

## SENATE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1647

## AN ACT

To repeal sections 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 414.530, 414.560, 414.570, and 650.230, RSMo, and to enact in lieu thereof seventeen new sections relating to public safety, with an emergency clause for certain sections.

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

1           Section A. Sections 259.010, 259.020, 259.030, 259.040,  
2 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136,  
3 414.530, 414.560, 414.570, and 650.230, are repealed and  
4 seventeen new sections enacted in lieu thereof, to be known as  
5 sections 259.010, 259.020, 259.030, 259.040, 259.070, 260.373,  
6 260.392, 292.606, 301.010, 304.033, 320.106, 320.131, 320.136,  
7 414.530, 414.560, 414.570, and 650.230, to read as follows:

8           259.010. There shall be a "State Oil and Gas Council"  
9 composed of the following [state agencies and two other persons  
10 as provided in] members in accordance with the provisions of  
11 section 259.020:

12           (1) One member from the division of [geological survey and  
13 water resources] geology and land survey;

14           (2) [Division of commerce and industrial] One member from  
15 the department of economic development;

- 1           (3) One member from the Missouri public service commission;
- 2           (4) One member from the clean water commission;
- 3           (5) [University of] One member from the Missouri University  
4 of Science and Technology Petroleum Engineering Program;
- 5           (6) One member from the Missouri Independent Oil and Gas  
6 Association; and
- 7           (7) Two members from the public.

8           259.020. The member [agencies] entities in section 259.010  
9 shall be represented on the council by the executive head of [the  
10 agency] each respective entity, except that:

11           (1) The [University of] Missouri University of Science and  
12 Technology shall be represented by a professor of petroleum  
13 engineering employed at the university [of Missouri];

14           (2) The Missouri Independent Oil and Gas Association shall  
15 be represented by a designated member of the association; and

16           (3) The public members shall be appointed to the council by  
17 the governor, with the advice and consent of the senate. Both  
18 public members shall have an interest in and knowledge of the oil  
19 and gas industry, both shall be residents of Missouri, and at  
20 least one shall also be a resident of a county of the third or  
21 fourth classification.

22

23 The executive head of any member state agency, the professor of  
24 petroleum engineering at the Missouri University of Science and  
25 Technology and the member from the Missouri Independent Oil and  
26 Gas Association may from time to time authorize any member of the  
27 state agency's staff, another professor of petroleum engineering  
28 at the Missouri University of Science and Technology or another

1 member of the Missouri Independent Oil and Gas Association,  
2 respectively, to represent it on the council and to fully  
3 exercise any of the powers and duties of [an agency] the member  
4 representative. [Two other persons shall be appointed to the  
5 council by the governor, with the advice and consent of the  
6 senate, who are residents of Missouri and who shall have an  
7 interest in and knowledge of the oil and gas industry.]

8 259.030. 1. The council shall elect a chairman and vice  
9 chairman from the members of the council other than the  
10 representative of the division of [geological survey and water  
11 resources] geology and land survey. A chairman and vice chairman  
12 may serve more than [one] a one-year term, if so elected by the  
13 members of the council.

14 2. The state geologist shall act as administrator for the  
15 council and shall be responsible for enforcing the provisions of  
16 this chapter.

17 259.040. Representatives of the member state agencies shall  
18 not receive any additional compensation for their services as  
19 representatives on the council and all expenses of the state  
20 agency representatives shall be paid by their respective agency.  
21 [Members appointed because of their interest in and knowledge of  
22 the oil and gas industry] The professor of petroleum engineering,  
23 the member from the Missouri Independent Oil and Gas Association  
24 and the public members shall not receive any compensation for  
25 their services as representatives on the council and all expenses  
26 of such representatives shall be paid by their respective  
27 entities.

28 259.070. 1. The council has the duty of administering the

1 provisions of this chapter. The council shall meet at least once  
2 each calendar quarter of the year and upon the call of the  
3 chairperson.

4 2. The council shall conduct a review of the statutes and  
5 rules and regulations under this chapter on a biennial basis.  
6 Based on such review, the council, if necessary, shall recommend  
7 changes to the statutes under this chapter and shall amend rules  
8 and regulations accordingly.

9 3. (1) The council shall have the power and duty to form  
10 an advisory committee to the council for the purpose of reviewing  
11 the statutes and rules and regulations under subsection 2 of this  
12 section. The advisory committee shall make recommendations to  
13 the council when necessary to amend current statutes and rules  
14 and regulations under this chapter and shall review any proposed  
15 new or amended statute or regulation before such proposed statute  
16 or regulation is considered by the council.

17 (2) The advisory committee shall be made up of  
18 representatives from the division of geology and land survey, the  
19 oil and gas industry and any council member desiring to be on  
20 such advisory committee. The advisory committee shall meet prior  
21 to each calendar quarter meeting of the council, if necessary for  
22 the purposes set forth under this subsection, and present any  
23 recommendations to the council at such calendar quarter meeting.  
24 The council shall designate one of its members to serve as the  
25 chairperson of the advisory committee.

26 (3) The advisory committee may make recommendations to the  
27 council on appropriate fees or other funding mechanisms to  
28 support the oil and gas program efforts of the division of

1 geology and land survey.

2 4. The council has the duty and authority to make such  
3 investigations as it deems proper to determine whether waste  
4 exists or is imminent or whether other facts exist which justify  
5 action.

6 5. The council acting through the office of the state  
7 geologist has the authority:

8 (1) To require:

9 (a) Identification of ownership of oil or gas wells,  
10 producing leases, tanks, plants, structures, and facilities for  
11 the refining or intrastate transportation of oil and gas;

12 (b) The making and filing of all mechanical well logs and  
13 the filing of directional surveys if taken, and the filing of  
14 reports on well location, drilling and production, and the filing  
15 free of charge of samples and core chips and of complete cores  
16 less tested sections, when requested in the office of the state  
17 geologist within six months after the completion or abandonment  
18 of the well;

19 (c) The drilling, casing, operation, and plugging of wells  
20 in such manner as to prevent the escape of oil or gas out of one  
21 stratum into another; the intrusion of water into oil or gas  
22 stratum; the pollution of fresh water supplies by oil, gas, or  
23 highly mineralized water; to prevent blowouts, cavings, seepages,  
24 and fires; and to prevent the escape of oil, gas, or water into  
25 workable coal or other mineral deposits;

26 (d) The furnishing of a reasonable bond with good and  
27 sufficient surety, conditioned upon the full compliance with the  
28 provisions of this chapter, and the rules and regulations of the

1 council prescribed to govern the production of oil and gas on  
2 state and private lands within the state of Missouri; provided  
3 that, in lieu of a bond with a surety, an applicant may furnish  
4 to the council his own personal bond, on conditions as described  
5 in this paragraph , secured by a certificate of deposit or an  
6 irrevocable letter of credit in an amount equal to that of the  
7 required surety bond or secured by some other financial  
8 instrument on conditions as above described or as provided by  
9 council regulations;

10 (e) That the production from wells be separated into  
11 gaseous and liquid hydrocarbons, and that each be accurately  
12 measured by such means and upon such standards as may be  
13 prescribed by the council;

14 (f) The operation of wells with efficient gas-oil and  
15 water-oil ratios, and to fix these ratios;

16 (g) Certificates of clearance in connection with the  
17 transportation or delivery of any native and indigenous Missouri  
18 produced crude oil, gas, or any product;

19 (h) Metering or other measuring of any native and  
20 indigenous Missouri-produced crude oil, gas, or product in  
21 pipelines, gathering systems, barge terminals, loading racks,  
22 refineries, or other places; and

23 (i) That every person who produces, sells, purchases,  
24 acquires, stores, transports, refines, or processes native and  
25 indigenous Missouri-produced crude oil or gas in this state shall  
26 keep and maintain within this state complete and accurate records  
27 of the quantities thereof, which records shall be available for  
28 examination by the council or its agents at all reasonable times

1 and that every such person file with the council such reports as  
2 it may prescribe with respect to such oil or gas or the products  
3 thereof;

4 (2) To regulate pursuant to rules adopted by the council:

5 (a) The drilling, producing, and plugging of wells, and all  
6 other operations for the production of oil or gas;

7 (b) The shooting and chemical treatment of wells;

8 (c) The spacing of wells;

9 (d) Operations to increase ultimate recovery such as  
10 cycling of gas, the maintenance of pressure, and the introduction  
11 of gas, water, or other substances into producing formations; and

12 (e) Disposal of highly mineralized water and oil field  
13 wastes;

14 (3) To limit and to allocate the production of oil and gas  
15 from any field, pool, or area;

16 (4) To classify wells as oil or gas wells for purposes  
17 material to the interpretation or enforcement of this chapter;

18 (5) To promulgate and to enforce rules, regulations, and  
19 orders to effectuate the purposes and the intent of this chapter;

20 (6) To make rules, regulations, or orders for the  
21 classification of wells as oil wells or dry natural gas wells; or  
22 wells drilled, or to be drilled, for geological information; or  
23 as wells for secondary recovery projects; or wells for the  
24 disposal of highly mineralized water, brine, or other oil field  
25 wastes; or wells for the storage of dry natural gas, or  
26 casinghead gas; or wells for the development of reservoirs for  
27 the storage of liquid petroleum gas;

