

HOUSE BILL NO. 3515

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUPPS.

7516H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to diesel-powered vehicles, with penalty provisions.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be
2 known as section 1.371, to read as follows:

2 **1.371. 1. As used in this section, the term "diesel-powered vehicle" means any of**
3 **the following, as defined in section 301.010, that is powered by a diesel-fueled engine:**

- 3 (1) **Automobile transporter;**
- 4 (2) **Boat transporter;**
- 5 (3) **Bus;**
- 6 (4) **Commercial motor vehicle;**
- 7 (5) **Farm tractor;**
- 8 (6) **Fleet vehicle;**
- 9 (7) **Local commercial motor vehicle;**
- 10 (8) **Local log truck;**
- 11 (9) **Local log truck tractor;**
- 12 (10) **Local transit bus;**
- 13 (11) **Log truck;**
- 14 (12) **Non-USA-std motor vehicle;**
- 15 (13) **Recreational motor vehicle;**
- 16 (14) **School bus;**
- 17 (15) **Shuttle bus;**

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.

- 18 **(16) Tractor, truck tractor, or truck-tractor;**
19 **(17) Truck;**
20 **(18) Truck-tractor semitrailer-semitrailer;**
21 **(19) Truck-trailer boat transporter combination; or**
22 **(20) Wrecker or tow truck.**

23 **2. No entity or person, including any public officer or employee of this state or**
24 **any political subdivision of this state, shall have the authority to enforce or attempt to**
25 **enforce any federal acts, laws, executive orders, administrative orders, court orders,**
26 **rules, regulations, statutes, or ordinances governing the removal of emission control**
27 **devices on any diesel-powered vehicle.**

28 **3. (1) Any entity that employs any person who acts knowingly, as defined in**
29 **section 562.016, to violate the provisions of subsection 2 of this section while acting**
30 **under the color of any state or federal law shall be liable to the injured party in an**
31 **action at law, suit in equity, or other proper proceeding for redress.**

32 **(2) In such actions, the court may award the prevailing party, other than the**
33 **state of Missouri or any political subdivision of the state, reasonable attorney's fees and**
34 **costs.**

35 **(3) Sovereign, official, or qualified immunity shall not be an affirmative defense**
36 **in such actions.**

37 **4. (1) Any entity that employs an individual acting as an official, agent,**
38 **employee, or deputy of the government of the United States, or otherwise acting under**
39 **the color of federal law within the borders of this state, shall be subject to a civil penalty**
40 **of one hundred thousand dollars per occurrence if such individual, acting knowingly, as**
41 **defined in section 562.016:**

42 **(a) Enforces or attempts to enforce any of the federal legislative, executive, or**
43 **judicial actions described in subsection 2 of this section; or**

44 **(b) Gives material aid and support to the efforts of another who enforces or**
45 **attempts to enforce any of the federal legislative, executive, or judicial actions described**
46 **in subsection 2 of this section.**

47 **(2) Any person residing or conducting business in a jurisdiction who believes**
48 **that an individual has taken action that would violate the provisions of this section shall**
49 **have standing to pursue an action for declaratory judgment in the circuit court of the**
50 **county in which the action allegedly occurred or in the circuit court of Cole County with**
51 **respect to the actions of such individual.**

52 **(3) If a court determines that an individual has taken any action in violation of**
53 **the provisions of this section, the entity that employs such individual shall be required to**

54 **pay the court costs and attorney's fees associated with the declaratory judgment action**
55 **that resulted in the civil penalty.**

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