

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 103

AN ACT

1
2
3 To repeal sections 174.700, 174.703, 174.706, 301.301,
4 301.449, 302.302, 302.341, 302.700, as enacted by
5 conference committee substitute for senate substitute
6 for senate committee substitute for house committee
7 substitute for house bill no. 1402, merged with
8 conference committee substitute for house committee
9 substitute for senate substitute for senate committee
10 substitute for senate bill no. 470, merged with
11 conference committee substitute for house committee
12 substitute no. 2 for senate committee substitute for
13 senate bill no. 480, merged with conference committee
14 substitute for house committee substitute for senate
15 bill no. 568, ninety-sixth general assembly, second
16 regular session, 302.720, 302.735, 302.740, 302.755,
17 304.013, 304.032, 304.120, 304.180, 304.820, 307.400,
18 407.300, and 544.157, RSMo, and to enact in lieu
19 thereof thirty-two new sections relating to
20 transportation, with penalty provisions and an
21 emergency clause for a certain section.
22

23
24
25

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
26 AS FOLLOWS:
27

28 Section A. Sections 174.700, 174.703, 174.706, 301.301,
29 301.449, 302.302, 302.341, 302.700, as enacted by conference
30 committee substitute for senate substitute for senate committee
31 substitute for house committee substitute for house bill no.
32 1402, merged with conference committee substitute for house
33 committee substitute for senate substitute for senate committee
34 substitute for senate bill no. 470, merged with conference

1 committee substitute for house committee substitute no. 2 for
2 senate committee substitute for senate bill no. 480, merged with
3 conference committee substitute for house committee substitute
4 for senate bill no. 568, ninety-sixth general assembly, second
5 regular session, 302.720, 302.735, 302.740, 302.755, 304.013,
6 304.032, 304.120, 304.180, 304.820, 307.400, 407.300, and
7 544.157, RSMo, are repealed and thirty-two new sections enacted
8 in lieu thereof, to be known as sections 174.700, 174.703,
9 174.706, 174.709, 174.712, 301.301, 301.449, 302.302, 302.341,
10 302.700, 302.720, 302.735, 302.740, 302.755, 304.013, 304.032,
11 304.120, 304.180, 304.820, 304.890, 304.892, 304.894, 307.400,
12 407.300, 544.157, 1, 2, 3, 4, 5, 6, and 7, to read as follows:

13 174.700. The board of regents or board of governors of any
14 state college or university may appoint and employ as many
15 college or university police officers as it may deem necessary to
16 enforce regulations established under section 174.709 and general
17 motor vehicle laws of this state in accordance with section
18 174.712, protect persons, property, and to preserve peace and
19 good order only in the public buildings, properties, grounds, and
20 other facilities and locations over which it has charge or
21 control and to respond to emergencies or natural disasters
22 outside of the boundaries of university property and provide
23 services if requested by the law enforcement agency with
24 jurisdiction.

25 174.703. 1. The college or university police officers,
26 before they enter upon their duties, shall take and subscribe an
27 oath of office before some officer authorized to administer
28 oaths, to faithfully and impartially discharge the duties

1 thereof, which oath shall be filed in the office of the board,
2 and the secretary of the board shall give each college police
3 officer so appointed and qualified a certificate of appointment,
4 under the seal of the board, which certificate shall empower him
5 or her with the same authority to maintain order, preserve peace
6 and make arrests as is now held by peace officers.

7 2. The college or university police officers shall have the
8 authority to enforce the regulations established in section
9 174.709 and general motor vehicle laws in accordance with section
10 174.712 on the campus as prescribed in chapter 304. The college
11 or university police officer may in addition expel from the
12 public buildings, campuses, and grounds, persons violating the
13 rules and regulations that may be prescribed by the board or
14 others under the authority of the board.

15 3. Such officer or employee of the state college or
16 university as may be designated by the board shall have immediate
17 charge, control and supervision of police officers appointed by
18 authority of this section. Such college or university police
19 officers shall have satisfactorily completed before appointment a
20 training course for police officers as prescribed by chapter 590
21 for state peace officers or, by virtue of previous experience or
22 training, have met the requirements of chapter 590, and have been
23 certified under that chapter.

24 174.706. Nothing in sections 174.700 to [174.706] 174.712
25 shall be construed as denying the board the right to appoint
26 guards or watchmen who shall not be given the authority and
27 powers authorized by sections 174.700 to [174.706] 174.712.

28 174.709. 1. For the purpose of promoting public safety,

1 health, and general welfare and to protect life and property, the
2 board of regents or board of governors of any state college or
3 university may establish regulations to control vehicular
4 traffic, including speed regulations, on any thoroughfare owned
5 or maintained by the state college or university and located
6 within any of its campuses. Such regulations shall be consistent
7 with the provisions of the general motor vehicle laws of this
8 state. Upon adoption of such regulations, the state college or
9 university shall have the authority to place official traffic
10 control signals, as defined in section 300.010, on campus
11 property.

12 2. The regulations established by the board of regents or
13 board of governors of any state college or university under
14 subsection 1 of this section shall be codified, printed, and
15 distributed for public use. Adequate signs displaying the speed
16 limit shall be posted along such thoroughfares.

17 3. Violations of any regulation established under this
18 section shall have the same effect as a violation of municipal
19 ordinances adopted under section 304.120, with penalty provisions
20 as provided in section 304.570. Points assessed against any
21 person under section 302.302 for a violation of this section
22 shall be the same as provided for a violation of a county or
23 municipal ordinance.

24 4. The provisions of this section shall apply only to
25 moving violations.

26 174.712. All motor vehicles operated upon any thoroughfare
27 owned or maintained by a state college or university and located
28 within any of its campuses shall be subject to the provisions of

1 the general motor vehicle laws of this state, including chapters
2 301, 302, 303, 304, 307, and 577. Violations shall have the same
3 effect as though such had occurred on public roads, streets, or
4 highways of this state.

5 301.301. [1. Any person replacing a stolen license plate
6 tab issued on or after January 1, 2009, may receive at no cost up
7 to two sets of two license plate tabs per year when the
8 application for the replacement tab is accompanied with a police
9 report that is corresponding with the stolen license plate tab.

10 2.] Any person replacing a stolen license plate tab [issued
11 prior to January 1, 2009,] may receive at no cost up to two sets
12 of two license plate tabs per year when the application for the
13 replacement tab is accompanied with a notarized affidavit
14 verifying that such license plate tab or tabs were stolen.

15 301.449. 1. Only a community college or four-year public
16 or private institution of higher education, or a foundation or
17 organization representing the college or institution, located in
18 the state of Missouri may itself authorize or may by the director
19 of revenue be authorized to use the school's official emblem to
20 be affixed on multiyear personalized license plates as provided
21 in this section.

22 2. Any contribution to such institution derived from this
23 section, except reasonable administrative costs, shall be used
24 for scholarship endowment or other academically related purposes.
25 Any vehicle owner may annually apply to the institution for the
26 use of the emblem. Upon annual application and payment of an
27 emblem-use contribution to the institution, which shall be set by
28 the governing body of the institution at an amount of at least

1 twenty-five dollars, the institution shall issue to the vehicle
2 owner, without further charge, an "emblem-use authorization
3 statement", which shall be presented by the vehicle owner to the
4 department of revenue at the time of registration. Upon
5 presentation of the annual statement and payment of the fee
6 required for personalized license plates in section 301.144, and
7 other fees and documents which may be required by law, the
8 department of revenue shall issue a personalized license plate,
9 which shall bear the seal, emblem or logo of the institution, to
10 the vehicle owner.

11 3. The license plate authorized by this section shall use
12 the school colors of the institution, and those colors shall be
13 constructed upon the license plate using a process to ensure that
14 the school emblem shall be displayed upon the license plate in
15 the clearest and most attractive manner possible. Such license
16 plates shall be made with fully reflective material with a common
17 color scheme and design, shall be clearly visible at night, and
18 shall be aesthetically attractive, as prescribed by section
19 301.130. The license plate authorized by this section shall be
20 issued with a design approved by both the institution of higher
21 education and the advisory committee established in section
22 301.129.

23 4. A vehicle owner, who was previously issued a plate with
24 an institutional emblem authorized by this section and does not
25 provide an emblem-use authorization statement at a subsequent
26 time of registration, shall be issued a new plate which does not
27 bear the institutional emblem, as otherwise provided by law.

28 5. Notwithstanding the provisions of subsection 1 of this

1 section or subsection 1 of section 301.3150, any community
2 college or four-year public or private institution of higher
3 education, or any foundation or organization representing the
4 college or institution, located outside of the state of Missouri,
5 which has authorized the use of its official emblem to be affixed
6 on multiyear personalized license plates and has had its
7 application for a specialty license plate approved by the joint
8 committee on transportation oversight under section 301.3150
9 prior to August 28, 2012, may continue to authorize the use of
10 its official emblem on such plates. Nothing in subsection 1 of
11 this section shall be construed to prohibit the manufacture or
12 renewal of multiyear personalized license plates bearing out-of-
13 state university, college, or institution of private learning
14 official emblems if such license plates were approved by the
15 joint committee on transportation oversight under section
16 301.3150 prior to August 28, 2012.

17 6. The director of revenue shall make necessary rules and
18 regulations for the enforcement of this section, and shall design
19 all necessary forms including establishing a minimum number of
20 license plates which can be issued with the authorized emblem of
21 a participating institution.

22 302.302. 1. The director of revenue shall put into effect
23 a point system for the suspension and revocation of licenses.
24 Points shall be assessed only after a conviction or forfeiture of
25 collateral. The initial point value is as follows:

26 (1) Any moving violation of a state
27 law or county or municipal or federal traffic
28 ordinance or regulation not listed in this

1	section, other than a violation of vehicle	
2	equipment provisions or a court-ordered	
3	supervision as provided in section	
4	302.303.....	2 points
5	(except any violation of municipal stop sign	
6	ordinance where no accident is	
7	involved.....	1 point)
8	(2) Speeding	
9	In violation of a state	
10	law.....	3 points
11	In violation of a county or	
12	municipal ordinance.....	2 points
13	(3) Leaving the scene of an accident	
14	in violation of section	
15	577.060.....	12 points
16	In violation of any county or	
17	municipal ordinance.....	6 points
18	(4) Careless and imprudent driving in	
19	violation of subsection 4 of section	
20	304.016.....	4 points
21	In violation of a county or	
22	municipal ordinance.....	2 points
23	(5) Operating without a valid license	
24	in violation of subdivision (1) or (2) of	
25	subsection 1 of section 302.020:	
26	(a) For the first	
27	conviction.....	2 points
28	(b) For the second	

1	conviction.....	4 points
2	(c) For the third	
3	conviction.....	6 points
4	(6) Operating with a suspended or	
5	revoked license prior to restoration of	
6	operating privileges.....	12 points
7	(7) Obtaining a license by	
8	misrepresentation.....	12 points
9	(8) For the first conviction of	
10	driving while in an intoxicated condition	
11	or under the influence of controlled	
12	substances or	
13	drugs.....	8 points
14	(9) For the second or subsequent	
15	conviction of any of the following offenses	
16	however combined: driving while in an	
17	intoxicated condition, driving under the	
18	influence of controlled substances or drugs	
19	or driving with a blood alcohol content of	
20	eight-hundredths of one percent or more by	
21	weight.....	12 points
22	(10) For the first conviction for	
23	driving with blood alcohol content	
24	eight-hundredths of one percent or more by weight	
25	In violation of state	
26	law.....	8 points
27	In violation of a county or municipal	
28	ordinance or federal law or	