28 (7) To detail such personnel and equipment or enter into

1 such contracts as it may deem necessary for carrying out the  
2 plugging of or other remedial measures on wells which have been  
3 abandoned and not plugged according to the standards for plugging  
4 set out in the rules and regulations promulgated by the council  
5 pursuant to this chapter. Members of the council or authorized  
6 representatives may, with the consent of the owner or person in  
7 possession, enter any property for the purpose of investigating,  
8 plugging, or performing remedial measures on any well, or to  
9 supervise the investigation, plugging, or performance of remedial  
10 measures on any well. A reasonable effort to contact the owner  
11 or the person in possession of the property to seek his  
12 permission shall be made before members of the council or  
13 authorized representatives enter the property for the purposes  
14 described in this paragraph . If the owner or person in  
15 possession of the property cannot be found or refuses entry or  
16 access to any member of the council or to any authorized  
17 representative presenting appropriate credentials, the council  
18 may request the attorney general to initiate in any court of  
19 competent jurisdiction an action for injunctive relief to  
20 restrain any interference with the exercise of powers and duties  
21 described in this subdivision. Any entry authorized under this  
22 subdivision shall be construed as an exercise of the police power  
23 for the protection of public health, safety and general welfare  
24 and shall not be construed as an act of condemnation of property  
25 nor of trespass thereon. Members of the council and authorized  
26 representatives shall not be liable for any damages necessarily  
27 resulting from the entry upon land for purposes of investigating,  
28 plugging, or performing remedial measures or the supervision of

1 such activity. However, if growing crops are present,  
2 arrangements for timing of such remedial work may be agreed upon  
3 between the state and landowner in order to minimize damages;

4 (8) To develop such facts and make such investigations or  
5 inspections as are consistent with the purposes of this chapter.  
6 Members of the council or authorized representatives may, with  
7 the consent of the owner or person in possession, enter upon any  
8 property for the purposes of inspecting or investigating any  
9 condition which the council shall have probable cause to believe  
10 is subject to regulation under this chapter, the rules and  
11 regulations promulgated pursuant thereto or any permit issued by  
12 the council. If the owner or person in possession of the  
13 property refuses entry or access for purposes of the inspections  
14 or investigations described, the council or authorized  
15 representatives shall make application for a search warrant.  
16 Upon a showing of probable cause in writing and under oath, a  
17 suitable restricted search warrant shall be issued by any judge  
18 having jurisdiction for purposes of enabling inspections  
19 authorized under this subdivision. The results of any inspection  
20 or investigation pursuant to this subdivision shall be reduced to  
21 writing with a copy furnished to the owner, person in possession,  
22 or operator;

23 (9) To cooperate with landowners with respect to the  
24 conversion of wells drilled for oil and gas to alternative use as  
25 water wells as follows: The state geologist shall determine the  
26 feasibility of the conversion of a well drilled under a permit  
27 for oil and gas for use as a water well and shall advise the  
28 landowner of modifications required for conversion of the well in

1 a manner that is consistent with the requirements of this  
2 chapter. If such conversion is carried out, release of the  
3 operator from legal liability or other responsibility shall be  
4 required and the expense of the conversion shall be borne by the  
5 landowner.

6 [2.] 6. No rule or portion of a rule promulgated under the  
7 authority of this chapter shall become effective unless it has  
8 been promulgated pursuant to the provisions of section 536.024.

9 260.373. 1. After August 28, 2012, the authority of the  
10 commission to promulgate rules under sections 260.350 to 260.391  
11 and 260.393 to 260.433 is subject to the following:

12 (1) The commission shall not promulgate rules that are  
13 stricter than or implement requirements prior to the requirements  
14 of Title 40, U.S. Code of Federal Regulations, Parts 260, 261,  
15 262, 264, 265, 268, and 270, as promulgated pursuant to Subtitle  
16 C of the Resource Conservation and Recovery Act, as amended;

17 (2) Notwithstanding the limitations of subdivision (1) of  
18 this subsection, where state statutes expressly prescribe  
19 standards or requirements that are stricter than or implement  
20 requirements prior to any federal requirements, or where state  
21 statutes allow the establishment or collection of fees, costs, or  
22 taxes, the commission may promulgate rules as necessary to  
23 implement such statutes;

24 (3) Notwithstanding the limitations of subdivision (1) of  
25 this subsection, the commission may retain, modify, or repeal any  
26 current rules pertaining to the following:

27 (a) Thresholds for determining whether a hazardous waste  
28 generator is a large quantity generator, small quantity

1 generator, or conditionally-exempt small quantity generator;

2 (b) Descriptions of applicable registration requirements;

3 (c) The reporting of hazardous waste activities to the  
4 department; provided, however, that the commission shall  
5 promulgate rules, effective beginning with the reporting period  
6 July 1, 2015 - June 30, 2016, that allow for the submittal of  
7 reporting data in an electronic format on an annual basis by  
8 large quantity generators and treatment storage and disposal  
9 facilities;

10 (d) Rules requiring hazardous waste generators to display  
11 hazard labels (e.g., Department of Transportation (DOT) labels)  
12 on containers and tanks during the time hazardous waste is stored  
13 onsite;

14 (e) The exclusion for hazardous secondary materials used to  
15 make zinc fertilizers in 40 CFR 261.4; and

16 (f) The exclusions for hazardous secondary materials that  
17 are burned for fuel or that are recycled.

18 2. Nothing in this section shall be construed to repeal any  
19 other provision of law, and the commission and the department  
20 shall continue to have the authority to implement and enforce  
21 other statutes, and the rules promulgated pursuant to their  
22 authority.

23 3. No later than December 31, 2013, the department shall  
24 identify rules in Title 10, Missouri Code of State Regulations,  
25 Division 25, Chapters 3, 4, 5, and 7 that are inconsistent with  
26 the provisions of subsection 1 of this section. The department  
27 shall thereafter file with the Missouri secretary of state any  
28 amendments necessary to ensure that such rules are not

1 inconsistent with the provisions of subsection 1 of this section.  
2 On December 31, 2015, any rule contained in Title 10, Missouri  
3 Code of State Regulations, Division 25, Chapters 3, 4, 5, or 7  
4 that remains inconsistent with the provisions of subsection 1  
5 above shall be null and void to the extent that it is  
6 inconsistent.

7 4. Nothing in this section shall be construed to effectuate  
8 a modification of any permit. Upon request, the department shall  
9 modify as appropriate any permit containing requirements no  
10 longer in effect due to this section.

11 5. The department is prohibited from selectively excluding  
12 any rule or portion of a rule promulgated by the commission from  
13 any authorization application package, or program revision,  
14 submitted to the U.S. Environmental Protection Agency under Title  
15 40, U.S. Code of Federal Regulations, sections 271.5 or 271.21.

16 6. Any rule or portion of a rule, as that term is defined  
17 in section 536.010, that is created under the authority delegated  
18 in this section shall become effective only if it complies with  
19 and is subject to all of the provisions of chapter 536 and, if  
20 applicable, section 536.028. This section and chapter 536 are  
21 non-severable and if any of the powers vested with the general  
22 assembly under chapter 536 to review, to delay the effective  
23 date, or to disapprove and annul a rule are subsequently held  
24 unconstitutional, then the grant of rulemaking authority and any  
25 rule proposed or adopted after August 28, 2012, shall be invalid  
26 and void.

27 260.392. 1. As used in sections 260.392 to 260.399, the  
28 following terms mean:

1           (1) "Cask", all the components and systems associated with  
2 the container in which spent fuel, high-level radioactive waste,  
3 highway route controlled quantity, or transuranic radioactive  
4 waste are stored;

5           (2) "High-level radioactive waste", the highly radioactive  
6 material resulting from the reprocessing of spent nuclear fuel  
7 including liquid waste produced directly in reprocessing and any  
8 solid material derived from such liquid waste that contains  
9 fission products in sufficient concentrations, and other highly  
10 radioactive material that the United States Nuclear Regulatory  
11 Commission has determined to be high-level radioactive waste  
12 requiring permanent isolation;

13           (3) "Highway route controlled quantity", as defined in 49  
14 CFR Part 173.403, as amended, a quantity of radioactive material  
15 within a single package. Highway route controlled quantity  
16 shipments of thirty miles or less within the state are exempt  
17 from the provisions of this section;

18           (4) "Low-level radioactive waste", any radioactive waste  
19 not classified as high-level radioactive waste, transuranic  
20 radioactive waste, or spent nuclear fuel by the United States  
21 Nuclear Regulatory Commission, consistent with existing law.  
22 Shipment of all sealed sources meeting the definition of  
23 low-level radioactive waste, shipments of low-level radioactive  
24 waste that are within a radius of no more than fifty miles from  
25 the point of origin, and all naturally occurring radioactive  
26 material given written approval for landfill disposal by the  
27 Missouri department of natural resources under 10 CSR 80-3.010  
28 are exempt from the provisions of this section. Any low-level

1 radioactive waste that has a radioactive half-life equal to or  
2 less than one hundred twenty days is exempt from the provisions  
3 of this section;

4 (5) "Shipper", the generator, owner, or company contracting  
5 for transportation by truck or rail of the spent fuel, high-level  
6 radioactive waste, highway route controlled quantity shipments,  
7 transuranic radioactive waste, or low-level radioactive waste;

8 (6) "Spent nuclear fuel", fuel that has been withdrawn from  
9 a nuclear reactor following irradiation, the constituent elements  
10 of which have not been separated by reprocessing;

11 (7) "State-funded institutions of higher education", any  
12 campus of any university within the state of Missouri that  
13 receives state funding and has a nuclear research reactor;

14 (8) "Transuranic radioactive waste", defined in 40 CFR Part  
15 191.02, as amended, as waste containing more than one hundred  
16 nanocuries of alpha-emitting transuranic isotopes with half-lives  
17 greater than twenty years, per gram of waste. For the purposes  
18 of this section, transuranic waste shall not include:

19 (a) High-level radioactive wastes;

20 (b) Any waste determined by the Environmental Protection  
21 Agency with the concurrence of the Environmental Protection  
22 Agency administrator that does not need the degree of isolation  
23 required by this section; or

24 (c) Any waste that the United States Nuclear Regulatory  
25 Commission has approved for disposal on a case-by-case basis in  
26 accordance with 10 CFR Part 61, as amended.

