of revenue fee office,~~] or any
3 school, library or other tax-supported public agency in its jurisdiction as deputy registration
4 officials.

28 (3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing
29 or payment of any state income taxes, personal property taxes, municipal taxes, real property
30 taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a
31 past [~~or present~~] corporate officer of any fee office that owes any taxes to the state, the
32 department of revenue shall investigate such potential candidate to verify the claim contained
33 in the complaint. If the department of revenue finds a positive affirmation to be false, the
34 department shall contact the secretary of state, or the election official who accepted such
35 candidate's declaration of candidacy, and the potential candidate. The department shall notify
36 the candidate of the outstanding tax owed and give the candidate thirty days to remit any such
37 outstanding taxes owed which are not the subject of dispute between the department and the
38 candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate
39 shall be disqualified from participating in the current election and barred from refiling for an
40 entire election cycle even if the individual pays all of the outstanding taxes that were the
41 subject of the complaint.

115.427. 1. Persons seeking to vote in a public election shall establish their identity
2 and eligibility to vote at the polling place or, if voting absentee in person under section
3 115.277, at the office of the election authority or other authorized location designated by the
4 election authority by presenting a form of personal photo identification to election officials.
5 No form of personal photo identification other than the forms listed in this section shall be
6 accepted to establish a voter's qualifications to vote. Forms of personal photo identification
7 that satisfy the requirements of this section are any one of the following:

- 8 (1) Nonexpired Missouri driver's license;
- 9 (2) Nonexpired or nonexpiring Missouri nondriver's license;
- 10 (3) A document that satisfies all of the following requirements:
 - 11 (a) The document contains the name of the individual to whom the document was
12 issued, and the name substantially conforms to the most recent signature in the individual's
13 voter registration record;
 - 14 (b) The document shows a photograph of the individual;
 - 15 (c) The document includes an expiration date, and the document is not expired, or, if
16 expired, the document expired after the date of the most recent general election; and
 - 17 (d) The document was issued by the United States or the state of Missouri; or
- 18 (4) Any identification containing a photograph of the individual which is issued by
19 the Missouri National Guard, the United States Armed Forces, including the Space Force, or
20 the United States Department of Veteran Affairs to a member or former member of the
21 Missouri National Guard or the United States Armed Forces, including the Space Force, and
22 that is not expired or does not have an expiration date.

23 2. (1) An individual who appears at a polling place without a form of personal
24 identification described in subsection 1 of this section and who is otherwise qualified to vote
25 at that polling place shall be allowed to cast a provisional ballot. The election judges shall
26 make a notation on the provisional ballot envelope to indicate that the voter's identity was not
27 verified.

28 (2) No person shall be entitled to receive a provisional ballot until such person has
29 completed a provisional ballot affidavit on the provisional ballot envelope. All provisional
30 ballots shall be marked with a conspicuous stamp or mark that makes them distinguishable
31 from other ballots.

32 (3) The provisional ballot envelope shall be completed by the voter for use in
33 determining the voter's eligibility to cast a ballot.

34 3. The provisional ballot envelope shall provide a place for the voter's name, address,
35 date of birth, and last four digits of his or her Social Security number, followed by a
36 certificate in substantially the following form:

37 I do solemnly swear that I am the person identified above and the
38 information provided is correct. I understand that my vote will not be
39 counted unless:

40 (1) (a) I return to this polling place today between 6:00 a.m. and 7:00
41 p.m. and provide one of the following forms of identification:

42 a. Nonexpired Missouri driver's license;

43 b. Nonexpired or nonexpiring Missouri nondriver's license;

44 c. A document that satisfies all of the following requirements:

45 (i) The document contains my name, in substantially the same form as
46 the most recent signature on my voter registration record;

47 (ii) The document contains my photograph;

48 (iii) The document contains an expiration date and is not expired, or if
49 expired, the document expired after the date of the most recent general
50 election; and

51 (iv) The document was issued by the United States or the state of
52 Missouri; or

53 d. Identification containing my photograph issued to me by the
54 Missouri National Guard, the United States Armed Forces, including
55 Space Force, or the United States Department of Veteran Affairs as a
56 member or former member of the Missouri National Guard or the
57 United States Armed Forces that is not expired or does not have an
58 expiration date; or

59 (b) The election authority verifies my identity by comparing my
 60 signature on this envelope to the signature on file with the election
 61 authority and determines that I was eligible to cast a ballot at this
 62 polling place; and

63 (2) This provisional ballot otherwise qualifies to be counted under the
 64 laws of the State of Missouri.