1	regulation.....	8 points
2	(11) Any felony involving the use	
3	of a motor vehicle.....	12 points
4	(12) Knowingly permitting unlicensed	
5	operator to operate a motor	
6	vehicle.....	4 points
7	(13) For a conviction for failure to	
8	maintain financial responsibility pursuant	
9	to county or municipal ordinance or	
10	pursuant to section	
11	303.025.....	4 points
12	(14) Endangerment of a highway worker	
13	in violation of section	
14	304.585.....	4 points
15	(15) Aggravated endangerment of a	
16	highway worker in violation of section	
17	304.585.....	12 points
18	(16) For a conviction of violating a	
19	municipal ordinance that prohibits tow	
20	truck operators from stopping at or	
21	proceeding to the scene of an accident	
22	unless they have been requested to stop	
23	or proceed to such scene by a party involved	
24	in such accident or by an officer of a	
25	public safety	
26	agency.....	4 points
27	<u>(17) Endangerment of an emergency</u>	
28	<u>responder in violation of section 304.894</u>	

..... 4 points

(18) Aggravated endangerment of
an emergency responder in violation of
section 304.894..... 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations

1 committed while operating a motorcycle, a motorcycle-rider
2 training course approved by the state highways and transportation
3 commission, by an operator, when so ordered and verified by any
4 court having jurisdiction over any law of this state or county or
5 municipal ordinance, regulating motor vehicles, other than a
6 violation committed in a commercial motor vehicle as defined in
7 section 302.700 or a violation committed by an individual who has
8 been issued a commercial driver's license or is required to
9 obtain a commercial driver's license in this state or any other
10 state, shall be accepted by the director in lieu of the
11 assessment of points for a violation pursuant to subdivision (1),
12 (2) or (4) of subsection 1 of this section or pursuant to
13 subsection 3 of this section. A court using a centralized
14 violation bureau established under section 476.385 may elect to
15 have the bureau order and verify completion of a
16 driver-improvement program or motorcycle-rider training course as
17 prescribed by order of the court. For the purposes of this
18 subsection, the driver-improvement program shall meet or exceed
19 the standards of the National Safety Council's eight-hour
20 "Defensive Driving Course" or, in the case of a violation which
21 occurred during the operation of a motorcycle, the program shall
22 meet the standards established by the state highways and
23 transportation commission pursuant to sections 302.133 to
24 302.137. The completion of a driver-improvement program or a
25 motorcycle-rider training course shall not be accepted in lieu of
26 points more than one time in any thirty-six-month period and
27 shall be completed within sixty days of the date of conviction in
28 order to be accepted in lieu of the assessment of points. Every

1 court having jurisdiction pursuant to the provisions of this
2 subsection shall, within fifteen days after completion of the
3 driver-improvement program or motorcycle-rider training course by
4 an operator, forward a record of the completion to the director,
5 all other provisions of the law to the contrary notwithstanding.
6 The director shall establish procedures for record keeping and
7 the administration of this subsection.

8 302.341. 1. If a Missouri resident charged with a moving
9 traffic violation of this state or any county or municipality of
10 this state fails to dispose of the charges of which the resident
11 is accused through authorized prepayment of fine and court costs
12 and fails to appear on the return date or at any subsequent date
13 to which the case has been continued, or without good cause fails
14 to pay any fine or court costs assessed against the resident for
15 any such violation within the period of time specified or in such
16 installments as approved by the court or as otherwise provided by
17 law, any court having jurisdiction over the charges shall within
18 ten days of the failure to comply inform the defendant by
19 ordinary mail at the last address shown on the court records that
20 the court will order the director of revenue to suspend the
21 defendant's driving privileges if the charges are not disposed of
22 and fully paid within thirty days from the date of mailing.

23 Thereafter, if the defendant fails to timely act to dispose of
24 the charges and fully pay any applicable fines and court costs,
25 the court shall notify the director of revenue of such failure
26 and of the pending charges against the defendant. Upon receipt
27 of this notification, the director shall suspend the license of
28 the driver, effective immediately, and provide notice of the

1 suspension to the driver at the last address for the driver shown
2 on the records of the department of revenue. Such suspension
3 shall remain in effect until the court with the subject pending
4 charge requests setting aside the noncompliance suspension
5 pending final disposition, or satisfactory evidence of
6 disposition of pending charges and payment of fine and court
7 costs, if applicable, is furnished to the director by the
8 individual. Upon proof of disposition of charges and payment of
9 fine and court costs, if applicable, and payment of the
10 reinstatement fee as set forth in section 302.304, the director
11 shall return the license and remove the suspension from the
12 individual's driving record if the individual was not operating a
13 commercial motor vehicle or a commercial driver's license holder
14 at the time of the offense. The filing of financial
15 responsibility with the bureau of safety responsibility,
16 department of revenue, shall not be required as a condition of
17 reinstatement of a driver's license suspended solely under the
18 provisions of this section.

19 2. If any city, town [or] , village, or county receives
20 more than [thirty-five] thirty percent of its annual general
21 operating revenue from fines and court costs for traffic
22 violations, including amended charges from any traffic violation,
23 occurring [on state highways] within the city, town, village, or
24 county, all revenues from such violations in excess of
25 [thirty-five] thirty percent of the annual general operating
26 revenue of the city, town [or] , village, or county shall be sent
27 to the director of the department of revenue and shall be
28 distributed annually to the schools of the county in the same

1 manner that proceeds of all penalties, forfeitures and fines
2 collected for any breach of the penal laws of the state are
3 distributed. [For the purpose of this section the words "state
4 highways" shall mean any state or federal highway, including any
5 such highway continuing through the boundaries of a city, town or
6 village with a designated street name other than the state
7 highway number.] The director of the department of revenue shall
8 set forth by rule a procedure whereby excess revenues as set
9 forth above shall be sent to the department of revenue. If any
10 city, town, [or] village, or county disputes a determination that
11 it has received excess revenues required to be sent to the
12 department of revenue, such city, town, [or] , village, or county
13 may submit to an annual audit by the state auditor under the
14 authority of article IV, section 13 of the Missouri Constitution.
15 An accounting of the percent of annual general operating revenue
16 from fines and court costs for traffic violations, including
17 amended charges from any charged traffic violation, occurring
18 within the city, town, village, or county and charged in the
19 municipal court of that city, town, village, or county shall be
20 included in the comprehensive annual financial report submitted
21 to the state auditor by the city, town, village, or county under
22 section 105.145. Any city, town, village, or county which fails
23 to make an accurate or timely report, or to send excess revenues
24 from such violations to the director of the department of revenue
25 by the date on which the report is due to the state auditor shall
26 suffer an immediate loss of jurisdiction of the municipal court
27 of said city, town, village, or county on all traffic-related
28 charges until all requirements of this section are satisfied.

1 Any rule or portion of a rule, as that term is defined in section
2 536.010, that is created under the authority delegated in this
3 section shall become effective only if it complies with and is
4 subject to all of the provisions of chapter 536 and, if
5 applicable, section 536.028. This section and chapter 536 are
6 nonseverable and if any of the powers vested with the general
7 assembly under chapter 536 to review, to delay the effective
8 date, or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 2009, shall be invalid
11 and void.

12 302.700. 1. Sections 302.700 to 302.780 may be cited as
13 the "Uniform Commercial Driver's License Act".

14 2. When used in sections 302.700 to 302.780, the following
15 words and phrases mean:

16 (1) "Alcohol", any substance containing any form of
17 alcohol, including, but not limited to, ethanol, methanol,
18 propanol and isopropanol;

19 (2) "Alcohol concentration", the number of grams of alcohol
20 per one hundred milliliters of blood or the number of grams of
21 alcohol per two hundred ten liters of breath or the number of
22 grams of alcohol per sixty-seven milliliters of urine;

23 (3) "CDL driver", a person holding or required to hold a
24 commercial driver's license (CDL);

25 (4) "CDLIS driver record", the electronic record of the
26 individual commercial driver's status and history stored by the
27 state of record as part of the Commercial Driver's License
28 Information System (CDLIS) established under 49 U.S.C. Section

1 31309, et seq.;

2 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a
3 report generated from the CDLIS driver record which meets the
4 requirements for access to CDLIS information and is provided by
5 states to users authorized in 49 CFR [Part] 384, subject to the
6 provisions of the Driver Privacy Protection Act, 18 U.S.C.
7 Sections 2721 to 2725, et seq.;

8 [(5)] (6) "Commercial driver's instruction permit", a
9 commercial learner's permit issued [pursuant to section 302.720]
10 to an individual by a state or other jurisdiction of domicile in
11 accordance with the standards contained in 49 CFR 383, which,
12 when carried with a valid driver's license issued by the same
13 state or jurisdiction, authorizes the individual to operate a
14 class of commercial motor vehicle when accompanied by a holder of
15 a valid commercial driver's license for purposes of behind-the-
16 wheel training. When issued to a commercial driver's license
17 holder, a commercial learner's permit serves as authorization for
18 accompanied behind-the-wheel training in a commercial motor
19 vehicle for which the holder's current commercial driver's
20 license is not valid;

21 [(6)] (7) "Commercial driver's license (CDL)", a license
22 issued by this state or other jurisdiction of domicile in
23 accordance with 49 CFR 383 [to an individual] which authorizes
24 the individual to operate a class of commercial motor vehicle;

25 [(7)] (8) "Commercial driver's license downgrade", occurs
26 when:

27 (a) A driver changes the self-certification to interstate,
28 but operates exclusively in transportation or operation excepted

1 from 49 CFR [Part] 391, as provided in 49 CFR [Part] 390.3(f),
2 391.2, 391.68, or 398.3;

3 (b) A driver changes the self-certification to intrastate
4 only, if the driver qualifies under the state's physical
5 qualification requirements for intrastate only;

6 (c) A driver changes the self-certification to intrastate,
7 but operating exclusively in transportation or operations
8 excepted from all or part of the state driver qualification
9 requirements; or

10 (d) The state removes the commercial driver's license
11 privilege from the driver's license;

12 [(8)] (9) "Commercial driver's license information system
13 (CDLIS)", the information system established pursuant to the
14 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
15 Law 99-570) to serve as a clearinghouse for locating information
16 related to the licensing and identification of commercial motor
17 vehicle drivers;

18 [(9)] (10) "Commercial motor vehicle", a motor vehicle
19 [designed or used to] or combination of motor vehicles used in
20 commerce to transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating or
22 gross combination weight of twenty-six thousand one or more
23 pounds inclusive of a towed unit which has a gross vehicle weight
24 rating [of] or gross vehicle weight of more than ten thousand one
25 pounds or more, whichever is greater;

26 (b) If the vehicle has a gross vehicle weight rating or
27 gross vehicle weight of twenty-six thousand one or more pounds
28 [or such lesser rating as determined by federal regulation] ,

1 whichever is greater;

2 (c) If the vehicle is designed to transport sixteen or more
3 passengers, including the driver; or

4 (d) If the vehicle is transporting hazardous materials and
5 is required to be placarded under the Hazardous Materials
6 Transportation Act (46 U.S.C. Section 1801, et seq.);