27 2. Any shipper that ships high-level radioactive waste,  
28 transuranic radioactive waste, highway route controlled quantity

1 shipments, spent nuclear fuel, or low-level radioactive waste  
2 through or within the state shall be subject to the fees  
3 established in this subsection, provided that no state-funded  
4 institution of higher education that ships nuclear waste shall  
5 pay any such fee. These higher education institutions shall  
6 reimburse the Missouri state highway patrol directly for all  
7 costs related to shipment escorts. The fees for all other  
8 shipments shall be:

9 (1) One thousand eight hundred dollars for each [cask  
10 transported] truck transporting through or within the state [by  
11 truck of] high-level radioactive waste, transuranic radioactive  
12 waste, spent nuclear fuel or highway route controlled quantity  
13 shipments. All [casks] truck shipments of high-level radioactive  
14 waste, transuranic radioactive waste, spent nuclear fuel, or  
15 highway route controlled quantity shipments [transported by  
16 truck] are subject to a surcharge of twenty-five dollars per mile  
17 for every mile over two hundred miles traveled within the state;

18 (2) One thousand three hundred dollars for the first cask  
19 and one hundred twenty-five dollars for each additional cask for  
20 each rail shipment through or within the state of high-level  
21 radioactive waste, transuranic radioactive waste, or spent  
22 nuclear fuel;

23 (3) One hundred twenty-five dollars for each truck or train  
24 transporting low-level radioactive waste through or within the  
25 state. The department of natural resources may accept an annual  
26 shipment fee as negotiated with a shipper or accept payment per  
27 shipment.

28 3. All revenue generated from the fees established in

1 subsection 2 of this section shall be deposited into the  
2 environmental radiation monitoring fund established in section  
3 260.750 and shall be used by the department of natural resources  
4 to achieve the following objectives and for purposes related to  
5 the shipment of high-level radioactive waste, transuranic  
6 radioactive waste, highway route controlled quantity shipments,  
7 spent nuclear fuel, or low-level radioactive waste, including,  
8 but not limited to:

9 (1) Inspections, escorts, and security for waste shipment  
10 and planning;

11 (2) Coordination of emergency response capability;

12 (3) Education and training of state, county, and local  
13 emergency responders;

14 (4) Purchase and maintenance of necessary equipment and  
15 supplies for state, county, and local emergency responders  
16 through grants or other funding mechanisms;

17 (5) Emergency responses to any transportation incident  
18 involving the high-level radioactive waste, transuranic  
19 radioactive waste, highway route controlled quantity shipments,  
20 spent nuclear fuel, or low-level radioactive waste;

21 (6) Oversight of any environmental remediation necessary  
22 resulting from an incident involving a shipment of high-level  
23 radioactive waste, transuranic radioactive waste, highway route  
24 controlled quantity shipments, spent nuclear fuel, or low-level  
25 radioactive waste. Reimbursement for oversight of any such  
26 incident shall not reduce or eliminate the liability of any party  
27 responsible for the incident; such party may be liable for full  
28 reimbursement to the state or payment of any other costs

1 associated with the cleanup of contamination related to a  
2 transportation incident;

3 (7) Administrative costs attributable to the state agencies  
4 which are incurred through their involvement as it relates to the  
5 shipment of high-level radioactive waste, transuranic radioactive  
6 waste, highway route controlled quantity shipments, spent nuclear  
7 fuel, or low-level radioactive waste through or within the state.

8 4. Nothing in this section shall preclude any other state  
9 agency from receiving reimbursement from the department of  
10 natural resources and the environmental radiation monitoring fund  
11 for services rendered that achieve the objectives and comply with  
12 the provisions of this section.

13 5. Any unencumbered balance in the environmental radiation  
14 monitoring fund that exceeds three hundred thousand dollars in  
15 any given fiscal year shall be returned to shippers on a pro rata  
16 basis, based on the shipper's contribution into the environmental  
17 radiation monitoring fund for that fiscal year.

18 6. The department of natural resources, in coordination  
19 with the department of health and senior services and the  
20 department of public safety, may promulgate rules necessary to  
21 carry out the provisions of this section. Any rule or portion of  
22 a rule, as that term is defined in section 536.010, that is  
23 created under the authority delegated in this section shall  
24 become effective only if it complies with and is subject to all  
25 of the provisions of chapter 536 and, if applicable, section  
26 536.028. This section and chapter 536 are nonseverable and if  
27 any of the powers vested with the general assembly pursuant to  
28 chapter 536 to review, to delay the effective date, or to

1 disapprove and annul a rule are subsequently held  
2 unconstitutional, then the grant of rulemaking authority and any  
3 rule proposed or adopted after August 28, 2009, shall be invalid  
4 and void.

5 7. All funds deposited in the environmental radiation  
6 monitoring fund through fees established in subsection 2 of this  
7 section shall be utilized, subject to appropriation by the  
8 general assembly, for the administration and enforcement of this  
9 section by the department of natural resources. All interest  
10 earned by the moneys in the fund shall accrue to the fund.

11 8. All fees shall be paid to the department of natural  
12 resources prior to shipment.

13 9. Notice of any shipment of high-level radioactive waste,  
14 transuranic radioactive waste, highway route controlled quantity  
15 shipments, or spent nuclear fuel through or within the state  
16 shall be provided by the shipper to the governor's designee for  
17 advanced notification, as described in 10 CFR Parts 71 and 73, as  
18 amended, prior to such shipment entering the state. Notice of  
19 any shipment of low-level radioactive waste through or within the  
20 state shall be provided by the shipper to the Missouri department  
21 of natural resources before such shipment enters the state.

22 10. Any shipper who fails to pay a fee assessed under this  
23 section, or fails to provide notice of a shipment, shall be  
24 liable in a civil action for an amount not to exceed ten times  
25 the amount assessed and not paid. The action shall be brought by  
26 the attorney general at the request of the department of natural  
27 resources. If the action involves a facility domiciled in the  
28 state, the action shall be brought in the circuit court of the

1 county in which the facility is located. If the action does not  
2 involve a facility domiciled in the state, the action shall be  
3 brought in the circuit court of Cole County.

4 11. Beginning on December 31, 2009, and every two years  
5 thereafter, the department of natural resources shall prepare and  
6 submit a report on activities of the environmental radiation  
7 monitoring fund to the general assembly. This report shall  
8 include information on fee income received and expenditures made  
9 by the state to enforce and administer the provisions of this  
10 section.

11 12. The provisions of this section shall not apply to  
12 high-level radioactive waste, transuranic radioactive waste,  
13 highway route controlled quantity shipments, spent nuclear fuel,  
14 or low-level radioactive waste shipped by or for the federal  
15 government for military or national defense purposes.

16 13. Under section 23.253 of the Missouri sunset act:

17 (1) The provisions of the new program authorized under this  
18 section shall automatically sunset six years after August 28,  
19 2009, unless reauthorized by an act of the general assembly; and

20 (2) If such program is reauthorized, the program authorized  
21 under this section shall automatically sunset twelve years after  
22 the effective date of the reauthorization of this section; and

23 (3) This section shall terminate on September first of the  
24 calendar year immediately following the calendar year in which  
25 the program authorized under this section is sunset.

26 292.606. 1. Fees shall be collected for a period of  
27 ~~[twenty]~~ six years from August 28, ~~[1992]~~ 2012.