65 _____
 66 Signature of Voter Date
 67 _____
 68 Signature of Election Officials

69

70 Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and
 71 placed in a separate secured container by the election judge.

72 4. The provisional ballot cast by such voter shall not be counted unless:

73 (1) (a) The voter returns to the polling place during the uniform polling hours
 74 established by section 115.407 and provides a form of personal identification that allows the
 75 election judges to verify the voter's identity as provided in subsection 1 of this section; or

76 (b) The election authority verifies the identity of the individual by comparing that
 77 individual's signature to the signature on file with the election authority and determines that
 78 the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

79 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

80 5. The secretary of state shall provide notice of the personal photo identification
 81 requirements described in subsection 1 of this section on the official state internet website of
 82 the secretary of state.

83 6. (1) Notwithstanding the provisions of ~~[section 136.055 and]~~ section 302.181 to the
 84 contrary, the state ~~[and all fee offices]~~ shall provide one nondriver's license at no cost to any
 85 otherwise qualified voter who does not already possess such identification and who desires
 86 the identification for voting.

87 (2) This state and its agencies shall provide one copy of each of the following, free of
 88 charge, if needed by an individual seeking to obtain a form of personal photo identification
 89 described in subsection 1 of this section in order to vote:

- 90 (a) A birth certificate;
- 91 (b) A marriage license or certificate;
- 92 (c) A divorce decree;
- 93 (d) A certificate of decree of adoption;
- 94 (e) A court order changing the person's name;

- 95 (f) A Social Security card reflecting an updated name; and
- 96 (g) Naturalization papers or other documents from the United States Department of
- 97 State proving citizenship.

98

99 Any individual seeking one of the above documents in order to obtain a form of personal

100 photo identification described in subsection 1 of this section for voting may request the

101 secretary of state to facilitate the acquisition of such documents. The secretary of state shall

102 pay any fee or fees charged by another state or its agencies, or any court of competent

103 jurisdiction in this state or any other state, or the federal government or its agencies, in order

104 to obtain any of the above documents from such state or the federal government.

105 (3) Any applicant who requests a nondriver's license for voting shall not be required

106 to pay a fee. The state of Missouri shall pay the legally required fees for any such applicant.

107 The department of revenue and a local election authority may enter into a contract that allows

108 the local election authority to assist the department in issuing nondriver's license photo

109 identifications.

110 7. The director of the department of revenue shall, by January first of each year,

111 prepare and deliver to each member of the general assembly a report documenting the number

112 of individuals who have requested and received a nondriver's license photo identification for

113 the purposes of voting under this section. The report shall also include the number of persons

114 requesting a nondriver's license for purposes of voting under this section, but not receiving

115 such license, and the reason for the denial of the nondriver's license.

116 8. The precinct register shall serve as the voter identification certificate. The

117 following form shall be printed at the top of each page of the precinct register:

118 VOTER'S IDENTIFICATION CERTIFICATE

119 Warning: It is against the law for anyone to vote, or attempt to vote,

120 without having a lawful right to vote.

121 PRECINCT

122 WARD OR TOWNSHIP _____

123 GENERAL (SPECIAL, PRIMARY) ELECTION

124 Held _____, 20_____

125 Date

126 I hereby certify that I am qualified to vote at this election by signing

127 my name and verifying my address by signing my initials next to my

128 address.

129 9. The secretary of state shall promulgate rules to effectuate the provisions of this

130 section.

131 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
132 created under the authority delegated in this section shall become effective only if it complies
133 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
134 This section and chapter 536 are nonseverable and if any of the powers vested with the
135 general assembly pursuant to chapter 536 to review, to delay the effective date or to
136 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
137 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
138 and void.

139 11. If any voter is unable to sign his name at the appropriate place on the certificate or
140 computer printout, an election judge shall print the name and address of the voter in the
141 appropriate place on the precinct register, the voter shall make his mark in lieu of signature,
142 and the voter's mark shall be witnessed by the signature of an election judge.