7 [(10)] (11) "Controlled substance", any substance so
8 classified under Section 102(6) of the Controlled Substances Act
9 (21 U.S.C. Section 802(6)), and includes all substances listed in
10 schedules I through V of 21 CFR [Part] 1308, as they may be
11 revised from time to time;

12 [(11)] (12) "Conviction", an unvacated adjudication of
13 guilt, including pleas of guilt and nolo contendere, or a
14 determination that a person has violated or failed to comply with
15 the law in a court of original jurisdiction or an authorized
16 administrative proceeding, an unvacated forfeiture of bail or
17 collateral deposited to secure the person's appearance in court,
18 the payment of a fine or court cost, or violation of a condition
19 of release without bail, regardless of whether the penalty is
20 rebated, suspended or prorated, including an offense for failure
21 to appear or pay;

22 [(12)] (13) "Director", the director of revenue or his
23 authorized representative;

24 [(13)] (14) "Disqualification", any of the following
25 three actions:

26 (a) The suspension, revocation, or cancellation of a
27 commercial driver's license or commercial driver's instruction
28 permit;

1 (b) Any withdrawal of a person's privileges to drive a
2 commercial motor vehicle by a state, Canada, or Mexico as the
3 result of a violation of federal, state, county, municipal, or
4 local law relating to motor vehicle traffic control or violations
5 committed through the operation of motor vehicles, other than
6 parking, vehicle weight, or vehicle defect violations;

7 (c) A determination by the Federal Motor Carrier Safety
8 Administration that a person is not qualified to operate a
9 commercial motor vehicle under 49 CFR [Part] 383.52 or [Part]
10 391;

11 [(14)] (15) "Drive", to drive, operate or be in physical
12 control of a commercial motor vehicle;

13 [(15)] (16) "Driver", any person who drives, operates, or
14 is in physical control of a motor vehicle, or who is required to
15 hold a commercial driver's license;

16 [(16)] (17) "Driver applicant", an individual who applies
17 to obtain, transfer, upgrade, or renew a commercial driver's
18 license or commercial driver's instruction permit in this state;

19 [(17)] (18) "Driving under the influence of alcohol", the
20 commission of any one or more of the following acts:

21 (a) Driving a commercial motor vehicle with the alcohol
22 concentration of four one-hundredths of a percent or more as
23 prescribed by the [secretary] Secretary or such other alcohol
24 concentration as may be later determined by the [secretary]
25 Secretary by regulation;

26 (b) Driving a commercial or noncommercial motor vehicle
27 while intoxicated in violation of any federal or state law, or in
28 violation of a county or municipal ordinance;

1 (c) Driving a commercial or noncommercial motor vehicle
2 with excessive blood alcohol content in violation of any federal
3 or state law, or in violation of a county or municipal ordinance;

4 (d) Refusing to submit to a chemical test in violation of
5 section 577.041, section 302.750, any federal or state law, or a
6 county or municipal ordinance; or

7 (e) Having any state, county or municipal alcohol-related
8 enforcement contact, as defined in subsection 3 of section
9 302.525; provided that any suspension or revocation pursuant to
10 section 302.505, committed in a noncommercial motor vehicle by an
11 individual twenty-one years of age or older shall have been
12 committed by the person with an alcohol concentration of at least
13 eight-hundredths of one percent or more, or in the case of an
14 individual who is less than twenty-one years of age, shall have
15 been committed by the person with an alcohol concentration of at
16 least two-hundredths of one percent or more, and if committed in
17 a commercial motor vehicle, a concentration of four-hundredths of
18 one percent or more;

19 [(18)] (19) "Driving under the influence of a controlled
20 substance", the commission of any one or more of the following
21 acts in a commercial or noncommercial motor vehicle:

22 (a) Driving a commercial or noncommercial motor vehicle
23 while under the influence of any substance so classified under
24 Section 102(6) of the Controlled Substances Act (21 U.S.C.
25 Section 802(6)), including any substance listed in schedules I
26 through V of 21 CFR [Part] 1308, as they may be revised from time
27 to time;

28 (b) Driving a commercial or noncommercial motor vehicle

1 while in a drugged condition in violation of any federal or state
2 law or in violation of a county or municipal ordinance; or

3 (c) Refusing to submit to a chemical test in violation of
4 section 577.041, section 302.750, any federal or state law, or a
5 county or municipal ordinance;

6 [(19)] (20) "Electronic device", includes but is not
7 limited to a cellular telephone, personal digital assistant,
8 pager, computer, or any other device used to input, write, send,
9 receive, or read text;

10 (21) "Employer", any person, including the United States, a
11 state, or a political subdivision of a state, who owns or leases
12 a commercial motor vehicle or assigns a driver to operate such a
13 vehicle;

14 [(20)] (22) "Endorsement", an authorization on an
15 individual's commercial driver's license [permitting] or
16 commercial learner's permit required to permit the individual to
17 operate certain types of commercial motor vehicles;

18 [(21)] (23) "Farm vehicle", a commercial motor vehicle
19 controlled and operated by a farmer used exclusively for the
20 transportation of agricultural products, farm machinery, farm
21 supplies, or a combination of these, within one hundred fifty
22 miles of the farm, other than one which requires placarding for
23 hazardous materials as defined in this section, or used in the
24 operation of a common or contract motor carrier, except that a
25 farm vehicle shall not be a commercial motor vehicle when the
26 total combined gross weight rating does not exceed twenty-six
27 thousand one pounds when transporting fertilizers as defined in
28 subdivision [(27)] (29) of this subsection;

1 [(22)] (24) "Fatality", the death of a person as a result
2 of a motor vehicle accident;

3 [(23)] (25) "Felony", any offense under state or federal
4 law that is punishable by death or imprisonment for a term
5 exceeding one year;

6 [(24)] (26) "Foreign", outside the fifty states of the
7 United States and the District of Columbia;

8 [(25)] (27) "Gross combination weight rating" or "GCWR",
9 the value specified by the manufacturer as the loaded weight of a
10 combination (articulated) vehicle. In the absence of a value
11 specified by the manufacturer, GCWR will be determined by adding
12 the GVWR of the power unit and the total weight of the towed unit
13 and any load thereon;

14 [(26)] (28) "Gross vehicle weight rating" or "GVWR", the
15 value specified by the manufacturer as the loaded weight of a
16 single vehicle;

17 [(27)] (29) "Hazardous materials", any material that has
18 been designated as hazardous under 49 U.S.C. Section 5103 and is
19 required to be placarded under subpart F of CFR [Part] 172 or any
20 quantity of a material listed as a select agent or toxin in 42
21 CFR [Part] 73. Fertilizers, including but not limited to
22 ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime,
23 potash, motor fuel or special fuel, shall not be considered
24 hazardous materials when transported by a farm vehicle provided
25 all other provisions of this definition are followed;

26 [(28)] (30) "Imminent hazard", the existence of a
27 condition that presents a substantial likelihood that death,
28 serious illness, severe personal injury, or a substantial

1 endangerment to health, property, or the environment may occur
2 before the reasonably foreseeable completion date of a formal
3 proceeding begins to lessen the risk of that death, illness,
4 injury, or endangerment;

5 [(29)] (31) "Issuance", the initial licensure, license
6 transfers, license renewals, and license upgrades;

7 [(30)] (32) "Manual transmission" (also known as a stick
8 shift, stick, straight drive or standard transmission), a
9 transmission utilizing a driver-operated clutch that is activated
10 by a pedal or lever and a gear-shift mechanism operated either by
11 hand or foot. All other transmissions, whether semi-automatic or
12 automatic, will be considered automatic for the purposes of the
13 standardized restriction code;

14 (33) "Medical examiner", a person who is licensed,
15 certified, or registered, in accordance with applicable state
16 laws and regulations, to perform physical examinations. The term
17 includes, but is not limited to, doctors of medicine, doctors of
18 osteopathy, physician assistants, advanced practice nurses, and
19 doctors of chiropractic;

20 [(31)] (34) "Medical variance", when a driver has received
21 one of the following that allows the driver to be issued a
22 medical certificate:

23 (a) An exemption letter permitting operation of a
24 commercial motor vehicle under 49 CFR [Part] 381, Subpart C or 49
25 CFR [Part] 391.64;

26 (b) A skill performance evaluation certificate permitting
27 operation of a commercial motor vehicle under 49 CFR [Part]
28 391.49;

1 [(32)] (35) "Mobile telephone", a mobile communication
2 device that is classified as or uses any commercial mobile radio
3 service, as defined in the regulations of the Federal
4 Communications Commission, 47 CFR 20.3, but does not include two-
5 way or citizens band radio services;

6 [(36)] "Motor vehicle", any self-propelled vehicle not
7 operated exclusively upon tracks;

8 [(33)] (37) "Noncommercial motor vehicle", a motor vehicle
9 or combination of motor vehicles not defined by the term
10 "commercial motor vehicle" in this section;

11 [(34)] (38) "Out of service", a temporary prohibition
12 against the operation of a commercial motor vehicle by a
13 particular driver, or the operation of a particular commercial
14 motor vehicle, or the operation of a particular motor carrier;

15 [(35)] (39) "Out-of-service order", a declaration by an
16 authorized enforcement officer of a federal, state, Canadian,
17 Mexican or any local jurisdiction, that a driver, or a commercial
18 motor vehicle, or a motor carrier operation, is out of service
19 under 49 CFR [Part] 386.72, 392.5, 392.9a, 395.13, or 396.9, or
20 comparable laws, or the North American Standard Out-of-Service
21 Criteria;

22 [(36)] (40) "School bus", a commercial motor vehicle used
23 to transport preprimary, primary, or secondary school students
24 from home to school, from school to home, or to and from
25 school-sponsored events. School bus does not include a bus used
26 as a common carrier as defined by the Secretary;

27 [(37)] (41) "Secretary", the Secretary of Transportation
28 of the United States;

1 [(38)] (42) "Serious traffic violation", driving a
2 commercial motor vehicle in such a manner that the driver
3 receives a conviction for the following offenses or driving a
4 noncommercial motor vehicle when the driver receives a conviction
5 for the following offenses and the conviction results in the
6 suspension or revocation of the driver's license or noncommercial
7 motor vehicle driving privilege:

8 (a) Excessive speeding, as defined by the Secretary by
9 regulation;

10 (b) Careless, reckless or imprudent driving which includes,
11 but shall not be limited to, any violation of section 304.016,
12 any violation of section 304.010, or any other violation of
13 federal or state law, or any county or municipal ordinance while
14 driving a commercial motor vehicle in a willful or wanton
15 disregard for the safety of persons or property, or improper or
16 erratic traffic lane changes, or following the vehicle ahead too
17 closely, but shall not include careless and imprudent driving by
18 excessive speed;

19 (c) A violation of any federal or state law or county or
20 municipal ordinance regulating the operation of motor vehicles
21 arising out of an accident or collision which resulted in death
22 to any person, other than a parking violation;

23 (d) Driving a commercial motor vehicle without obtaining a
24 commercial driver's license in violation of any federal or state
25 or county or municipal ordinance;

26 (e) Driving a commercial motor vehicle without a commercial
27 driver's license in the driver's possession in violation of any
28 federal or state or county or municipal ordinance. Any

1 individual who provides proof to the court which has jurisdiction
2 over the issued citation that the individual held a valid
3 commercial driver's license on the date that the citation was
4 issued shall not be guilty of this offense;