28 2. (1) Any employer required to report under subsection 1

1 of section 292.605, except local governments and family-owned  
2 farm operations, shall submit an annual fee to the commission of  
3 one hundred dollars along with the Tier II form. Owners or  
4 operators of petroleum retail facilities shall pay a fee of no  
5 more than fifty dollars for each such facility. Any person, firm  
6 or corporation selling, delivering or transporting petroleum or  
7 petroleum products and whose primary business deals with  
8 petroleum products or who is covered by the provisions of chapter  
9 323, if such person, firm or corporation is paying fees under the  
10 provisions of the federal hazardous materials transportation  
11 registration and fee assessment program, shall deduct such  
12 federal fees from those fees owed to the state under the  
13 provisions of this subsection. If the federal fees exceed or are  
14 equal to what would otherwise be owed under this subsection, such  
15 employer shall not be liable for state fees under this  
16 subsection. In relation to petroleum products "primary business"  
17 shall mean that the person, firm or corporation shall earn more  
18 than fifty percent of hazardous chemical revenues from the sale,  
19 delivery or transport of petroleum products. For the purpose of  
20 calculating fees, all grades of gasoline are considered to be one  
21 product, all grades of heating oils, diesel fuels, kerosenes,  
22 naphthas, aviation turbine fuel, and all other heavy distillate  
23 products except for grades of gasoline, are considered to be one  
24 product, and all varieties of motor lubricating oil are  
25 considered to be one product. For the purposes of this section  
26 "facility" shall mean all buildings, equipment, structures and  
27 other stationary items that are located on a single site or on  
28 contiguous or adjacent sites and which are owned or operated by

1 the same person. If more than three hazardous substances or  
2 mixtures are reported on the Tier II form, the employer shall  
3 submit an additional twenty-dollar fee for each hazardous  
4 substance or mixture. Fees collected under this subdivision  
5 shall be for each hazardous chemical on hand at any one time in  
6 excess of ten thousand pounds or for extremely hazardous  
7 substances on hand at any one time in excess of five hundred  
8 pounds or the threshold planning quantity, whichever is less, or  
9 for explosives or blasting agents on hand at any one time in  
10 excess of one hundred pounds. However, no employer shall pay  
11 more than ten thousand dollars per year in fees. [Except] Moneys  
12 acquired through litigation and any administrative fees paid  
13 pursuant to subsection 3 of this section shall not [apply to] be  
14 applied toward this cap;

15 (2) Employers engaged in transporting hazardous materials  
16 by pipeline except local gas distribution companies regulated by  
17 the Missouri Public Service Commission shall pay to the  
18 commission a fee of two hundred fifty dollars for each county in  
19 which they operate;

20 (3) Payment of fees is due each year by March first. A  
21 late fee of ten percent of the total owed, plus one percent per  
22 month of the total, may be assessed by the commission;

23 (4) If, on March first of each year, fees collected under  
24 this section and natural resources damages made available  
25 pursuant to section 640.235 exceed one million dollars, any  
26 excess over one million dollars shall be proportionately credited  
27 to fees payable in the succeeding year by each employer who was  
28 required to pay a fee and who did pay a fee in the year in which

1 the excess occurred. The limit of one million dollars contained  
2 herein shall be reviewed by the commission concurrent with the  
3 review of fees as required in subsection 1 of this section.

4 3. Beginning January 1, 2013, any employer filing its Tier  
5 II form pursuant to subsection 1 of section 292.605 may request  
6 that the commission distribute that employer's Tier II report to  
7 the local emergency planning committees and fire departments  
8 listed in its Tier II report. Any employer opting to have the  
9 commission distribute its Tier II report shall pay an additional  
10 fee of ten dollars for each facility listed in the report at the  
11 time of filing to recoup the commission's distribution costs.  
12 Fees shall be deposited in the chemical emergency preparedness  
13 fund established under section 292.607. An employer who pays the  
14 additional fee and whose Tier II report includes all local  
15 emergency planning committees and fire departments required to be  
16 notified under subsection 1 of section 292.605 shall satisfy the  
17 reporting requirements of subsection 1 of section 292.605. The  
18 commission shall develop a mechanism for an employer to exercise  
19 its option to have the commission distribute its Tier II report.

20 4. Local emergency planning committees receiving funds  
21 under section 292.604 shall coordinate with the commission and  
22 the department in chemical emergency planning, training,  
23 preparedness, and response activities. Local emergency planning  
24 committees receiving funds under this section, section 260.394,  
25 sections 292.602, 292.604, 292.605, 292.615 and section 640.235  
26 shall provide to the commission an annual report of expenditures  
27 and activities.

28 [4.] 5. Fees collected by the department and all funds

1 provided to local emergency planning committees shall be used for  
2 chemical emergency preparedness purposes as outlined in sections  
3 292.600 to 292.625 and the federal act, including contingency  
4 planning for chemical releases; exercising, evaluating, and  
5 distributing plans, providing training related to chemical  
6 emergency preparedness and prevention of chemical accidents;  
7 identifying facilities required to report; processing the  
8 information submitted by facilities and making it available to  
9 the public; receiving and handling emergency notifications of  
10 chemical releases; operating a local emergency planning  
11 committee; and providing public notice of chemical preparedness  
12 activities. Local emergency planning committees receiving funds  
13 under this section may combine such funds with other local  
14 emergency planning committees to further the purposes of sections  
15 292.600 to 292.625, or the federal act.

16 [5.] 6. The commission shall establish criteria and  
17 guidance on how funds received by local emergency planning  
18 committees may be used.

19 301.010. As used in this chapter and sections 304.010 to  
20 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the  
21 following terms mean:

22 (1) "All-terrain vehicle", any motorized vehicle  
23 manufactured and used exclusively for off-highway use which is  
24 fifty inches or less in width, with an unladen dry weight of one  
25 thousand five hundred pounds or less, traveling on three, four or  
26 more nonhighway tires, with a seat designed to be straddled by  
27 the operator, or with a seat designed to carry more than one  
28 person, and handlebars for steering control;

1           (2) "Automobile transporter", any vehicle combination  
2 designed and used specifically for the transport of assembled  
3 motor vehicles;

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

8           (4) "Boat transporter", any vehicle combination designed  
9 and used specifically to transport assembled boats and boat  
10 hulls;

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

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

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

21           (8) "Cotton trailer", a trailer designed and used  
22 exclusively for transporting cotton at speeds less than forty  
23 miles per hour from field to field or from field to market and  
24 return;

25           (9) "Dealer", any person, firm, corporation, association,  
26 agent or subagent engaged in the sale or exchange of new, used or  
27 reconstructed motor vehicles or trailers;

28           (10) "Director" or "director of revenue", the director of

1 the department of revenue;

2 (11) "Driveaway operation":

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

8 (b) The movement of any vehicle or vehicles, not owned by  
9 the transporter, constituting the commodity being transported, by  
10 a person engaged in the business of furnishing drivers and  
11 operators for the purpose of transporting vehicles in transit  
12 from one place to another by the driveaway or towaway methods; or

13 (c) The movement of a motor vehicle by any person who is  
14 lawfully engaged in the business of transporting or delivering  
15 vehicles that are not the person's own and vehicles of a type  
16 otherwise required to be registered, by the driveaway or towaway  
17 methods, from a point of manufacture, assembly or distribution or  
18 from the owner of the vehicles to a dealer or sales agent of a  
19 manufacturer or to any consignee designated by the shipper or  
20 consignor;

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

26 (13) "Farm tractor", a tractor used exclusively for  
27 agricultural purposes;

28 (14) "Fleet", any group of ten or more motor vehicles owned

1 by the same owner;

2 (15) "Fleet vehicle", a motor vehicle which is included as  
3 part of a fleet;

4 (16) "Fullmount", a vehicle mounted completely on the frame  
5 of either the first or last vehicle in a saddlemount combination;

6 (17) "Gross weight", the weight of vehicle and/or vehicle  
7 combination without load, plus the weight of any load thereon;

8 (18) "Hail-damaged vehicle", any vehicle, the body of which  
9 has become dented as the result of the impact of hail;

10 (19) "Highway", any public thoroughfare for vehicles,  
11 including state roads, county roads and public streets, avenues,  
12 boulevards, parkways or alleys in any municipality;

13 (20) "Improved highway", a highway which has been paved  
14 with gravel, macadam, concrete, brick or asphalt, or surfaced in  
15 such a manner that it shall have a hard, smooth surface;

16 (21) "Intersecting highway", any highway which joins  
17 another, whether or not it crosses the same;

18 (22) "Junk vehicle", a vehicle which is incapable of  
19 operation or use upon the highways and has no resale value except  
20 as a source of parts or scrap, and shall not be titled or  
21 registered;

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

27 (24) "Land improvement contractors' commercial motor  
28 vehicle", any not-for-hire commercial motor vehicle the operation

1 of which is confined to:

2 (a) An area that extends not more than a radius of one  
3 hundred miles from its home base of operations when transporting  
4 its owner's machinery, equipment, or auxiliary supplies to or  
5 from projects involving soil and water conservation, or to and  
6 from equipment dealers' maintenance facilities for maintenance  
7 purposes; or

8 (b) An area that extends not more than a radius of fifty  
9 miles from its home base of operations when transporting its  
10 owner's machinery, equipment, or auxiliary supplies to or from  
11 projects not involving soil and water conservation. Nothing in  
12 this subdivision shall be construed to prevent any motor vehicle  
13 from being registered as a commercial motor vehicle or local  
14 commercial motor vehicle;

15 (25) "Local commercial motor vehicle", a commercial motor  
16 vehicle whose operations are confined solely to a municipality  
17 and that area extending not more than fifty miles therefrom, or a  
18 commercial motor vehicle whose property-carrying operations are  
19 confined solely to the transportation of property owned by any  
20 person who is the owner or operator of such vehicle to or from a  
21 farm owned by such person or under the person's control by virtue  
22 of a landlord and tenant lease; provided that any such property  
23 transported to any such farm is for use in the operation of such  
24 farm;

25 (26) "Local log truck", a commercial motor vehicle which is  
26 registered pursuant to this chapter to operate as a motor vehicle  
27 on the public highways of this state, used exclusively in this  
28 state, used to transport harvested forest products, operated