 226.008. 1. The highways and transportation commission shall have responsibility
2 and authority, as provided in this section and sections 104.805, **301.005**, **302.013**, 389.005,
3 389.610, and 621.040, for the administration and enforcement of:

4 (1) Licensing, supervising and regulating motor carriers for the transportation of
5 passengers, household goods and other property by motor vehicles within this state;

6 (2) Licensing motor carriers to transport hazardous waste, used oil, infectious waste
7 and permitting waste tire haulers in intrastate or interstate commerce, or both, by motor
8 vehicles within this state;

9 (3) Compliance by motor carriers and motor private carriers with applicable
10 requirements relating to safety and hazardous materials transportation, within the terminals of
11 motor carriers and motor private carriers of passengers or property;

12 (4) Compliance by motor carriers and motor private carriers with applicable
13 requirements relating to safety and hazardous materials transportation wherever they possess,
14 transport or deliver hazardous waste, used oil, infectious waste or waste tires. This authority
15 is in addition to, and not exclusive of, the authority of the department of natural resources to
16 ensure compliance with any and all applicable requirements related to the transportation of
17 hazardous waste, used oil, infectious waste or waste tires;

18 (5) Collecting and regulating amounts payable to the state from interstate motor
19 carriers in accordance with the provisions of the International Fuel Tax Agreement in
20 accordance with section 142.617, and any successor or similar agreements, including the
21 authority to impose and collect motor fuel taxes due pursuant to chapter 142, and such
22 agreement;

23 (6) Registering and regulating interstate commercial motor vehicles operated upon
24 the highways of this state, in accordance with the provisions of the International Registration
25 Plan in accordance with sections 301.271 through 301.277, and any successor or similar

26 agreements, including the authority to issue license plates in accordance with sections
27 301.130 and 301.041;

28 (7) Permitting the transportation of over dimension or overweight motor vehicles or
29 loads that exceed the maximum weights or dimensions otherwise allowed upon the public
30 highways within the jurisdiction of the highways and transportation commission; ~~and~~

31 (8) Licensing intrastate housemovers;

32 **(9) Registration and licensing of motor vehicles under chapter 301; and**

33 **(10) Licensing of noncommercial and commercial drivers under chapter 302.**

34 2. The highways and transportation commission shall carry out all powers, duties and
35 functions relating to intrastate and interstate transportation previously performed by:

36 (1) The division of motor carrier and railroad safety within the department of
37 economic development, and all officers or employees of that division;

38 (2) The department of natural resources, and all officers or employees of that
39 division, relating to the issuance of licenses or permits to transport hazardous waste, used oil,
40 infectious waste or waste tires by motor vehicles operating within the state;

41 (3) The highway reciprocity commission within the department of revenue, and all
42 officers or employees of that commission; and the director of revenue's powers, duties and
43 functions relating to the highway reciprocity commission, except that the highways and
44 transportation commission may allow the department of revenue to enforce the provisions of
45 the International Fuel Tax Agreement, as required by such agreement; and

46 (4) The motor carrier services unit within the traffic functional unit of the department
47 of transportation, relating to the special permitting of operations on state highways of motor
48 vehicles or loads that exceed the maximum length, width, height or weight limits established
49 by law or by the highways and transportation commission.

50 3. All the powers, duties and functions described in subsections 1 and 2 of this
51 section, including but not limited to, all powers, duties and functions pursuant to chapters
52 387, 390 and 622, including all rules and orders, are hereby transferred to the department of
53 transportation, which is in the charge of the highways and transportation commission, by type
54 I transfer, as defined in the Omnibus State Reorganization Act of 1974, and the preceding
55 agencies and officers shall no longer be responsible for those powers, duties and functions.

56 4. All the powers, duties and functions, including all rules and orders, of the
57 administrative law judges of the division of motor carrier and railroad safety, as amended by
58 the provisions of this section and sections 104.805, 389.005, 389.610, and 621.040, are
59 hereby transferred to the administrative hearing commission within the state office of
60 administration.

61 5. The division of motor carrier and railroad safety and the highway reciprocity
62 commission are abolished.