5 (f) Driving a commercial motor vehicle without the proper
6 commercial driver's license class or endorsement for the specific
7 vehicle group being operated or for the passengers or type of
8 cargo being transported in violation of any federal or state law
9 or county or municipal ordinance; [or]

10 (g) Violating a state or local law or ordinance on motor
11 vehicle traffic control prohibiting texting while driving a
12 commercial motor vehicle;

13 (h) Violating a state or local law or ordinance on motor
14 vehicle traffic control restricting or prohibiting the use of a
15 hand-held mobile telephone while driving a commercial motor
16 vehicle; or

17 (i) Any other violation of a federal or state law or county
18 or municipal ordinance regulating the operation of motor
19 vehicles, other than a parking violation, as prescribed by the
20 [secretary] Secretary by regulation;

21 [(39)] (43) "State", a state of the United States,
22 including the District of Columbia;

23 [(40)] (44) "Tank vehicle", any commercial motor vehicle
24 that is designed to transport any liquid or gaseous materials
25 within a tank or tanks having an individual rated capacity of
26 more than one hundred nineteen gallons and an aggregate rated
27 capacity of one thousand gallons or more that is either
28 permanently or temporarily attached to the vehicle or the

1 chassis. A commercial motor vehicle transporting an empty
2 storage container tank, not designed for transportation, with a
3 rated capacity of one thousand gallons or more, that is
4 temporarily attached to a flatbed trailer is not considered a
5 tank vehicle;

6 (45) "Texting", manually entering alphanumeric text into,
7 or reading text from, an electronic device. This action includes
8 but is not limited to short message service, e-mailing, instant
9 messaging, commanding or requesting access to a website, pressing
10 more than a single button to initiate or terminate a voice
11 communication using a mobile telephone, or engaging in any other
12 form of electronic text retrieval or entry, for present or future
13 communication. Texting does not include:

14 (a) Inputting, selecting, or reading information on a
15 global positioning system or navigation system;

16 (b) Pressing a single button to initiate or terminate a
17 voice communication using a mobile telephone; or

18 (c) Using a device capable of performing multiple functions
19 (e.g., fleet management systems, dispatching devices, smart
20 phones, citizens band radios, music players) for a purpose that
21 is not otherwise prohibited in this part;

22 (46) "United States", the fifty states and the District of
23 Columbia.

24 302.720. 1. Except when operating under an instruction
25 permit as described in this section, no person may drive a
26 commercial motor vehicle unless the person has been issued a
27 commercial driver's license with applicable endorsements valid
28 for the type of vehicle being operated as specified in sections

1 302.700 to 302.780. A commercial driver's instruction permit
2 shall allow the holder of a valid license to operate a commercial
3 motor vehicle when accompanied by the holder of a commercial
4 driver's license valid for the vehicle being operated and who
5 occupies a seat beside the individual, or reasonably near the
6 individual in the case of buses, for the purpose of giving
7 instruction in driving the commercial motor vehicle. No person
8 may be issued a commercial driver's instruction permit until he
9 or she has passed written tests which comply with the minimum
10 federal standards. A commercial driver's instruction permit
11 shall be valid for the vehicle being operated for a period of not
12 more than six months, and shall not be issued until the permit
13 holder has met all other requirements of sections 302.700 to
14 302.780, except for the driving test. A permit holder, unless
15 otherwise disqualified, may be granted one six-month renewal
16 within a one-year period. The fee for such permit or renewal
17 shall be five dollars. In the alternative, a commercial driver's
18 instruction permit shall be issued for a thirty-day period to
19 allow the holder of a valid driver's license to operate a
20 commercial motor vehicle if the applicant has completed all other
21 requirements except the driving test. The permit may be renewed
22 for one additional thirty-day period and the fee for the permit
23 and for renewal shall be five dollars.

24 2. No person may be issued a commercial driver's license
25 until he has passed written and driving tests for the operation
26 of a commercial motor vehicle which complies with the minimum
27 federal standards established by the Secretary and has satisfied
28 all other requirements of the Commercial Motor Vehicle Safety Act

1 of 1986 (Title XII of Pub. Law 99-570), as well as any other
2 requirements imposed by state law. All applicants for a
3 commercial driver's license shall have maintained the appropriate
4 class of commercial driver's instruction permit issued by this
5 state or any other state for a minimum of fourteen calendar days
6 prior to the date of taking the skills test. Applicants for a
7 hazardous materials endorsement must also meet the requirements
8 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as
9 specified and required by regulations promulgated by the
10 Secretary. Nothing contained in this subsection shall be
11 construed as prohibiting the director from establishing alternate
12 testing formats for those who are functionally illiterate;
13 provided, however, that any such alternate test must comply with
14 the minimum requirements of the Commercial Motor Vehicle Safety
15 Act of 1986 (Title XII of Pub. Law 99-570) as established by the
16 Secretary.

17 (1) The written and driving tests shall be held at such
18 times and in such places as the superintendent may designate. A
19 twenty-five dollar examination fee shall be paid by the applicant
20 upon completion of any written or driving test, except the
21 examination fee shall be waived for applicants seventy years of
22 age or older renewing a license with a school bus endorsement.
23 The director shall delegate the power to conduct the examinations
24 required under sections 302.700 to 302.780 to any member of the
25 highway patrol or any person employed by the highway patrol
26 qualified to give driving examinations. The written test shall
27 only be administered in the English language. No translators
28 shall be allowed for applicants taking the test.

1 (2) The director shall adopt and promulgate rules and
2 regulations governing the certification of third-party testers by
3 the department of revenue. Such rules and regulations shall
4 substantially comply with the requirements of 49 CFR [Part] 383,
5 Section 383.75. A certification to conduct third-party testing
6 shall be valid for one year, and the department shall charge a
7 fee of one hundred dollars to issue or renew the certification of
8 any third-party tester.

9 (3) Beginning August 28, 2006, the director shall only
10 issue or renew third-party tester certification to community
11 colleges established under chapter 178 or to private companies
12 who own, lease, or maintain their own fleet and administer
13 in-house testing to their employees, or to school districts and
14 their agents that administer in-house testing to the school
15 district's or agent's employees. Any third-party tester who
16 violates any of the rules and regulations adopted and promulgated
17 pursuant to this section shall be subject to having his
18 certification revoked by the department. The department shall
19 provide written notice and an opportunity for the third-party
20 tester to be heard in substantially the same manner as provided
21 in chapter 536. If any applicant submits evidence that he has
22 successfully completed a test administered by a third-party
23 tester, the actual driving test for a commercial driver's license
24 may then be waived.

25 (4) Every applicant for renewal of a commercial driver's
26 license shall provide such certifications and information as
27 required by the [secretary] Secretary and if such person
28 transports a hazardous material must also meet the requirements

1 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as
2 specified and required by regulations promulgated by the
3 Secretary. Such person shall be required to take the written
4 test for such endorsement. A twenty-five dollar examination fee
5 shall be paid upon completion of such tests.

6 (5) The director shall have the authority to waive the
7 driving skills test for any qualified military applicant for a
8 commercial driver's license who is currently licensed at the time
9 of application for a commercial driver's license. The director
10 shall impose conditions and limitations to restrict the
11 applicants from whom the department may accept alternative
12 requirements for the skills test described in federal regulation
13 49 [C.F.R.] CFR 383.77. An applicant must certify that, during
14 the two-year period immediately preceding application for a
15 commercial driver's license, all of the following apply:

16 (a) The applicant has not had more than one license;

17 (b) The applicant has not had any license suspended,
18 revoked, or cancelled;

19 (c) The applicant has not had any convictions for any type
20 of motor vehicle for the disqualifying offenses contained in this
21 chapter or federal rule 49 [C.F.R.] CFR 383.51(b);

22 (d) The applicant has not had more than one conviction for
23 any type of motor vehicle for serious traffic violations;

24 (e) The applicant has not had any conviction for a
25 violation of state or local law relating to motor vehicle traffic
26 control, but not including any parking violation, arising in
27 connection with any traffic accident, and has no record of an
28 accident in which he or she was at fault;

1 (f) The applicant [is] has been regularly employed [in a
2 job] within the last ninety days in a military position requiring
3 operation of a commercial motor vehicle and has operated the
4 vehicle for at least sixty days during the two years immediately
5 preceding application for a commercial driver's license. The
6 vehicle must be representative of the commercial motor vehicle
7 the driver applicant operates or expects to operate;

8 (g) The applicant, if on active duty, must provide a
9 notarized affidavit signed by a commanding officer as proof of
10 driving experience as indicated in paragraph (f) of this
11 subdivision;

12 (h) The applicant, if honorably discharged from military
13 service, must provide a form-DD214 or other proof of military
14 occupational specialty;

15 (i) The applicant must meet all federal and state
16 qualifications to operate a commercial vehicle; and

17 (j) The applicant will be required to complete all
18 applicable knowledge tests.

19 3. A commercial driver's license or commercial driver's
20 instruction permit may not be issued to a person while the person
21 is disqualified from driving a commercial motor vehicle, when a
22 disqualification is pending in any state or while the person's
23 driver's license is suspended, revoked, or [cancelled] canceled
24 in any state; nor may a commercial driver's license be issued
25 unless the person first surrenders in a manner prescribed by the
26 director any commercial driver's license issued by another state,
27 which license shall be returned to the issuing state for
28 cancellation.

1 4. Beginning July 1, 2005, the director shall not issue an
2 instruction permit under this section unless the director
3 verifies that the applicant is lawfully present in the United
4 States before accepting the application. The director may, by
5 rule or regulation, establish procedures to verify the lawful
6 presence of the applicant under this section. No rule or portion
7 of a rule promulgated pursuant to the authority of this section
8 shall become effective unless it has been promulgated pursuant to
9 chapter 536.

10 5. Notwithstanding the provisions of this section or any
11 other law to the contrary, beginning August 28, 2008, the
12 director of the department of revenue shall certify as a
13 third-party tester any municipality that owns, leases, or
14 maintains its own fleet that requires certain employees as a
15 condition of employment to hold a valid commercial driver's
16 license; and that administered in-house testing to such employees
17 prior to August 28, 2006.

18 302.735. 1. An application shall not be taken from a
19 nonresident after September 30, 2005. The application for a
20 commercial driver's license shall include, but not be limited to,
21 the applicant's legal name, mailing and residence address, if
22 different, a physical description of the person, including sex,
23 height, weight and eye color, the person's Social Security
24 number, date of birth and any other information deemed
25 appropriate by the director. The application shall also require,
26 beginning September 30, 2005, the applicant to provide the names
27 of all states where the applicant has been previously licensed to
28 drive any type of motor vehicle during the preceding ten years.

1 2. A commercial driver's license shall expire on the
2 applicant's birthday in the sixth year after issuance, unless the
3 license must be issued for a shorter period due to other
4 requirements of law or for transition or staggering of work as
5 determined by the director, and must be renewed on or before the
6 date of expiration. When a person changes such person's name an
7 application for a duplicate license shall be made to the director
8 of revenue. When a person changes such person's mailing address
9 or residence the applicant shall notify the director of revenue
10 of said change, however, no application for a duplicate license
11 is required. A commercial license issued pursuant to this
12 section to an applicant less than twenty-one years of age and
13 seventy years of age and older shall expire on the applicant's
14 birthday in the third year after issuance, unless the license
15 must be issued for a shorter period as determined by the
16 director.