1 solely at a forested site and in an area extending not more than  
2 a one hundred-mile radius from such site, carries a load with  
3 dimensions not in excess of twenty-five cubic yards per two axles  
4 with dual wheels, and when operated on the national system of  
5 interstate and defense highways described in Title 23, Section  
6 103(e) of the United States Code, such vehicle shall not exceed  
7 the weight limits of section 304.180, does not have more than  
8 four axles, and does not pull a trailer which has more than two  
9 axles. Harvesting equipment which is used specifically for  
10 cutting, felling, trimming, delimiting, debarking, chipping,  
11 skidding, loading, unloading, and stacking may be transported on  
12 a local log truck. A local log truck may not exceed the limits  
13 required by law, however, if the truck does exceed such limits as  
14 determined by the inspecting officer, then notwithstanding any  
15 other provisions of law to the contrary, such truck shall be  
16 subject to the weight limits required by such sections as  
17 licensed for eighty thousand pounds;

18 (27) "Local log truck tractor", a commercial motor vehicle  
19 which is registered under this chapter to operate as a motor  
20 vehicle on the public highways of this state, used exclusively in  
21 this state, used to transport harvested forest products, operated  
22 solely at a forested site and in an area extending not more than  
23 a one hundred-mile radius from such site, operates with a weight  
24 not exceeding twenty-two thousand four hundred pounds on one axle  
25 or with a weight not exceeding forty-four thousand eight hundred  
26 pounds on any tandem axle, and when operated on the national  
27 system of interstate and defense highways described in Title 23,  
28 Section 103(e) of the United States Code, such vehicle does not

1 exceed the weight limits contained in section 304.180, and does  
2 not have more than three axles and does not pull a trailer which  
3 has more than two axles. Violations of axle weight limitations  
4 shall be subject to the load limit penalty as described for in  
5 sections 304.180 to 304.220;

6 (28) "Local transit bus", a bus whose operations are  
7 confined wholly within a municipal corporation, or wholly within  
8 a municipal corporation and a commercial zone, as defined in  
9 section 390.020, adjacent thereto, forming a part of a public  
10 transportation system within such municipal corporation and such  
11 municipal corporation and adjacent commercial zone;

12 (29) "Log truck", a vehicle which is not a local log truck  
13 or local log truck tractor and is used exclusively to transport  
14 harvested forest products to and from forested sites which is  
15 registered pursuant to this chapter to operate as a motor vehicle  
16 on the public highways of this state for the transportation of  
17 harvested forest products;

18 (30) "Major component parts", the rear clip, cowl, frame,  
19 body, cab, front-end assembly, and front clip, as those terms are  
20 defined by the director of revenue pursuant to rules and  
21 regulations or by illustrations;

22 (31) "Manufacturer", any person, firm, corporation or  
23 association engaged in the business of manufacturing or  
24 assembling motor vehicles, trailers or vessels for sale;

25 (32) "Mobile scrap processor", a business located in  
26 Missouri or any other state that comes onto a salvage site and  
27 crushes motor vehicles and parts for transportation to a shredder  
28 or scrap metal operator for recycling;

1 (33) "Motor change vehicle", a vehicle manufactured prior  
2 to August, 1957, which receives a new, rebuilt or used engine,  
3 and which used the number stamped on the original engine as the  
4 vehicle identification number;

5 (34) "Motor vehicle", any self-propelled vehicle not  
6 operated exclusively upon tracks, except farm tractors;

7 (35) "Motor vehicle primarily for business use", any  
8 vehicle other than a recreational motor vehicle, motorcycle,  
9 motortricycle, or any commercial motor vehicle licensed for over  
10 twelve thousand pounds:

11 (a) Offered for hire or lease; or

12 (b) The owner of which also owns ten or more such motor  
13 vehicles;

14 (36) "Motorcycle", a motor vehicle operated on two wheels;

15 (37) "Motorized bicycle", any two-wheeled or three-wheeled  
16 device having an automatic transmission and a motor with a  
17 cylinder capacity of not more than fifty cubic centimeters, which  
18 produces less than three gross brake horsepower, and is capable  
19 of propelling the device at a maximum speed of not more than  
20 thirty miles per hour on level ground;

21 (38) "Motortricycle", a motor vehicle operated on three  
22 wheels, including a motorcycle while operated with any  
23 conveyance, temporary or otherwise, requiring the use of a third  
24 wheel. A motortricycle shall not be included in the definition  
25 of all-terrain vehicle;

26 (39) "Municipality", any city, town or village, whether  
27 incorporated or not;

28 (40) "Nonresident", a resident of a state or country other

1 than the state of Missouri;

2 (41) "Non-USA-std motor vehicle", a motor vehicle not  
3 originally manufactured in compliance with United States  
4 emissions or safety standards;

5 (42) "Operator", any person who operates or drives a motor  
6 vehicle;

7 (43) "Owner", any person, firm, corporation or association,  
8 who holds the legal title to a vehicle or in the event a vehicle  
9 is the subject of an agreement for the conditional sale or lease  
10 thereof with the right of purchase upon performance of the  
11 conditions stated in the agreement and with an immediate right of  
12 possession vested in the conditional vendee or lessee, or in the  
13 event a mortgagor of a vehicle is entitled to possession, then  
14 such conditional vendee or lessee or mortgagor shall be deemed  
15 the owner for the purpose of this law;

16 (44) "Public garage", a place of business where motor  
17 vehicles are housed, stored, repaired, reconstructed or repainted  
18 for persons other than the owners or operators of such place of  
19 business;

20 (45) "Rebuilder", a business that repairs or rebuilds motor  
21 vehicles owned by the rebuilder, but does not include  
22 certificated common or contract carriers of persons or property;

23 (46) "Reconstructed motor vehicle", a vehicle that is  
24 altered from its original construction by the addition or  
25 substitution of two or more new or used major component parts,  
26 excluding motor vehicles made from all new parts, and new  
27 multistage manufactured vehicles;

28 (47) "Recreational motor vehicle", any motor vehicle

1 designed, constructed or substantially modified so that it may be  
2 used and is used for the purposes of temporary housing quarters,  
3 including therein sleeping and eating facilities which are either  
4 permanently attached to the motor vehicle or attached to a unit  
5 which is securely attached to the motor vehicle. Nothing herein  
6 shall prevent any motor vehicle from being registered as a  
7 commercial motor vehicle if the motor vehicle could otherwise be  
8 so registered;

9 (48) "Recreational off-highway vehicle", any motorized  
10 vehicle manufactured and used exclusively for off-highway use  
11 which is [sixty] sixty-four inches or less in width, with an  
12 unladen dry weight of [one] two thousand [eight hundred fifty]  
13 pounds or less, traveling on four or more nonhighway tires, with  
14 a nonstraddle seat, and steering wheel, which may have access to  
15 ATV trails;

16 (49) "Rollback or car carrier", any vehicle specifically  
17 designed to transport wrecked, disabled or otherwise inoperable  
18 vehicles, when the transportation is directly connected to a  
19 wrecker or towing service;

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

1 combination is called a "triple saddlemount combination";

2 (51) "Salvage dealer and dismantler", a business that  
3 dismantles used motor vehicles for the sale of the parts thereof,  
4 and buys and sells used motor vehicle parts and accessories;

5 (52) "Salvage vehicle", a motor vehicle, semitrailer, or  
6 house trailer which:

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

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

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

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

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

1 value" means the retail value of a motor vehicle as:

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

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

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

12 (53) "School bus", any motor vehicle used solely to  
13 transport students to or from school or to transport students to  
14 or from any place for educational purposes;

15 (54) "Shuttle bus", a motor vehicle used or maintained by  
16 any person, firm, or corporation as an incidental service to  
17 transport patrons or customers of the regular business of such  
18 person, firm, or corporation to and from the place of business of  
19 the person, firm, or corporation providing the service at no fee  
20 or charge. Shuttle buses shall not be registered as buses or as  
21 commercial motor vehicles;

22 (55) "Special mobile equipment", every self-propelled  
23 vehicle not designed or used primarily for the transportation of  
24 persons or property and incidentally operated or moved over the  
25 highways, including farm equipment, implements of husbandry, road  
26 construction or maintenance machinery, ditch-digging apparatus,  
27 stone crushers, air compressors, power shovels, cranes, graders,  
28 rollers, well-drillers and wood-sawing equipment used for hire,

1 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,  
2 leveling graders, finished machines, motor graders, road rollers,  
3 scarifiers, earth-moving carryalls, scrapers, drag lines,  
4 concrete pump trucks, rock-drilling and earth-moving equipment.  
5 This enumeration shall be deemed partial and shall not operate to  
6 exclude other such vehicles which are within the general terms of  
7 this section;

8 (56) "Specially constructed motor vehicle", a motor vehicle  
9 which shall not have been originally constructed under a  
10 distinctive name, make, model or type by a manufacturer of motor  
11 vehicles. The term specially constructed motor vehicle includes  
12 kit vehicles;

13 (57) "Stinger-steered combination", a truck  
14 tractor-semitrailer wherein the fifth wheel is located on a drop  
15 frame located behind and below the rearmost axle of the power  
16 unit;

17 (58) "Tandem axle", a group of two or more axles, arranged  
18 one behind another, the distance between the extremes of which is  
19 more than forty inches and not more than ninety-six inches apart;

20 (59) "Tractor", "truck tractor" or "truck-tractor", a  
21 self-propelled motor vehicle designed for drawing other vehicles,  
22 but not for the carriage of any load when operating  
23 independently. When attached to a semitrailer, it supports a  
24 part of the weight thereof;

25 (60) "Trailer", any vehicle without motive power designed  
26 for carrying property or passengers on its own structure and for  
27 being drawn by a self-propelled vehicle, except those running  
28 exclusively on tracks, including a semitrailer or vehicle of the