63 6. Personnel previously employed by the division of motor carrier and railroad safety
64 and the highway reciprocity commission shall be transferred to the department of
65 transportation, but the department of natural resources shall not be required to transfer any
66 personnel pursuant to this section. The administrative law judge within the division of motor
67 carrier and railroad safety shall be transferred to the administrative hearing commission.

68 7. Credentials issued by the transferring agencies or officials before July 11, 2002,
69 shall remain in force or expire as provided by law. In addition, the highways and
70 transportation commission shall have the authority to suspend, cancel or revoke such
71 credentials after July 11, 2002.

72 8. Notwithstanding any provision of law to the contrary, on and after July 11, 2002,
73 all surety bonds, cash bonds, certificates of deposit, letters of credit, drafts, checks or other
74 financial instruments payable to:

75 (1) The highway reciprocity commission or the department of revenue pursuant to
76 section 301.041 or pursuant to the International Fuel Tax Agreement; or

77 (2) Any other agency or official whose powers, duties or functions are transferred
78 pursuant to this section,

79

80 shall be payable instead to the state highways and transportation commission.

81 9. The department of natural resources shall have authority to collect and establish by
82 rule the amount of the fee paid by applicants for a permit to transport waste tires.

83 10. The Missouri hazardous waste management commission created in section
84 260.365 shall have the authority to collect and establish by rule the amount of the fee paid by
85 applicants for a license to transport hazardous waste, used oil, or infectious waste pursuant to
86 section 260.395.

87 11. All of the authority, powers, duties, and functions of the division of highway
88 safety relating to the motorcycle safety program under sections 302.133 to 302.138, the driver
89 improvement program authorized under section 302.178, the ignition interlock program under
90 sections 577.600 to 577.614, and other state highway safety programs as provided by state
91 law, including all administrative rules promulgated thereunder, are hereby transferred to the
92 department of transportation, which is in charge of the state highways and transportation
93 commission, by type I transfer as set forth in the Omnibus State Reorganization Act of 1974.

94 **12. All of the authority, powers, duties, and functions of the department of**
95 **revenue relating to the registration and licensing of motor vehicles under chapter 301**
96 **and relating to driver's and commercial driver's licenses under chapter 302, including**
97 **all administrative rules promulgated thereunder, are hereby transferred to the**
98 **department of transportation, which is in charge of the state highways and**

99 **transportation commission, by type I transfer as set forth in the Omnibus State**
100 **Reorganization Act of 1974.**

301.005. 1. All powers, duties, and functions now vested by law to the director of
2 **the department of revenue and to the department of revenue in this chapter are**
3 **transferred by type I transfer to the director of the department of transportation and to**
4 **the department of transportation.**

5 **2. The revisor of statutes shall change all references in the revised statutes of**
6 **Missouri within this chapter from "department of revenue" to "department of**
7 **transportation", excluding such references under this section.**

8 **3. The revisor of statutes shall change all references in the revised statutes of**
9 **Missouri within this chapter from "director of revenue" to "director of the department**
10 **of transportation", excluding such references under this section.**

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration of all fleet vehicles
3 owned or purchased by a fleet owner registered pursuant to this section. The director of
4 revenue shall prescribe the forms for such fleet registration and the forms and procedures for
5 the registration updates prescribed in this section. Any owner of ten or more motor vehicles
6 which must be registered in accordance with this chapter may register as a fleet owner. All
7 registered fleet owners may, at their option, register all motor vehicles included in the fleet on
8 a calendar year or biennial basis pursuant to this section in lieu of the registration periods
9 provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification
10 number to each registered owner of fleet vehicles.