17 3. A commercial driver's license containing a hazardous
18 materials endorsement issued to an applicant who is between the
19 age of twenty-one and sixty-nine shall not be issued for a period
20 exceeding five years from the approval date of the security
21 threat assessment as determined by the Transportation Security
22 Administration.

23 4. The director shall issue an annual commercial driver's
24 license containing a school bus endorsement to an applicant who
25 is seventy years of age or older. The fee for such license shall
26 be seven dollars and fifty cents.

27 5. A commercial driver's license containing a hazardous
28 materials endorsement issued to an applicant who is seventy years

1 of age or older shall not be issued for a period exceeding three
2 years. The director shall not require such drivers to obtain a
3 security threat assessment more frequently than such assessment
4 is required by the Transportation Security Administration under
5 the Uniting and Strengthening America by Providing Appropriate
6 Tools Required to Intercept and Obstruct Terrorism Act (USA
7 PATRIOT ACT) of 2001.

8 (1) The state shall immediately revoke a hazardous
9 materials endorsement upon receipt of an initial determination of
10 threat assessment and immediate revocation from the
11 Transportation Security Administration as defined by 49 CFR
12 1572.13(a).

13 (2) The state shall revoke or deny a hazardous materials
14 endorsement within fifteen days of receipt of a final
15 determination of threat assessment from the Transportation
16 Security Administration as required by CFR 1572.13(a).

17 6. The fee for a commercial driver's license or renewal
18 commercial driver's license issued for a period greater than
19 three years shall be forty dollars.

20 7. The fee for a commercial driver's license or renewal
21 commercial driver's license issued for a period of three years or
22 less shall be twenty dollars.

23 8. The fee for a duplicate commercial driver's license
24 shall be twenty dollars.

25 9. In order for the director to properly transition
26 driver's license requirements under the Motor Carrier Safety
27 Improvement Act of 1999 and the Uniting and Strengthening America
28 by Providing Appropriate Tools Required to Intercept and Obstruct

1 Terrorism Act (USA PATRIOT ACT) of 2001, the director is
2 authorized to stagger expiration dates and make adjustments for
3 any fees, including driver examination fees that are incurred by
4 the driver as a result of the initial issuance of a transitional
5 license required to comply with such acts.

6 10. Within thirty days after moving to this state, the
7 holder of a commercial driver's license shall apply for a
8 commercial driver's license in this state. The applicant shall
9 meet all other requirements of sections 302.700 to 302.780,
10 except that the director may waive the driving test for a
11 commercial driver's license as required in section 302.720 if the
12 applicant for a commercial driver's license has a valid
13 commercial driver's license from a state which has requirements
14 for issuance of such license comparable to those in this state.

15 11. Any person who falsifies any information in an
16 application or test for a commercial driver's license shall not
17 be licensed to operate a commercial motor vehicle, or the
18 person's commercial driver's license shall be **[cancelled]**
19 canceled, for a period of one year after the director discovers
20 such falsification.

21 12. Beginning July 1, 2005, the director shall not issue a
22 commercial driver's license under this section unless the
23 director verifies that the applicant is lawfully present in the
24 United States before accepting the application. If lawful
25 presence is granted for a temporary period, no commercial
26 driver's license shall be issued. The director may, by rule or
27 regulation, establish procedures to verify the lawful presence of
28 the applicant and establish the duration of any commercial

1 driver's license issued under this section. No rule or portion
2 of a rule promulgated pursuant to the authority of this section
3 shall become effective unless it has been promulgated pursuant to
4 chapter 536.

5 13. (1) Effective December 19, 2005, notwithstanding any
6 provisions of subsections 1 and 5 of this section to the
7 contrary, the director may issue a [nonresident] nondomiciled
8 commercial driver's license or commercial driver's instruction
9 permit to a resident of a foreign jurisdiction if the United
10 States Secretary of Transportation has determined that the
11 commercial motor vehicle testing and licensing standards in the
12 foreign jurisdiction do not meet the testing standards
13 established in 49 [C.F.R. Part] CFR 383.

14 (2) Any applicant for a [nonresident] nondomiciled
15 commercial driver's license or commercial driver's instruction
16 permit must present evidence satisfactory to the director that
17 the applicant currently has employment with an employer in this
18 state. The [nonresident] nondomiciled applicant must meet the
19 same testing, driver record requirements, conditions, and is
20 subject to the same disqualification and conviction reporting
21 requirements applicable to resident commercial drivers.

22 (3) The [nonresident] nondomiciled commercial driver's
23 license will expire on the same date that the documents
24 establishing lawful presence for employment expire. The word
25 ["nonresident"] "nondomiciled" shall appear on the face of the
26 [nonresident] nondomiciled commercial driver's license. Any
27 applicant for a Missouri [nonresident] nondomiciled commercial
28 driver's license or commercial driver's instruction permit must

1 first surrender any [nonresident] nondomiciled commercial
2 driver's license issued by another state.

3 (4) The [nonresident] nondomiciled commercial driver's
4 license applicant must pay the same fees as required for the
5 issuance of a resident commercial driver's license or commercial
6 driver's instruction permit.

7 14. Foreign jurisdiction for purposes of issuing a
8 [nonresident] nondomiciled commercial driver's license or
9 commercial driver's instruction permit under this section shall
10 not include any of the fifty states of the United States or
11 Canada or Mexico.

12 302.740. 1. The commercial driver's license shall be
13 manufactured of materials and processes that will prohibit as
14 nearly as possible the ability to reproduce, alter, counterfeit,
15 forge, or duplicate any license without ready detection. Such
16 license shall include, but not be limited to, the following
17 information: a colored photograph of the person, the legal name
18 and address of the person, a physical description of the person,
19 including sex, height, weight and eye color, the person's [Social
20 Security number] driver's license number or such other number or
21 identifier deemed appropriate by the director or the [secretary]
22 Secretary, the date of birth, class or type of commercial motor
23 vehicle or vehicles which the person is authorized to drive, the
24 name of this state, and the words "COMMERCIAL DRIVER'S LICENSE"
25 or "CDL", the dates of issuance and expiration, the person's
26 signature and such other information as the director prescribes.

27 2. Before issuing a commercial driver's license, the
28 director shall obtain driving record information from sources

1 including, but not limited to, the national driver's register,
2 the commercial driver's license information system, and any state
3 driver's licensing system in which the person has been licensed;
4 except that the director shall only be required to obtain the
5 complete driving record from each state the person has ever been
6 licensed in when such person is issued an initial commercial
7 driver's license or renews his or her commercial driver's license
8 for the first time. The director shall maintain a notation in
9 the driving record system of the date when he or she has obtained
10 the driving records from all other states which the person has
11 been licensed.

12 3. Within ten days after issuing a commercial driver's
13 license, the director shall notify the commercial driver's
14 license information system of such fact, providing all
15 information required to ensure identification of the person. For
16 the purpose of this subsection, the date of issuance shall be the
17 date the commercial driver's license is mailed to the applicant.

18 4. The commercial driver's license shall indicate the class
19 of vehicle the person may drive and any applicable endorsements
20 or restrictions. Commercial driver's license classifications,
21 endorsements and restrictions shall be in compliance with the
22 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
23 Law 99-570) and those prescribed by the director. The commercial
24 driver's license driving record shall contain a complete history
25 of the driver, including information and convictions from
26 previous states of licensure.

27 5. The commercial driver's instruction permit shall include
28 but not be limited to the same data elements as a commercial

1 driver's license and the words "CDL PERMIT" or "COMMERCIAL
2 LEARNER PERMIT" and such other information as the director or
3 Secretary prescribes.

4 302.755. 1. A person is disqualified from driving a
5 commercial motor vehicle for a period of not less than one year
6 if convicted of a first violation of:

7 (1) Driving a motor vehicle under the influence of alcohol
8 or a controlled substance, or of an alcohol-related enforcement
9 contact as defined in subsection 3 of section 302.525;

10 (2) Driving a commercial motor vehicle which causes a
11 fatality through the negligent operation of the commercial motor
12 vehicle, including but not limited to the crimes of vehicular
13 manslaughter, homicide by motor vehicle, and negligent homicide;

14 (3) Driving a commercial motor vehicle while revoked
15 pursuant to section 302.727;

16 (4) Leaving the scene of an accident involving a commercial
17 or noncommercial motor vehicle operated by the person;

18 (5) Using a commercial or noncommercial motor vehicle in
19 the commission of any felony, as defined in section 302.700,
20 except a felony as provided in subsection 4 of this section

21 2. If any of the violations described in subsection 1 of
22 this section occur while transporting a hazardous material the
23 person is disqualified for a period of not less than three years.

24 3. Any person is disqualified from operating a commercial
25 motor vehicle for life if convicted of two or more violations of
26 any of the offenses specified in subsection 1 of this section, or
27 any combination of those offenses, arising from two or more
28 separate incidents. The director may issue rules and

1 regulations, in accordance with guidelines established by the
2 [secretary] Secretary, under which a disqualification for life
3 under this section may be reduced to a period of not less than
4 ten years.

5 4. Any person is disqualified from driving a commercial
6 motor vehicle for life who uses a commercial or noncommercial
7 motor vehicle in the commission of any felony involving the
8 manufacture, distribution, or dispensing of a controlled
9 substance, or possession with intent to manufacture, distribute,
10 or dispense a controlled substance.

11 5. Any person is disqualified from operating a commercial
12 motor vehicle for a period of not less than sixty days if
13 convicted of two serious traffic violations or one hundred twenty
14 days if convicted of three serious traffic violations, arising
15 from separate incidents occurring within a three-year period.

16 6. Any person found to be operating a commercial motor
17 vehicle while having any measurable alcohol concentration shall
18 immediately be issued a continuous twenty-four-hour
19 out-of-service order by a law enforcement officer in this state.

20 7. Any person who is convicted of operating a commercial
21 motor vehicle beginning at the time of issuance of the
22 out-of-service order until its expiration is guilty of a class A
23 misdemeanor.

24 8. Any person convicted for the first time of driving while
25 out of service shall be disqualified from driving a commercial
26 motor vehicle in the manner prescribed in 49 CFR [Part] 383, or
27 as amended by the Secretary.

28 9. Any person convicted of driving while out of service on

1 a second occasion during any ten-year period, involving separate
2 incidents, shall be disqualified in the manner prescribed in 49
3 CFR [Part] 383, or as amended by the Secretary.

4 10. Any person convicted of driving while out of service on
5 a third or subsequent occasion during any ten-year period,
6 involving separate incidents, shall be disqualified for a period
7 of three years.

8 11. Any person convicted of a first violation of an
9 out-of-service order while transporting hazardous materials or
10 while operating a motor vehicle designed to transport sixteen or
11 more passengers, including the driver, is disqualified for a
12 period of one hundred eighty days.

13 12. Any person convicted of any subsequent violation of an
14 out-of-service order in a separate incident within ten years
15 after a previous violation, while transporting hazardous
16 materials or while operating a motor vehicle designed to
17 transport fifteen passengers, including the driver, is
18 disqualified for a period of three years.

19 13. Any person convicted of any other offense as specified
20 by regulations promulgated by the Secretary of Transportation
21 shall be disqualified in accordance with such regulations.

22 14. After suspending, revoking, [~~cancelling~~] canceling, or
23 disqualifying a driver, the director shall update records to
24 reflect such action and notify a nonresident's licensing
25 authority and the commercial driver's license information system
26 within ten days in the manner prescribed in 49 CFR [Part] 384, or
27 as amended by the Secretary.