1 trailer type so designed and used in conjunction with a  
2 self-propelled vehicle that a considerable part of its own weight  
3 rests upon and is carried by the towing vehicle. The term  
4 "trailer" shall not include cotton trailers as defined in  
5 subdivision (8) of this section and shall not include  
6 manufactured homes as defined in section 700.010;

7 (61) "Truck", a motor vehicle designed, used, or maintained  
8 for the transportation of property;

9 (62) "Truck-tractor semitrailer-semitrailer", a combination  
10 vehicle in which the two trailing units are connected with a  
11 B-train assembly which is a rigid frame extension attached to the  
12 rear frame of a first semitrailer which allows for a fifth-wheel  
13 connection point for the second semitrailer and has one less  
14 articulation point than the conventional A-dolly connected  
15 truck-tractor semitrailer-trailer combination;

16 (63) "Truck-trailer boat transporter combination", a boat  
17 transporter combination consisting of a straight truck towing a  
18 trailer using typically a ball and socket connection with the  
19 trailer axle located substantially at the trailer center of  
20 gravity rather than the rear of the trailer but so as to maintain  
21 a downward force on the trailer tongue;

22 (64) "Used parts dealer", a business that buys and sells  
23 used motor vehicle parts or accessories, but not including a  
24 business that sells only new, remanufactured or rebuilt parts.  
25 "Business" does not include isolated sales at a swap meet of less  
26 than three days;

27 (65) "Utility vehicle", any motorized vehicle manufactured  
28 and used exclusively for off-highway use which is sixty-three

1 inches or less in width, with an unladen dry weight of one  
2 thousand eight hundred fifty pounds or less, traveling on four or  
3 six wheels, to be used primarily for landscaping, lawn care, or  
4 maintenance purposes;

5 (66) "Vanpool", any van or other motor vehicle used or  
6 maintained by any person, group, firm, corporation, association,  
7 city, county or state agency, or any member thereof, for the  
8 transportation of not less than eight nor more than forty-eight  
9 employees, per motor vehicle, to and from their place of  
10 employment; however, a vanpool shall not be included in the  
11 definition of the term bus or commercial motor vehicle as defined  
12 by subdivisions (6) and (7) of this section, nor shall a vanpool  
13 driver be deemed a chauffeur as that term is defined by section  
14 302.010; nor shall use of a vanpool vehicle for ride-sharing  
15 arrangements, recreational, personal, or maintenance uses  
16 constitute an unlicensed use of the motor vehicle, unless used  
17 for monetary profit other than for use in a ride-sharing  
18 arrangement;

19 (67) "Vehicle", any mechanical device on wheels, designed  
20 primarily for use, or used, on highways, except motorized  
21 bicycles, vehicles propelled or drawn by horses or human power,  
22 or vehicles used exclusively on fixed rails or tracks, or cotton  
23 trailers or motorized wheelchairs operated by handicapped  
24 persons;

25 (68) "Wrecker" or "tow truck", any emergency commercial  
26 vehicle equipped, designed and used to assist or render aid and  
27 transport or tow disabled or wrecked vehicles from a highway,  
28 road, street or highway rights-of-way to a point of storage or

1 repair, including towing a replacement vehicle to replace a  
2 disabled or wrecked vehicle;

3 (69) "Wrecker or towing service", the act of transporting,  
4 towing or recovering with a wrecker, tow truck, rollback or car  
5 carrier any vehicle not owned by the operator of the wrecker, tow  
6 truck, rollback or car carrier for which the operator directly or  
7 indirectly receives compensation or other personal gain.

8 304.033. 1. No person shall operate a recreational  
9 off-highway vehicle, as defined in section 301.010, upon the  
10 highways of this state, except as follows:

11 (1) Recreational off-highway vehicles owned and operated by  
12 a governmental entity for official use;

13 (2) Recreational off-highway vehicles operated for  
14 agricultural purposes or industrial on-premises purposes;

15 (3) Recreational off-highway vehicles operated within three  
16 miles of the operator's primary residence. The provisions of  
17 this subdivision shall not authorize the operation of a  
18 recreational off-highway vehicle in a municipality unless such  
19 operation is authorized by such municipality as provided for in  
20 subdivision (5) of this subsection;

21 (4) Recreational off-highway vehicles operated by  
22 handicapped persons for short distances occasionally only on the  
23 state's secondary roads;

24 (5) Governing bodies of cities may issue special permits to  
25 licensed drivers for special uses of recreational off-highway  
26 vehicles on highways within the city limits. Fees of fifteen  
27 dollars may be collected and retained by cities for such permits;

28 (6) Governing bodies of counties may issue special permits

1 to licensed drivers for special uses of recreational off-highway  
2 vehicles on county roads within the county. Fees of fifteen  
3 dollars may be collected and retained by the counties for such  
4 permits.

5 2. No person shall operate a recreational off-highway  
6 vehicle within any stream or river in this state, except that  
7 recreational off-highway vehicles may be operated within  
8 waterways which flow within the boundaries of land which a  
9 recreational off-highway vehicle operator owns, or for  
10 agricultural purposes within the boundaries of land which a  
11 recreational off-highway vehicle operator owns or has permission  
12 to be upon, or for the purpose of fording such stream or river of  
13 this state at such road crossings as are customary or part of the  
14 highway system. All law enforcement officials or peace officers  
15 of this state and its political subdivisions or department of  
16 conservation agents or department of natural resources park  
17 rangers shall enforce the provisions of this subsection within  
18 the geographic area of their jurisdiction.

19 3. A person operating a recreational off-highway vehicle on  
20 a highway pursuant to an exception covered in this section shall  
21 have a valid operator's or chauffeur's license, except that a  
22 handicapped person operating such vehicle pursuant to subdivision  
23 (4) of subsection 1 of this section, but shall not be required to  
24 have passed an examination for the operation of a motorcycle. An  
25 individual shall not operate a recreational off-highway vehicle  
26 upon a highway in this state without displaying a lighted  
27 headlamp and a lighted tail lamp. A person may not operate a  
28 recreational off-highway vehicle upon a highway of this state

1 unless such person wears a seat belt. When operated on a  
2 highway, a recreational off-highway vehicle shall be equipped  
3 with a roll bar or roll cage construction to reduce the risk of  
4 injury to an occupant of the vehicle in case of the vehicle's  
5 rollover.

6 320.106. As used in sections 320.106 to 320.161, unless  
7 clearly indicated otherwise, the following terms mean:

8 (1) "American Pyrotechnics Association (APA), Standard  
9 87-1", or subsequent standard which may amend or supersede this  
10 standard for manufacturers, importers and distributors of  
11 fireworks;

12 (2) "Chemical composition", all pyrotechnic and explosive  
13 composition contained in fireworks devices as defined in American  
14 Pyrotechnics Association (APA), Standard 87-1;

15 (3) "Consumer fireworks", explosive devices designed  
16 primarily to produce visible or audible effects by combustion and  
17 includes aerial devices and ground devices, all of which are  
18 classified as fireworks, UN0336, [1.4G by regulation of the  
19 United States Department of Transportation, as amended from time  
20 to time, and which were formerly classified as class C common  
21 fireworks by regulation of the United States Department of  
22 Transportation] within 49 CFR Part 172;

23 (4) "Discharge site", the area immediately surrounding the  
24 fireworks mortars used for an outdoor fireworks display;

25 (5) "Dispenser", a device designed for the measurement and  
26 delivery of liquids as fuel;

27 (6) "Display fireworks", explosive devices designed  
28 primarily to produce visible or audible effects by combustion,

1 deflagration or detonation. This term includes devices  
2 containing more than two grains (130 mg) of explosive composition  
3 intended for public display. These devices are classified as  
4 fireworks, UN0333 or UN0334 or UN0335, [1.3G by regulation of the  
5 United States Department of Transportation, as amended from time  
6 to time, and which were formerly classified as class B display  
7 fireworks by regulation of the United States Department of  
8 Transportation] within 49 CFR Part 172;

9 (7) "Display site", the immediate area where a fireworks  
10 display is conducted, including the discharge site, the fallout  
11 area, and the required separation distance from mortars to  
12 spectator viewing areas, but not spectator viewing areas or  
13 vehicle parking areas;

14 (8) "Distributor", any person engaged in the business of  
15 selling fireworks to wholesalers, jobbers, seasonal retailers,  
16 other persons, or governmental bodies that possess the necessary  
17 permits as specified in sections 320.106 to 320.161, including  
18 any person that imports any fireworks of any kind in any manner  
19 into the state of Missouri;

20 (9) "Fireworks", any composition or device for producing a  
21 visible, audible, or both visible and audible effect by  
22 combustion, deflagration, or detonation and that meets the  
23 definition of consumer, proximate, or display fireworks as set  
24 forth by 49 CFR Part 171 to end, United States Department of  
25 Transportation hazardous materials regulations[, and American  
26 Pyrotechnics Association 87-1 standards];

27 (10) "Fireworks season", the period beginning on the  
28 twentieth day of June and continuing through the tenth day of

1 July of the same year and the period beginning on the twentieth  
2 day of December and continuing through the second day of January  
3 of the next year, which shall be the only periods of time that  
4 seasonal retailers may be permitted to sell consumer fireworks;