11 **2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered**
12 **during April of the corresponding year or on a prorated basis as provided in subsection 3 of**
13 **this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a**
14 **biennial basis shall be payable not later than the last day of April of the corresponding year,**
15 **with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of**
16 **section 307.355, an application for registration of a fleet vehicle must be accompanied by a**
17 **certificate of inspection and approval issued no more than one hundred twenty days prior to**
18 **the date of application. The fees for vehicles added to the fleet which must be licensed at the**
19 **time of registration shall be payable at the time of registration, except that when such vehicle**
20 **is licensed between July first and September thirtieth the fee shall be three-fourths the annual**
21 **fee, when licensed between October first and December thirty-first the fee shall be one-half**
22 **the annual fee and when licensed on or after January first the fee shall be one-fourth the**
23 **annual fee. When biennial registration is sought for vehicles added to a fleet, an additional**
24 **year's annual fee will be added to the partial year's prorated fee.**

25 3. At any time during the calendar year in which an owner of a fleet purchases or
26 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet
27 vehicle, the owner shall present to the director of revenue the identification number as a fleet
28 number and may register the vehicle for the partial year as provided in subsection 2 of this
29 section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so
30 transferred pursuant to this subsection.

31 4. Except as specifically provided in this subsection, all fleet vehicles registered
32 pursuant to this section shall be issued a special license plate which shall have the words
33 "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the
34 advisory committee established in section 301.129. Alternatively, for a one-time additional
35 five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty
36 fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and
37 design thereof subject to approval by the director. All fleet license plates shall be made with
38 fully reflective material with a common color scheme and design, shall be clearly visible at
39 night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles
40 shall be issued multiyear license plates as provided in this section which shall not require
41 issuance of a renewal tab. Upon payment of appropriate registration fees, the director of
42 revenue shall issue a registration certificate or other suitable evidence of payment of the
43 annual or biennial fee, and such evidence of payment shall be carried at all times in the
44 vehicle for which it is issued.

45 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a
46 fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to
47 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the
48 state of Missouri.

49 6. (1) Notwithstanding any other provisions of law to the contrary, any person,
50 company, or corporation engaged in the business of renting or leasing three thousand five
51 hundred or more motor vehicles which are to be used exclusively for rental or leasing
52 purposes and not for resale that has applied to the director of revenue for authority to operate
53 as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet
54 owner as prescribed in the provisions of this subsection to subsection 10 of this section.

55 (2) The director of revenue may issue license plates after presentment of an
56 application, as designed by the director, and payment of an annual fee of three hundred sixty
57 dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and
58 issuance of such plates shall be in lieu of registering each motor vehicle with the director as
59 otherwise provided by law.

60 (3) The registration fees for vehicles in the registered fleet owner's fleet shall be fully
61 payable at the time such plates are ordered, except that when such plate is ordered after the

62 first month of registration, the fees payable shall be prorated by the month the plates were
63 ordered. When biennial registration is sought, an additional year's annual fee shall be added
64 to the partial year's prorated fee.

65 (4) Such motor vehicles within the fleet shall not be exempted from the safety
66 inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but
67 notwithstanding the provisions of section 307.355, such inspections shall not be required to
68 be presented to the director of revenue.

69 7. A recipient of a lease or rental company license issued by the director of revenue as
70 prescribed in section 144.070 operating as a registered fleet owner under this section shall
71 register such fleet with the director of revenue on an annual or biennial basis in lieu of the
72 individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and
73 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees
74 prescribed in subdivision (1) of subsection 6 of this section shall be doubled. ~~[An agent fee as
75 prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of
76 fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet
77 registration is elected, the agent fee shall be collected in an amount equal to the fee for two
78 years.]~~

79 8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section,
80 the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

81 9. The authority of a recipient of a lease or rental company license issued by the
82 director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in
83 this section shall expire on January first of the licensure period.

84 10. A lease or rental company operating fleet license plates issued under subsections
85 6 to 10 of this section shall make available, upon request, to the director of revenue and all
86 Missouri law enforcement agencies any corresponding vehicle and registration information
87 that may be requested as prescribed by rule.

88 11. The director shall make all necessary rules and regulations for the administration
89 of this section and shall design all necessary forms required by this section. Any rule or
90 portion of a rule, as that term is defined in section 536.010, that is created under the authority
91 delegated in this section shall become effective only if it complies with and is subject to all
92 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
93 536 are nonseverable and if any of the powers vested with the general assembly under chapter
94 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
95 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
96 adopted after August 28, 2019, shall be invalid and void.