28 15. Any person disqualified from operating a commercial

1 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section
2 shall have such commercial driver's license [~~cancelled~~] canceled,
3 and upon conclusion of the period of disqualification shall take
4 the written and driving tests and meet all other requirements of
5 sections 302.700 to 302.780. Such disqualification and
6 cancellation shall not be withdrawn by the director until such
7 person reapplies for a commercial driver's license in this or any
8 other state after meeting all requirements of sections 302.700 to
9 302.780.

10 16. The director shall disqualify a driver upon receipt of
11 notification that the Secretary has determined a driver to be an
12 imminent hazard pursuant to 49 CFR[, Part] 383.52. Due process
13 of a disqualification determined by the Secretary pursuant to
14 this section shall be held in accordance with regulations
15 promulgated by the Secretary. The period of disqualification
16 determined by the Secretary pursuant to this section shall be
17 served concurrently to any other period of disqualification which
18 may be imposed by the director pursuant to this section. Both
19 disqualifications shall appear on the driving record of the
20 driver.

21 17. The director shall disqualify a commercial license
22 holder or operator of a commercial motor vehicle from operation
23 of any commercial motor vehicle upon receipt of a conviction for
24 an offense of failure to appear or pay, and such disqualification
25 shall remain in effect until the director receives notice that
26 the person has complied with the requirement to appear or pay.

27 18. The disqualification period must be in addition to any
28 other previous periods of disqualification in the manner

1 prescribed in 49 CFR 383, or as amended by the Secretary, except
2 when the major or serious violations are a result of the same
3 incident.

4 304.013. 1. No person shall operate an all-terrain
5 vehicle, as defined in section 301.010, upon the highways of this
6 state, except as follows:

7 (1) All-terrain vehicles owned and operated by a
8 governmental entity for official use;

9 (2) All-terrain vehicles operated for agricultural purposes
10 or industrial on-premises purposes between the official sunrise
11 and sunset on the day of operation;

12 (3) All-terrain vehicles operated by handicapped persons
13 for short distances occasionally only on the state's secondary
14 roads when operated between the hours of sunrise and sunset;

15 (4) Governing bodies of cities may issue special permits to
16 licensed drivers for special uses of all-terrain vehicles on
17 highways within the city limits. Fees of fifteen dollars may be
18 collected and retained by cities for such permits;

19 (5) Governing bodies of counties may issue special permits
20 to licensed drivers for special uses of all-terrain vehicles on
21 county roads within the county. Fees of fifteen dollars may be
22 collected and retained by the counties for such permits;

23 (6) Municipalities may by resolution or ordinance allow
24 all-terrain vehicle operation on streets or highways under the
25 governing body's jurisdiction. Any person operating an all-
26 terrain vehicle pursuant to a municipal resolution or ordinance
27 shall maintain proof of financial responsibility in accordance
28 with section 303.160 or maintain any other insurance policy

1 providing equivalent liability coverage for an all-terrain
2 vehicle.

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

16 3. A person operating an all-terrain vehicle on a highway
17 pursuant to an exception covered in this section shall have a
18 valid operator's or chauffeur's license, except that a
19 handicapped person operating such vehicle pursuant to subdivision
20 (3) of subsection 1 of this section, but shall not be required to
21 have passed an examination for the operation of a motorcycle, and
22 the vehicle shall be operated at speeds of less than thirty miles
23 per hour. When operated on a highway, an all-terrain vehicle
24 shall have a bicycle safety flag, which extends not less than
25 seven feet above the ground, attached to the rear of the vehicle.
26 The bicycle safety flag shall be triangular in shape with an area
27 of not less than thirty square inches and shall be day-glow in
28 color.

1 4. No persons shall operate an all-terrain vehicle:

2 (1) In any careless way so as to endanger the person or
3 property of another;

4 (2) While under the influence of alcohol or any controlled
5 substance;

6 (3) Without a securely fastened safety helmet on the head
7 of an individual who operates an all-terrain vehicle or who is
8 being towed or otherwise propelled by an all-terrain vehicle,
9 unless the individual is at least eighteen years of age.

10 5. No operator of an all-terrain vehicle shall carry a
11 passenger, except for agricultural purposes. The provisions of
12 this subsection shall not apply to any all-terrain vehicle in
13 which the seat of such vehicle is designed to carry more than one
14 person.

15 6. A violation of this section shall be a class C
16 misdemeanor. In addition to other legal remedies, the attorney
17 general or county prosecuting attorney may institute a civil
18 action in a court of competent jurisdiction for injunctive relief
19 to prevent such violation or future violations and for the
20 assessment of a civil penalty not to exceed one thousand dollars
21 per day of violation.

22 304.032. 1. No person shall operate a utility vehicle, as
23 defined in section 301.010, upon the highways of this state,
24 except as follows:

25 (1) Utility vehicles owned and operated by a governmental
26 entity for official use;

27 (2) Utility vehicles operated for agricultural purposes or
28 industrial on-premises purposes between the official sunrise and

1 sunset on the day of operation, unless equipped with proper
2 lighting;

3 (3) Utility vehicles operated by handicapped persons for
4 short distances occasionally only on the state's secondary roads
5 when operated between the hours of sunrise and sunset;

6 (4) Governing bodies of cities may issue special permits
7 for utility vehicles to be used on highways within the city
8 limits by licensed drivers. Fees of fifteen dollars may be
9 collected and retained by cities for such permits;

10 (5) Governing bodies of counties may issue special permits
11 for utility vehicles to be used on county roads within the county
12 by licensed drivers. Fees of fifteen dollars may be collected
13 and retained by the counties for such permits;

14 (6) Municipalities may by resolution or ordinance allow
15 utility vehicle operation on streets or highways under the
16 governing body's jurisdiction. Any person operating a utility
17 vehicle pursuant to a municipal resolution or ordinance shall
18 maintain proof of financial responsibility in accordance with
19 section 303.160 or maintain any other insurance policy providing
20 equivalent liability coverage for a utility vehicle.

21 2. No person shall operate a utility vehicle within any
22 stream or river in this state, except that utility vehicles may
23 be operated within waterways which flow within the boundaries of
24 land which a utility vehicle operator owns, or for agricultural
25 purposes within the boundaries of land which a utility vehicle
26 operator owns or has permission to be upon, or for the purpose of
27 fording such stream or river of this state at such road crossings
28 as are customary or part of the highway system. All law

1 enforcement officials or peace officers of this state and its
2 political subdivisions or department of conservation agents or
3 department of natural resources park rangers shall enforce the
4 provisions of this subsection within the geographic area of their
5 jurisdiction.

6 3. A person operating a utility vehicle on a highway
7 pursuant to an exception covered in this section shall have a
8 valid operator's or chauffeur's license, except that a
9 handicapped person operating such vehicle under subdivision (3)
10 of subsection 1 of this section, but shall not be required to
11 have passed an examination for the operation of a motorcycle, and
12 the vehicle shall be operated at speeds of less than forty-five
13 miles per hour.

14 4. No persons shall operate a utility vehicle:

15 (1) In any careless way so as to endanger the person or
16 property of another; or

17 (2) While under the influence of alcohol or any controlled
18 substance.

19 5. No operator of a utility vehicle shall carry a
20 passenger, except for agricultural purposes. The provisions of
21 this subsection shall not apply to any utility vehicle in which
22 the seat of such vehicle is designed to carry more than one
23 person.

24 6. A violation of this section shall be a class C
25 misdemeanor. In addition to other legal remedies, the attorney
26 general or county prosecuting attorney may institute a civil
27 action in a court of competent jurisdiction for injunctive relief
28 to prevent such violation or future violations and for the

1 assessment of a civil penalty not to exceed one thousand dollars
2 per day of violation.

3 304.120. 1. Municipalities, by ordinance, may establish
4 reasonable speed regulations for motor vehicles within the limits
5 of such municipalities. No person who is not a resident of such
6 municipality and who has not been within the limits thereof for a
7 continuous period of more than forty-eight hours shall be
8 convicted of a violation of such ordinances, unless it is shown
9 by competent evidence that there was posted at the place where
10 the boundary of such municipality joins or crosses any highway a
11 sign displaying in black letters not less than four inches high
12 and one inch wide on a white background the speed fixed by such
13 municipality so that such sign may be clearly seen by operators
14 and drivers from their vehicles upon entering such municipality.

15 2. Municipalities, by ordinance, may:

16 (1) Make additional rules of the road or traffic
17 regulations to meet their needs and traffic conditions;

18 (2) Establish one-way streets and provide for the
19 regulation of vehicles thereon;

20 (3) Require vehicles to stop before crossing certain
21 designated streets and boulevards;

22 (4) Limit the use of certain designated streets and
23 boulevards to passenger vehicles, except that each municipality
24 shall allow at least one route, with lawful traffic movement and
25 access from both directions, to be available for use by
26 commercial motor vehicles to access any roads in the state
27 highway system. Under no circumstances shall the provisions of
28 this subdivision be construed to authorize a municipality to

1 limit the use of all routes in the municipality;

2 (5) Prohibit the use of certain designated streets to
3 vehicles with metal tires, or solid rubber tires;

4 (6) Regulate the parking of vehicles on streets by the
5 installation of parking meters for limiting the time of parking
6 and exacting a fee therefor or by the adoption of any other
7 regulatory method that is reasonable and practical, and prohibit
8 or control left-hand turns of vehicles;

9 (7) Require the use of signaling devices on all motor
10 vehicles; and

11 (8) Prohibit sound-producing warning devices, except horns
12 directed forward.

13 3. No ordinance shall be valid which contains provisions
14 contrary to or in conflict with this chapter, except as herein
15 provided.

16 4. No ordinance shall impose liability on the owner-lessor
17 of a motor vehicle when the vehicle is being permissively used by
18 a lessee and is illegally parked or operated if the registered
19 owner-lessor of such vehicle furnishes the name, address and
20 operator's license number of the person renting or leasing the
21 vehicle at the time the violation occurred to the proper
22 municipal authority within three working days from the time of
23 receipt of written request for such information. Any registered
24 owner-lessor who fails or refuses to provide such information
25 within the period required by this subsection shall be liable for
26 the imposition of any fine established by municipal ordinance for
27 the violation. Provided, however, if a leased motor vehicle is
28 illegally parked due to a defect in such vehicle, which renders

1 it inoperable, not caused by the fault or neglect of the lessee,
2 then the lessor shall be liable on any violation for illegal
3 parking of such vehicle.

4 5. No ordinance shall deny the use of commercial motor
5 vehicles on all routes within the municipality. For purposes of
6 this section, the term "route" shall mean any state road, county
7 road, or public street, avenue, boulevard, or parkway.

8 6. No ordinance shall prohibit the operator of a motor
9 vehicle from being in an intersection while a red signal is being
10 displayed if the operator of the motor vehicle entered the
11 intersection during a yellow signal interval. The provisions of
12 this subsection shall supercede any local laws, ordinances,
13 orders, rules, or regulations enacted by a county, municipality,
14 or other political subdivision that are to the contrary.