5 (11) "Jobber", any person engaged in the business of making  
6 sales of consumer fireworks at wholesale or retail within the  
7 state of Missouri to nonlicensed buyers for use and distribution  
8 outside the state of Missouri during a calendar year from the  
9 first day of January through the thirty-first day of December;

10 (12) "Licensed operator", any person who supervises,  
11 manages, or directs the discharge of outdoor display fireworks,  
12 either by manual or electrical means; who has met additional  
13 requirements established by promulgated rule and has successfully  
14 completed a display fireworks training course recognized and  
15 approved by the state fire marshal;

16 (13) "Manufacturer", any person engaged in the making,  
17 manufacture, assembly or construction of fireworks of any kind  
18 within the state of Missouri;

19 (14) "NFPA", National Fire Protection Association, an  
20 international codes and standards organization;

21 (15) "Permanent structure", buildings and structures with  
22 permanent foundations other than tents, mobile homes, and  
23 trailers;

24 (16) "Permit", the written authority of the state fire  
25 marshal issued pursuant to sections 320.106 to 320.161 to sell,  
26 possess, manufacture, discharge, or distribute fireworks;

27 (17) "Person", any corporation, association, partnership or  
28 individual or group thereof;

1 (18) "Proximate fireworks", a chemical mixture used in the  
2 entertainment industry to produce visible or audible effects by  
3 combustion, deflagration, or detonation, as [defined by the most  
4 current edition of the American Pyrotechnics Association (APA),  
5 Standard 87-1, section 3.8, specific requirements for theatrical  
6 pyrotechnics] classified within 49 CFR Part 172 as UN0431 or  
7 UN0432;

8 (19) "Pyrotechnic operator" or "special effects operator",  
9 an individual who has responsibility for pyrotechnic safety and  
10 who controls, initiates, or otherwise creates special effects for  
11 proximate fireworks and who has met additional requirements  
12 established by promulgated rules and has successfully completed a  
13 proximate fireworks training course recognized and approved by  
14 the state fire marshal;

15 (20) "Sale", an exchange of articles of fireworks for  
16 money, including barter, exchange, gift or offer thereof, and  
17 each such transaction made by any person, whether as a principal  
18 proprietor, salesman, agent, association, copartnership or one or  
19 more individuals;

20 (21) "Seasonal retailer", any person within the state of  
21 Missouri engaged in the business of making sales of consumer  
22 fireworks in Missouri only during a fireworks season as defined  
23 by subdivision (10) of this section;

24 (22) "Wholesaler", any person engaged in the business of  
25 making sales of consumer fireworks to any other person engaged in  
26 the business of making sales of consumer fireworks at retail  
27 within the state of Missouri.

28 320.131. 1. It is unlawful for any person to possess, sell

1 or use within the state of Missouri, or ship into the state of  
2 Missouri, except as provided in section 320.126, any pyrotechnics  
3 commonly known as "fireworks" and defined as consumer fireworks  
4 in subdivision (3) of section 320.106 other than items now or  
5 hereafter classified as fireworks UN0336, 1.4G by the United  
6 States Department of Transportation that comply with the  
7 construction, chemical composition, labeling and other  
8 regulations relative to consumer fireworks regulations  
9 promulgated by the United States Consumer Product Safety  
10 Commission and permitted for use by the general public pursuant  
11 to such commission's regulations.

12 2. No wholesaler, jobber, or seasonal retailer, or any  
13 other person shall sell, offer for sale, store, display, or have  
14 in their possession any consumer fireworks that have not been  
15 approved as fireworks UN0336, 1.4G by the United States  
16 Department of Transportation.

17 3. No jobber, wholesaler, manufacturer, or distributor  
18 shall sell to seasonal retailer dealers, or any other person, in  
19 this state for the purpose of resale, or use, in this state, any  
20 consumer fireworks which do not have the numbers and letter  
21 "1.4G" printed within an orange, diamond-shaped label printed on  
22 or attached to the fireworks shipping carton.

23 4. This section does not prohibit a manufacturer,  
24 distributor or any other person possessing the proper permits as  
25 specified by state and federal law from storing, selling,  
26 shipping or otherwise transporting display or proximate  
27 fireworks[, defined as fireworks UN0335, 1.3G/UN0431, 1.4G or  
28 UN0432, 1.4S by the United States Department of Transportation,

1 provided they possess the proper permits as specified by state  
2 and federal law].

3 5. Matches, toy pistols, toy canes, toy guns, party  
4 poppers, or other devices in which paper caps containing  
5 twenty-five hundredths grains or less of explosive compound,  
6 provided that they are so constructed that the hand cannot come  
7 into contact with the cap when in place for use, and toy pistol  
8 paper caps which contain less than twenty-five hundredths grains  
9 of explosive mixture shall be permitted for sale and use at all  
10 times and shall not be regulated by the provisions of sections  
11 320.106 to 320.161.

12 320.136. Ground salutes commonly known as "cherry bombs",  
13 "M-80's", "M-100's", "M-1000's", and any other tubular salutes or  
14 any items described as prohibited chemical components or  
15 forbidden devices as listed in the American Pyrotechnics  
16 Association Standard 87-1 or which exceed the [federal] limits  
17 set for consumer fireworks [UNO336, 1.4G formerly known as class  
18 C common fireworks, display fireworks UNO335, 1.3F, and proximate  
19 fireworks UNO431, 1.4F/UNO432, 1.4S by the United States  
20 Department of Transportation], display fireworks, or proximate  
21 fireworks for explosive composition are expressly prohibited from  
22 shipment into, manufacture, possession, sale, or use within the  
23 state of Missouri for consumer use. Possession, sale,  
24 manufacture, or transport of this type of illegal explosive shall  
25 be punished as provided by the provisions of section 571.020.

26 414.530. 1. The director shall conduct a referendum as  
27 soon as possible among producers and Missouri retail marketers of  
28 propane to authorize the creation of the "Missouri Propane

1 Education and Research Council" and the levying of an assessment  
2 on odorized propane. Upon approval of those persons representing  
3 two-thirds of the total gallonage of odorized propane voted in  
4 the retail marketer class and two-thirds of all propane voted in  
5 the producer class, meaning propane sold or produced in the  
6 previous calendar year or other representative period, the  
7 director shall issue an order establishing the council and call  
8 for nominations to the council from qualified industry  
9 organizations. All persons voting in the referendum shall  
10 certify to the director the number of gallons represented by  
11 their vote.

12 2. [On the director's own initiative,] Upon petition of the  
13 council or of producers and marketers representing thirty-five  
14 percent of the gallons in each class, the director shall hold a  
15 referendum to determine whether the industry favors termination  
16 or suspension of the order. The termination or suspension shall  
17 not take effect unless it is approved by those persons  
18 representing more than one-half of the total gallonage of  
19 odorized propane in the marketer class and one-half of all  
20 propane in the producer class.

21 3. The director may require such reports or documentation  
22 as is necessary to document the referendum process [and the  
23 nomination process for members of the council] and shall protect  
24 the confidentiality of all such documentation provided by  
25 industry members. Information regarding propane produced or  
26 marketed by persons voting shall be a closed record.

27 414.560. 1. Upon issuance of an order by the director  
28 establishing the Missouri propane education and research council,

1 the director shall select all members of the council from a list  
2 of nominees submitted by qualified industry organizations.

3 [Vacancies in unfinished terms of council members may be filled  
4 by the council, subject to approval of the director] The council  
5 shall make subsequent appointments and fill vacancies in  
6 unfinished terms following a public nomination process. The  
7 director may reject council appointments.

8 2. In making nominations and appointments to the council,  
9 the qualified industry organizations [and the director] shall  
10 give due regard to selecting a council that is representative of  
11 the industry, and the geographic regions of the state.

12 3. The council shall consist of fifteen members, with nine  
13 members representing retail marketers of propane; three members  
14 representing wholesalers or resellers of propane; two members  
15 representing manufacturers and distributors of gas use equipment,  
16 wholesalers or resellers, or transporters; and one public member.  
17 Other than the public member, council members shall be full-time  
18 employees or owners of businesses in the industry.

19 4. Council members shall receive no compensation for their  
20 services, but shall be reimbursed for reasonable expenses  
21 incurred in the performance of their duties.

22 5. Council members shall serve terms of three years; except  
23 that of the initial members appointed, five shall be appointed  
24 for terms of one year, five shall be appointed for terms of two  
25 years and five shall be appointed for terms of three years.  
26 Members may be appointed to a maximum of two consecutive full  
27 terms. Members filling unexpired terms will not have any partial  
28 term of service count against the two-term limitation. Former

1 members of the council may be reappointed to the council if they  
2 have not been members for a period of one year.

3 6. The council shall select from among its members a  
4 chairman and other officers as necessary, establish committees  
5 and subcommittees of the council, and adopt rules and bylaws for  
6 the conduct of business. The council may establish advisory  
7 committees of persons other than council members.

8 7. The council may employ a president to serve as chief  
9 executive officer and such other employees as it deems necessary.  
10 The council may enter into contracts with, use facilities and  
11 equipment of, or employ personnel of a qualified industry  
12 organization in carrying out its responsibilities under sections  
13 414.500 to 414.590. It shall determine the compensation and  
14 duties of each, and protect the handling of council funds through  
15 fidelity bonds.