301.040. The director of revenue shall notify each registered motor vehicle owner by
2 mail, at the last known address, within an appropriate period prior to the beginning of the

3 registration period to which he has been assigned, of the date for reregistration. Such notice
4 shall include an application blank for registration and shall specify the amount of license fees
5 due and the registration period covered by such license. Application blanks shall also be
6 furnished all branch offices of the department of revenue [~~and license fee offices designated~~
7 ~~by the director of revenue under the provisions of section 136.055~~] where they shall be made
8 available to any person upon request. Failure of the owner to receive such notice shall not
9 relieve the owner of the requirement to register pursuant to this chapter.

301.149. 1. Notwithstanding any law to the contrary, proof of financial responsibility
2 required for vehicle registration under section 301.147 may be provided by displaying an
3 electronic image of an insurance identification card on a mobile electronic device.

4 2. Whenever a person presents a mobile electronic device as proof of financial
5 responsibility to any employee of the department of revenue [~~or any agent authorized by the~~
6 ~~department of revenue under section 136.055~~] to register motor vehicles and trailers, the
7 person presenting such mobile electronic device shall assume all liability for any damage that
8 may occur to the mobile electronic device, except for damage willfully or maliciously caused
9 by a department employee or agent.

10 3. When a person provides evidence of financial responsibility using a mobile
11 electronic device pursuant to this section to any employee of the department of revenue [~~or~~
12 ~~any agent authorized by the department of revenue under section 136.055~~] to register motor
13 vehicles and trailers, such employees or agents shall only view the evidence of financial
14 responsibility and shall not view any other content on the mobile electronic device.

15 4. As used in this section, the term "mobile electronic device" means any small
16 handheld computing or communications device that has a display screen with a touch input or
17 a miniature keyboard.

**302.013. 1. All powers, duties, and functions now vested by law to the director of
2 the department of revenue and to the department of revenue in this chapter are
3 transferred by type I transfer to the director of the department of transportation and to
4 the department of transportation.**

5 **2. The revisor of statutes shall change all references in the revised statutes of
6 Missouri within this chapter from "department of revenue" to "department of
7 transportation", excluding such references under this section.**

8 **3. The revisor of statutes shall change all references in the revised statutes of
9 Missouri within this chapter from "director of revenue" to "director of the department
10 of transportation", excluding such references under this section.**

408.032. 1. Notwithstanding any provisions of law to the contrary, the recording
2 fees, including actual fees paid to a third party by a creditor, may include the following:

3 (1) Any fee paid in processing the debtor's liens [~~as provided in section 136.055~~];

4 (2) Any fee paid to a third party for expediting the debtor's motor vehicle or other title
5 or lien with the department of revenue, provided:

6 (a) The creditor does not control the third party; and

7 (b) Both creditor and third party do not share common ownership.

8 2. Either fee provided for in subdivisions (1) and (2) of subsection 1 of this section
9 may be charged such debtor, and is not included as interest or service charges for the purposes
10 of state usury laws; except that the expeditor fee as provided in subdivision (2) of subsection
11 1 of this section may not exceed fifteen dollars.

2 ~~[136.055. 1. Any person who is selected or appointed by the state~~
3 ~~director of revenue as provided in subsection 2 of this section to act as an agent~~
4 ~~of the department of revenue, whose duties shall be the processing of motor~~
5 ~~vehicle title and registration transactions and the collection of sales and use~~
6 ~~taxes when required under sections 144.070 and 144.440, and who receives no~~
7 ~~salary from the department of revenue, shall be authorized to collect from the~~
8 ~~party requiring such services additional fees as compensation in full and for all~~
9 ~~services rendered on the following basis:~~

10 (1) ~~For each motor vehicle registration issued, renewed, or transferred:~~

11 (a) ~~Nine dollars for annual registration; or~~

12 (b) ~~Eighteen dollars for biennial registration;~~

13 (2) ~~For each trailer registration issued, renewed, or transferred:~~

14 (a) ~~Nine dollars for annual registration;~~

15 (b) ~~Twenty-seven dollars for three-year registration; or~~

16 (c) ~~Forty-five dollars for permanent registration;~~

17 (3) ~~For each application or transfer of title, nine dollars;~~

18 (4) ~~For each instruction permit, nondriver license, chauffeur's,~~
19 ~~operator's or driver's license issued for a period of three years or less, nine~~
20 ~~dollars and eighteen dollars for licenses or instruction permits issued or~~
21 ~~renewed for a period exceeding three years;~~