15 304.180. 1. No vehicle or combination of vehicles shall be
16 moved or operated on any highway in this state having a greater
17 weight than twenty thousand pounds on one axle, no combination of
18 vehicles operated by transporters of general freight over regular
19 routes as defined in section 390.020 shall be moved or operated
20 on any highway of this state having a greater weight than the
21 vehicle manufacturer's rating on a steering axle with the maximum
22 weight not to exceed twelve thousand pounds on a steering axle,
23 and no vehicle shall be moved or operated on any state highway of
24 this state having a greater weight than thirty-four thousand
25 pounds on any tandem axle; the term "tandem axle" shall mean a
26 group of two or more axles, arranged one behind another, the
27 distance between the extremes of which is more than forty inches
28 and not more than ninety-six inches apart.

1 2. An "axle load" is defined as the total load transmitted
2 to the road by all wheels whose centers are included between two
3 parallel transverse vertical planes forty inches apart, extending
4 across the full width of the vehicle.

5 3. Subject to the limit upon the weight imposed upon a
6 highway of this state through any one axle or on any tandem axle,
7 the total gross weight with load imposed by any group of two or
8 more consecutive axles of any vehicle or combination of vehicles
9 shall not exceed the maximum load in pounds as set forth in the
10 following table:

11 Distance in feet between the extremes
12 of any group of two or more consecutive
13 axles, measured to the nearest foot,
14 except where indicated otherwise

15 Maximum load in pounds

16 feet	2 axles	3 axles	4 axles	5 axles	6 axles
17 4	34,000				
18 5	34,000				
19 6	34,000				
20 7	34,000				
21 8	34,000	34,000			
22 More than 8	38,000	42,000			
23 9	39,000	42,500			
24 10	40,000	43,500			
25 11	40,000	44,000			
26 12	40,000	45,000	50,000		
27 13	40,000	45,500	50,500		
28 14	40,000	46,500	51,500		
29 15	40,000	47,000	52,000		

1	16	40,000	48,000	52,500	58,000	
2	17	40,000	48,500	53,500	58,500	
3	18	40,000	49,500	54,000	59,000	
4	19	40,000	50,000	54,500	60,000	
5	20	40,000	51,000	55,500	60,500	66,000
6	21	40,000	51,500	56,000	61,000	66,500
7	22	40,000	52,500	56,500	61,500	67,000
8	23	40,000	53,000	57,500	62,500	68,000
9	24	40,000	54,000	58,000	63,000	68,500
10	25	40,000	54,500	58,500	63,500	69,000
11	26	40,000	55,500	59,500	64,000	69,500
12	27	40,000	56,000	60,000	65,000	70,000
13	28	40,000	57,000	60,500	65,500	71,000
14	29	40,000	57,500	61,500	66,000	71,500
15	30	40,000	58,500	62,000	66,500	72,000
16	31	40,000	59,000	62,500	67,500	72,500
17	32	40,000	60,000	63,500	68,000	73,000
18	33	40,000	60,000	64,000	68,500	74,000
19	34	40,000	60,000	64,500	69,000	74,500
20	35	40,000	60,000	65,500	70,000	75,000
21	36		60,000	66,000	70,500	75,500
22	37		60,000	66,500	71,000	76,000
23	38		60,000	67,500	72,000	77,000
24	39		60,000	68,000	72,500	77,500
25	40		60,000	68,500	73,000	78,000
26	41		60,000	69,500	73,500	78,500
27	42		60,000	70,000	74,000	79,000
28	43		60,000	70,500	75,000	80,000
29	44		60,000	71,500	75,500	80,000
30	45		60,000	72,000	76,000	80,000

1	46	60,000	72,500	76,500	80,000
2	47	60,000	73,500	77,500	80,000
3	48	60,000	74,000	78,000	80,000
4	49	60,000	74,500	78,500	80,000
5	50	60,000	75,500	79,000	80,000
6	51	60,000	76,000	80,000	80,000
7	52	60,000	76,500	80,000	80,000
8	53	60,000	77,500	80,000	80,000
9	54	60,000	78,000	80,000	80,000
10	55	60,000	78,500	80,000	80,000
11	56	60,000	79,500	80,000	80,000
12	57	60,000	80,000	80,000	80,000

13

14 Notwithstanding the above table, two consecutive sets of tandem
15 axles may carry a gross load of thirty-four thousand pounds each
16 if the overall distance between the first and last axles of such
17 consecutive sets of tandem axles is thirty-six feet or more.

18 4. Whenever the state highways and transportation
19 commission finds that any state highway bridge in the state is in
20 such a condition that use of such bridge by vehicles of the
21 weights specified in subsection 3 of this section will endanger
22 the bridge, or the users of the bridge, the commission may
23 establish maximum weight limits and speed limits for vehicles
24 using such bridge. The governing body of any city or county may
25 grant authority by act or ordinance to the state highways and
26 transportation commission to enact the limitations established in
27 this section on those roadways within the purview of such city or
28 county. Notice of the weight limits and speed limits established
29 by the commission shall be given by posting signs at a

1 conspicuous place at each end of any such bridge.

2 5. Nothing in this section shall be construed as permitting
3 lawful axle loads, tandem axle loads or gross loads in excess of
4 those permitted under the provisions of Section 127 of Title 23
5 of the United States Code.

6 6. Notwithstanding the weight limitations contained in this
7 section, any vehicle or combination of vehicles operating on
8 highways other than the interstate highway system may exceed
9 single axle, tandem axle and gross weight limitations in an
10 amount not to exceed two thousand pounds. However, total gross
11 weight shall not exceed eighty thousand pounds, except as
12 provided in subsections 9 and 10 of this section.

13 7. Notwithstanding any provision of this section to the
14 contrary, the department of transportation shall issue a
15 single-use special permit, or upon request of the owner of the
16 truck or equipment, shall issue an annual permit, for the
17 transporting of any concrete pump truck or well-drillers'
18 equipment. The department of transportation shall set fees for
19 the issuance of permits pursuant to this subsection.
20 Notwithstanding the provisions of section 301.133, concrete pump
21 trucks or well-drillers' equipment may be operated on
22 state-maintained roads and highways at any time on any day.

23 8. Notwithstanding the provision of this section to the
24 contrary, the maximum gross vehicle limit and axle weight limit
25 for any vehicle or combination of vehicles equipped with an idle
26 reduction technology may be increased by a quantity necessary to
27 compensate for the additional weight of the idle reduction system
28 as provided for in 23 U.S.C. Section 127, as amended. In no case

1 shall the additional weight increase allowed by this subsection
2 be greater than [~~four~~] five hundred fifty pounds. Upon request
3 by an appropriate law enforcement officer, the vehicle operator
4 shall provide proof that the idle reduction technology is fully
5 functional at all times and that the gross weight increase is not
6 used for any purpose other than for the use of idle reduction
7 technology.

8 9. Notwithstanding subsection 3 of this section or any
9 other provision of law to the contrary, the total gross weight of
10 any vehicle or combination of vehicles hauling livestock may be
11 as much as, but shall not exceed, eighty-five thousand five
12 hundred pounds while operating on U.S. Highway 36 from St. Joseph
13 to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line
14 to U.S. Highway 36, and on U.S. Highway 63 from the Iowa state
15 line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway
16 36 to Missouri Route 17. The provisions of this subsection shall
17 not apply to vehicles operated on the Dwight D. Eisenhower System
18 of Interstate and Defense Highways.

19 10. Notwithstanding any provision of this section or any
20 other law to the contrary, the total gross weight of any vehicle
21 or combination of vehicles hauling milk from a farm to a
22 processing facility may be as much as, but shall not exceed,
23 eighty-five thousand five hundred pounds while operating on
24 highways other than the interstate highway system. The
25 provisions of this subsection shall not apply to vehicles
26 operated and operating on the Dwight D. Eisenhower System of
27 Interstate and Defense Highways.

28 304.820. 1. Except as otherwise provided in this section,

1 no person twenty-one years of age or younger operating a moving
2 motor vehicle upon the highways of this state shall, by means of
3 a hand-held electronic wireless communications device, send,
4 read, or write a text message or electronic message.

5 2. Except as otherwise provided in this section, no person
6 shall operate a commercial motor vehicle while using a hand-held
7 mobile telephone.

8 3. Except as otherwise provided in this section, no person
9 shall operate a commercial motor vehicle while using a wireless
10 communications device to send, read, or write a text message or
11 electronic message.

12 4. The provisions of subsection 1 through subsection 3 of
13 this section shall not apply to a person operating:

- 14 (1) An authorized emergency vehicle; or
- 15 (2) A moving motor vehicle while using a hand-held
16 electronic wireless communications device to:
 - 17 (a) Report illegal activity;
 - 18 (b) Summon medical or other emergency help;
 - 19 (c) Prevent injury to a person or property; or
 - 20 (d) Relay information between a transit or for-hire
21 operator and that operator's dispatcher, in which the device is
22 permanently affixed to the vehicle.

23 [3.] 5. Nothing in this section shall be construed or
24 interpreted as prohibiting a person from making or taking part in
25 a telephone call, by means of a hand-held electronic wireless
26 communications device, while operating a noncommercial motor
27 vehicle upon the highways of this state.

28 [4.] 6. As used in this section, "electronic message" means

1 a self-contained piece of digital communication that is designed
2 or intended to be transmitted between hand-held electronic
3 wireless communication devices. "Electronic message" includes,
4 but is not limited to, electronic mail, a text message, an
5 instant message, or a command or request to access an internet
6 site.

7 [5.] 7. As used in this section, "hand-held electronic
8 wireless communications device" includes any hand-held cellular
9 phone, palm pilot, blackberry, or other mobile electronic device
10 used to communicate verbally or by text or electronic messaging,
11 but shall not apply to any device that is permanently embedded
12 into the architecture and design of the motor vehicle.

13 [6.] 8. As used in this section, "making or taking part in
14 a telephone call" means listening to or engaging in verbal
15 communication through a hand-held electronic wireless
16 communication device.

17 [7.] 9. As used in this section, "send, read, or write a
18 text message or electronic message" means using a hand-held
19 electronic wireless telecommunications device to manually
20 communicate with any person by using an electronic message.
21 Sending, reading, or writing a text message or electronic message
22 does not include reading, selecting, or entering a phone number
23 or name into a hand-held electronic wireless communications
24 device for the purpose of making a telephone call.

25 [8.] 10. A violation of this section shall be deemed an
26 infraction and shall be deemed a moving violation for purposes of
27 point assessment under section 302.302.

28 [9.] 11. The state preempts the field of regulating the use

1 of hand-held electronic wireless communications devices in motor
2 vehicles, and the provisions of this section shall supercede any
3 local laws, ordinances, orders, rules, or regulations enacted by
4 a county, municipality, or other political subdivision to
5 regulate the use of hand-held electronic wireless communication
6 devices by the operator of a motor vehicle.

7 [10.] 12. The provisions of this section shall not apply
8 to:

9 (1) The operator of a vehicle that is lawfully parked or
10 stopped;

11 (2) Any of the following while in the performance of their
12 official duties: a law enforcement officer; a member of a fire
13 department; or the operator of a public or private ambulance;

14 (3) The use of factory-installed or aftermarket global
15 positioning systems (GPS) or wireless communications devices used
16 to transmit or receive data as part of a digital dispatch system;

17 (4) The use of voice-operated technology;

18 (5) The use of two-way radio transmitters or receivers by a
19 licensee of the Federal Communications Commission in the Amateur
20 Radio Service.