16 8. At least thirty days prior to the beginning of each  
17 fiscal period, the council shall prepare and submit [to the  
18 director] for public comment a budget plan including the probable  
19 costs of all programs, projects and contracts and a recommended  
20 rate of assessment sufficient to cover such costs. [The director  
21 shall approve or recommend changes to the budget after an  
22 opportunity for public comment.] The council shall approve or  
23 modify the budget following the public comment period. The  
24 director may reject the budget plan or modifications.

25 9. The council shall develop programs and projects and  
26 enter into contracts or agreements for implementing the policy of  
27 sections 414.500 to 414.590, including programs of research,  
28 development, education, and marketing, and for the payment of the

1 costs thereof with funds collected pursuant to sections 414.500  
2 to 414.590. The council shall coordinate its activities with  
3 industry trade associations to provide efficient delivery of  
4 services and to avoid unnecessary duplication of activities.

5 10. The council shall keep minutes, books, and records that  
6 clearly reflect all of the acts and transactions of the council  
7 and regularly report such information to the director[, along  
8 with such other information as the director may require]. The  
9 books of the council shall be audited by a certified public  
10 accountant at least once each fiscal year and at such other times  
11 as the council may designate. Copies of such audit shall be  
12 provided to the director, all members of the council, all  
13 qualified industry organizations, and to other members of the  
14 industry upon request. [The director shall receive notice of  
15 meetings and may require reports on the activities of the  
16 council, as well as reports on compliance, violations and  
17 complaints regarding the implementation of sections 414.500 to  
18 414.590.]

19 11. From assessments collected, the council shall annually  
20 reimburse the director for costs incurred in holding the  
21 referendum establishing the council[, making appointments to the  
22 council,] and other expenses directly related to the council.

23 414.570. 1. The council shall set the initial assessment  
24 at no greater than one-tenth of one cent per gallon. Thereafter,  
25 annual assessments shall be sufficient to cover the costs of the  
26 plans and programs developed by the council and approved [by the  
27 director] following public comment. The assessment shall not be  
28 greater than one-half cent per gallon of odorized propane. The

1 assessment may not be raised by more than one-tenth of one cent  
2 per gallon annually.

3 2. The owner of propane immediately prior to odorization in  
4 this state or the owner at the time of import into this state of  
5 odorized propane shall be responsible for the payment of the  
6 assessment on the volume of propane at the time of import or  
7 odorization, whichever is later. Assessments shall be remitted  
8 to the council on a monthly basis by the twenty-fifth of the  
9 month following the month of collection. Nonodorized propane  
10 shall not be subject to assessment until odorized.

11 3. The [director] council may by regulation[, with the  
12 concurrence of the council,] establish an alternative means [for  
13 the council] to collect the assessment if another means is found  
14 to be more efficient and effective. The [director] council may  
15 by regulation establish a late payment charge and rate of  
16 interest not to exceed the legal rate for judgments to be imposed  
17 on any person who fails to remit to the council any amount due  
18 under sections 414.500 to 414.590.

19 4. Pending disbursement pursuant to a program, plan or  
20 project, the council may invest funds collected through  
21 assessments and any other funds received by the council only in  
22 obligations of the United States or any agency thereof, in  
23 general obligations of any state or any political subdivision  
24 thereof, in any interest-bearing account or certificate of  
25 deposit of a bank that is a member of the Federal Reserve System,  
26 or in obligations fully guaranteed as to principal and interest  
27 by the United States.

28 5. [The National Propane Education and Research Council, in

1 conjunction with the United States Secretary of Energy may, by  
2 regulation, establish a program coordinating the operation of its  
3 council with the council established in section 414.530. This  
4 may include an assessment rebate, if adopted, of an amount up to  
5 twenty-five percent of the National Propane Education and  
6 Research Council assessment collected on Missouri distributed  
7 odorized propane as presented and described in section nine of  
8 the federal Propane Education and Research Act of 1992. Should  
9 the National Propane Education and Research Council, as part of  
10 the federal Propane Education and Research Act of 1992, establish  
11 such an assessment rebate on fees collected by such council, then  
12 all funds from such federal assessment rebate shall be the  
13 property of the Missouri council as established by section  
14 414.530, and the use of such funds shall be determined by the  
15 Missouri council for the purposes as intended and presented in  
16 sections 414.500 to 414.590.] Any rule or portion of a rule, as  
17 that term is defined in section 536.010 that is created under the  
18 authority delegated in this section shall become effective only  
19 if it complies with and is subject to all of the provisions of  
20 chapter 536, and, if applicable, section 536.028. This section  
21 and chapter 536 are nonseverable and if any of the powers vested  
22 with the general assembly pursuant to chapter 536, to review, to  
23 delay the effective date, or to disapprove and annul a rule are  
24 subsequently held unconstitutional, then the grant of rulemaking  
25 authority and any rule proposed or adopted after August 28, 2012,  
26 shall be invalid and void.

27 650.230. 1. Sections 650.200 to 650.290 shall not apply to  
28 the following boilers and pressure vessels:

1 (1) Boilers and pressure vessels under federal control or  
2 subject to inspection or regulation by a federal or state agency;

3 (2) Pressure vessels used for the transportation and  
4 storage of compressed gases or liquefied petroleum gases which  
5 comply with the standards promulgated by the National Fire  
6 Protection Association as adopted pursuant to chapter 323 or the  
7 United States Department of Transportation regulations, as  
8 appropriate to the use of the vessel;

9 (3) Pressure vessels located on vehicles operating under  
10 the rule of other state authorities and used for carrying  
11 passengers or freight;

12 (4) Pressure vessels installed on the right-of-way of  
13 railroads and used directly in the operation of trains;

14 (5) Pressure vessels that do not exceed:

15 (a) [Fifteen cubic feet in volume and two hundred fifty  
16 psig when not located in a place of public assembly] An operating  
17 pressure of fifteen psig;

18 (b) [Five] One and one-half cubic feet in volume [and two  
19 hundred fifty psig when located in a place of public assembly;  
20 or] with no limitation on pressure;

21 (c) [One and one-half cubic feet in volume or] An inside  
22 diameter of six inches with no limitation on pressure; or

23 (d) An operating pressure of two hundred psig or ten cubic  
24 feet in volume;

25 (6) [Pressure vessels designed for and operating at a  
26 working pressure not exceeding fifteen psig;

27 (7)] Vessels with a nominal water containing capacity of  
28 one hundred twenty gallons or less for containing water under

1 pressure, including those containing air, the compression of  
2 which serves only as a cushion;

3 ~~[(8)]~~ (7) Boilers and pressure vessels located on farms and  
4 used solely for agricultural purposes;

5 ~~[(9)]~~ (8) Any boiler constructed, reconstructed or  
6 maintained as a personal hobby or for other recreation purposes;  
7 and

8 ~~[(10)]~~ (9) Vessels containing water and operating as water  
9 softeners, water filters, dealkalizers, demineralizers and cold  
10 water storage tanks when:

11 (a) The temperature of the water in the vessel does not  
12 exceed one hundred twenty degrees Fahrenheit; and

13 (b) Heat is not applied to the water prior to entering the  
14 vessel or to the vessel itself; and

15 (c) The pressure of the water in the vessel does not exceed  
16 one hundred fifty psig; and

17 (d) The vessel does not contain any hazardous, toxic or  
18 explosive material.

19 2. The following boilers and pressure vessels shall be  
20 exempt from the requirements of sections 650.260 to 650.275:

21 (1) Boilers or pressure vessels located in canneries and  
22 used solely for canning purposes;

23 (2) Steam boilers used for heating purposes carrying a  
24 pressure of not more than fifteen psig, and which are located in  
25 private residences or in apartment houses of less than six  
26 families and steam boilers used for heating purposes carrying a  
27 pressure of not more than ten psig and having a rating of not to  
28 exceed one thousand two hundred square feet of radiation;

1           (3) Hot water heating boilers carrying pressure of not more  
2 than thirty psig, and which are located in private residences or  
3 in apartment houses of less than six families, and hot water  
4 heating boilers carrying pressure of not more than twenty psig,  
5 and having a rating of not to exceed two thousand square feet of  
6 radiation;

7           (4) Steam boilers of a miniature model locomotive or boat  
8 or tractor or stationary engine constructed and maintained as a  
9 hobby and not for commercial use, having an inside diameter not  
10 to exceed twelve inches and a grate area not to exceed one and  
11 one-half feet and that is equipped with a safety valve of  
12 adequate capacity, a water level indicator and a pressure gauge;

13           (5) Hot water supply boilers operated at pressures not  
14 exceeding one hundred sixty psig, or temperatures not exceeding  
15 two hundred fifty degrees Fahrenheit which are located in private  
16 residences or in apartment houses of less than six family units;

17           (6) Service water heaters or domestic type water heaters  
18 having a nominal water containing capacity not in excess of one  
19 hundred twenty gallons, a heat input not in excess of two hundred  
20 thousand British thermal units per hour and used exclusively for  
21 heating service water to a temperature not in excess of two  
22 hundred ten degrees Fahrenheit;

23           (7) Pressure vessels containing only water under pressure  
24 for domestic supply purposes, including those containing air, the  
25 compression of which serves only as a cushion or airlift pumping  
26 system, when located in private residences or in apartment houses  
27 of less than six family units.

28           Section B. Because of the need to update state law to match

1 federal law, the repeal and reenactment of sections 320.106,  
2 320.131, and 320.136 of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and  
4 safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and the repeal and reenactment of  
6 sections 320.106, 320.131, and 320.136 of this act shall be in  
7 full force and effect upon its passage and approval.