22 (5) ~~For each notice of lien processed, nine dollars;~~

23 (6) ~~Notary fee or electronic transmission per processing, two dollars.~~

24 2. ~~The director of revenue shall award fee office contracts under this~~
25 ~~section through a competitive bidding process. The competitive bidding~~
26 ~~process shall give priority to organizations and entities that are exempt from~~
27 ~~taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic~~
28 ~~organizations that would be considered action organizations under 26 C.F.R.~~
29 ~~Section 1.501(c)(3)-1(e)(3), of the Internal Revenue Code of 1986, as~~
30 ~~amended, with special consideration given to those organizations and entities~~
31 ~~that reinvest a minimum of seventy-five percent of the net proceeds to~~
32 ~~charitable organizations in Missouri, and political subdivisions, including but~~
33 ~~not limited to, municipalities, counties, and fire protection districts.~~
34 ~~Notwithstanding any provision of law to the contrary, the director of~~
35 ~~revenue shall not award any fee office contract under this section to any entity~~
36 ~~affiliated in any manner with a current employee of the department of revenue~~
37 ~~or with a former employee of the department of revenue for the one-year~~
~~period following the former employee's termination of employment with the~~

38 department. For purposes of this subsection, "affiliated in any manner"
39 includes owning the entity or serving as an officer or board member of such
40 entity. Additionally, no person affiliated in any manner with an entity awarded
41 a fee office contract under this section shall be affiliated in any manner with an
42 entity acting as a motor vehicle title service agent as prescribed in sections
43 301.112 to 301.119. The director of the department of revenue may
44 promulgate rules and regulations necessary to carry out the provisions of this
45 subsection. Any rule or portion of a rule, as that term is defined in section
46 536.010, that is created under the authority delegated in this subsection shall
47 become effective only if it complies with and is subject to all of the provisions
48 of chapter 536 and, if applicable, section 536.028. This section and chapter
49 536 are nonseverable and if any of the powers vested with the general
50 assembly pursuant to chapter 536 to review, to delay the effective date, or to
51 disapprove and annul a rule are subsequently held unconstitutional, then the
52 grant of rulemaking authority and any rule proposed or adopted after August
53 28, 2009, shall be invalid and void.

54 3. Notwithstanding any other provision of law to the contrary, the
55 director of revenue shall have the authority to enter into a contract amendment
56 or renewal, for any contract for a fee office awarded through the competitive
57 bidding process after September 1, 2009, to extend such contract for up to a
58 five-year period to begin after the expiration date of such contract. The
59 director of revenue shall evaluate performance under the contract when
60 deciding whether to enter into contract amendments or renewals authorized in
61 this subsection. Nothing shall obligate the director to offer such extension or
62 renewal. A competitively awarded contract may only be extended once
63 pursuant to this subsection.

64 4. All fees authorized under this section collected by a contract fee
65 office may be retained and used by the entity operating the contract fee office,
66 and all fees authorized under this section collected by a fee office operated by
67 the department of revenue shall be considered state revenue.

68 5. All fees charged shall not exceed those in this section. The fees
69 authorized under this section shall be collected by all contract fee offices and
70 shall be collected by all full-time or temporary offices operated by the
71 department of revenue.

72 6. Any person acting as agent of the department of revenue for the sale
73 and issuance of registrations, licenses, and other documents related to motor
74 vehicles shall have an insurable interest in all license plates, licenses, tabs,
75 forms and other documents held on behalf of the department.

76 7. The fees authorized by this section shall not be collected by motor
77 vehicle dealers acting as agents of the department of revenue under section
78 32.095 or those motor vehicle dealers authorized to collect and remit sales tax
79 under subsection 10 of section 144.070.

80 8. Notwithstanding any other provision of law to the contrary, the state
81 auditor may audit all records maintained and established by the fee office in
82 the same manner as the auditor may audit any agency of the state, and the
83 department shall ensure that this audit requirement is a necessary condition for

84 ~~the award of all fee office contracts. No confidential records shall be divulged~~
85 ~~in such a way to reveal personally identifiable information.]~~

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