21 304.890. As used in sections 304.890 to 304.894, the
22 following terms shall mean:

23 (1) "Active emergency", any incident occurring on a
24 highway, as the term "highway" is defined in section 302.010,
25 that requires emergency services from any emergency responder;

26 (2) "Active emergency zone", any area upon or around any
27 highway, which is visibly marked by emergency responders
28 performing work for the purpose of emergency response, and where

1 an active emergency, or incident removal, is temporarily
2 occurring. This area includes the lanes of highway leading up to
3 an active emergency or incident removal, beginning within three
4 hundred feet of visual sighting of:

5 (a) Appropriate signs or traffic control devices posted or
6 placed by emergency responders; or

7 (b) An emergency vehicle displaying active emergency lights
8 or signals;

9 (3) "Emergency responder", any law enforcement officer,
10 paid or volunteer firefighter, first responder, emergency medical
11 worker, tow truck operator, or other emergency personnel
12 responding to an emergency on a highway.

13 304.892. 1. Upon the first conviction, finding of guilt,
14 or plea of guilty by any person for a moving violation, as the
15 term "moving violation" is defined in section 302.010, or any
16 offense listed in section 302.302, other than a violation
17 described in subsection 2 of this section, when the violation or
18 offense occurs within an active emergency zone, the court shall
19 assess a fine of thirty-five dollars in addition to any other
20 fine authorized by law. Upon a second or subsequent conviction,
21 finding of guilt, or plea of guilty, the court shall assess a
22 fine of seventy-five dollars in addition to any other fine
23 authorized by law.

24 2. Upon the first conviction, finding of guilt, or plea of
25 guilty by any person for a speeding violation under either
26 section 304.009 or 304.010, or a passing violation under
27 subsection 3 of this section, when the violation or offense
28 occurs within an active emergency zone and emergency responders

1 were present in such zone at the time of the offense or
2 violation, the court shall assess a fine of two hundred fifty
3 dollars in addition to any other fine authorized by law. Upon a
4 second or subsequent conviction, finding of guilt, or plea of
5 guilty, the court shall assess a fine of three hundred dollars in
6 addition to any other fine authorized by law. However, no person
7 assessed an additional fine under this subsection shall also be
8 assessed an additional fine under subsection 1 of this section.

9 3. The driver of a motor vehicle shall not overtake or pass
10 another motor vehicle within an active emergency zone. Violation
11 of this subsection is a class C misdemeanor.

12 4. The additional fines imposed by this section shall not
13 be construed to enhance the assessment of court costs or the
14 assessment of points under section 302.302.

15 304.894. 1. A person commits the offense of endangerment
16 of an emergency responder for any of the following offenses when
17 the offense occurs within an active emergency zone:

18 (1) Exceeding the posted speed limit by fifteen miles per
19 hour or more;

20 (2) Passing in violation of subsection 3 of section
21 304.892;

22 (3) Failure to stop for an active emergency zone flagman or
23 emergency responder, or failure to obey traffic control devices
24 erected, or personnel posted, in the active emergency zone for
25 purposes of controlling the flow of motor vehicles through the
26 zone;

27 (4) Driving through or around an active emergency zone via
28 any lane not clearly designated for motorists to control the flow

1 of traffic through or around the active emergency zone;

2 (5) Physically assaulting, attempting to assault, or
3 threatening to assault an emergency responder with a motor
4 vehicle or other instrument; or

5 (6) Intentionally striking, moving, or altering barrels,
6 barriers, signs, or other devices erected to control the flow of
7 traffic to protect emergency responders and motorists unless the
8 action was necessary to avoid an obstacle, an emergency, or to
9 protect the health and safety of an occupant of the motor vehicle
10 or of another person.

11 2. Upon a finding of guilt or a plea of guilty for
12 committing the offense of endangerment of an emergency responder
13 under subsection 1 of this section, if no injury or death to an
14 emergency responder resulted from the offense, the court shall
15 assess a fine of not more than one thousand dollars, and four
16 points shall be assessed to the operator's license pursuant to
17 section 302.302.

18 3. A person commits the offense of aggravated endangerment
19 of an emergency responder upon a finding of guilt or a plea of
20 guilty for any offense under subsection 1 of this section when
21 such offense results in the injury or death of an emergency
22 responder. Upon a finding of guilt or a plea of guilty for
23 committing the offense of aggravated endangerment of an emergency
24 responder, in addition to any other penalty authorized by law,
25 the court shall assess a fine of not more than five thousand
26 dollars if the offense resulted in injury to an emergency
27 responder, and ten thousand dollars if the offense resulted in
28 the death of an emergency responder. In addition, twelve points

1 shall be assessed to the operator's license pursuant to section
2 302.302 upon conviction.

3 4. Except for the offense established under subdivision (6)
4 of subsection 1 of this section, no person shall be deemed to
5 have committed the offense of endangerment of an emergency
6 responder except when the act or omission constituting the
7 offense occurred when one or more emergency responders were
8 responding to an active emergency.

9 5. No person shall be cited for, or found guilty of,
10 endangerment of an emergency responder or aggravated endangerment
11 of an emergency responder for any act or omission otherwise
12 constituting an offense under subsection 1 of this section if
13 such act or omission resulted in whole or in part from mechanical
14 failure of the person's vehicle, or from the negligence of
15 another person or emergency responder.

16 307.400. 1. It is unlawful for any person to operate any
17 commercial motor vehicle as defined in Title 49, Code of Federal
18 Regulations, Part 390.5, either singly or in combination with a
19 trailer, as both vehicles are defined in Title 49, Code of
20 Federal Regulations, Part 390.5, unless such vehicles are
21 equipped and operated as required by Parts 390 through 397, Title
22 49, Code of Federal Regulations, as such regulations have been
23 and may periodically be amended, whether intrastate
24 transportation or interstate transportation. Members of the
25 Missouri state highway patrol are authorized to enter the cargo
26 area of a commercial motor vehicle or trailer to inspect the
27 contents when reasonable grounds exist to cause belief that the
28 vehicle is transporting hazardous materials as defined by Title

1 49 of the Code of Federal Regulations. The director of the
2 department of public safety is hereby authorized to further
3 regulate the safety of commercial motor vehicles and trailers as
4 he deems necessary to govern and control their operation on the
5 public highways of this state by promulgating and publishing
6 rules and regulations consistent with this chapter. Any such
7 rules shall, in addition to any other provisions deemed necessary
8 by the director, require:

9 (1) Every commercial motor vehicle and trailer and all
10 parts thereof to be maintained in a safe condition at all times;

11 (2) Accidents arising from or in connection with the
12 operation of commercial motor vehicles and trailers to be
13 reported to the department of public safety in such detail and in
14 such manner as the director may require. Except for the
15 provisions of subdivisions (1) and (2) of this subsection, the
16 provisions of this section shall not apply to any commercial
17 motor vehicle operated in intrastate commerce and licensed for a
18 gross weight of sixty thousand pounds or less when used
19 exclusively for the transportation of solid waste or forty-two
20 thousand pounds or less when the license plate has been
21 designated for farm use by the letter "F" as authorized by the
22 Revised Statutes of Missouri, unless such vehicle is transporting
23 hazardous materials as defined in Title 49, Code of Federal
24 Regulations.

25 2. Notwithstanding the provisions of subsection 1 of this
26 section to the contrary, Part 391, Subpart E, Title 49, Code of
27 Federal Regulations, relating to the physical requirements of
28 drivers shall not be applicable to drivers in intrastate

1 commerce, provided such drivers were licensed by this state as
2 chauffeurs to operate commercial motor vehicles on May 13, 1988.
3 Persons who are otherwise qualified and licensed to operate a
4 commercial motor vehicle in this state may operate such vehicle
5 intrastate at the age of eighteen years or older, except that any
6 person transporting hazardous material must be at least
7 twenty-one years of age.

8 3. Commercial motor vehicles and drivers of such vehicles
9 may be placed out of service if the vehicles are not equipped and
10 operated according to the requirements of this section. Criteria
11 used for placing vehicles and drivers out of service are the
12 North American Uniform Out-of-Service Criteria adopted by the
13 Commercial Vehicle Safety Alliance and the United States
14 Department of Transportation, as such criteria have been and may
15 periodically be amended.

16 4. Notwithstanding the provisions of subsection 1 of this
17 section to the contrary, Part 395, Title 49, Code of Federal
18 Regulations, relating to the hours of drivers, shall not apply to
19 any vehicle owned or operated by any public utility, rural
20 electric cooperative or other public service organization, or to
21 the driver of such vehicle, while providing restoration of
22 essential utility services during emergencies and operating
23 intrastate. For the purposes of this subsection, the term
24 "essential utility services" means electric, gas, water,
25 telephone and sewer services.

26 5. [Part 395, Title 49, Code of Federal Regulations,
27 relating to the hours of drivers, shall not apply to drivers
28 transporting agricultural commodities or farm supplies for

1 agricultural purposes in this state if such transportation:

2 (1) Is limited to an area within a one hundred air-mile
3 radius from the source of the commodities or the distribution
4 point for the farm supplies; and

5 (2) Is conducted during the planting and harvesting season
6 within this state, as defined by the department of public safety
7 by regulation.

8 6. The provisions of Part 395.8, Title 49, Code of Federal
9 Regulations, relating to recording of a driver's duty status,
10 shall not apply to drivers engaged in agricultural operations
11 referred to in subsection 5 of this section, if the motor carrier
12 who employs the driver maintains and retains for a period of six
13 months accurate and true records showing:

14 (1) The total number of hours the driver is on duty each
15 day; and

16 (2) The time at which the driver reports for, and is
17 released from, duty each day.

18 7.] Notwithstanding the provisions of subsection 1 of this
19 section to the contrary, Parts 390 through 397, Title 49, Code of
20 Federal Regulations shall not apply to commercial motor vehicles
21 operated in intrastate commerce to transport property, which have
22 a gross vehicle weight rating or gross combination weight rating
23 of twenty-six thousand pounds or less. The exception provided by
24 this subsection shall not apply to:

25 _____ (1) Vehicles transporting hazardous materials [or to] and
26 which are not covered farm vehicles as provided in subdivision
27 (3) of this subsection;

28 _____ (2) Vehicles designed to transport sixteen or more

1 passengers including the driver as defined by Title 49 of the
2 Code of Federal Regulations; or

3 (3) Vehicles which are defined as covered farm vehicles
4 pursuant to federal laws and regulations and are transporting
5 hazardous materials that require a placard as required by 49 CFR
6 100-180.

7 Nothing in this subsection shall be construed to prohibit persons
8 designated by the department of public safety from inspecting
9 vehicles defined in this subsection.

10 [8.] 6. Violation of any provision of this section or any
11 rule promulgated as authorized therein is a class B misdemeanor.

12 [9.] 7. Any rule or portion of a rule, as that term is
13 defined in section 536.010, that is created under the authority
14 delegated in this section shall become effective only if it
15 complies with and is subject to all of the provisions of chapter
16 536 and, if applicable, section 536.028. This section and
17 chapter 536 are nonseverable and if any of the powers vested with
18 the general assembly pursuant to chapter 536 to review, to delay
19 the effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2009,
22 shall be invalid and void.

23 407.300. 1. Every purchaser or collector of, or dealer in,
24 junk, scrap metal, or any secondhand property shall keep a
25 register containing a written or electronic record for each
26 purchase or trade in which each type of metal subject to the
27 provisions of this section is obtained for value. There shall be
28 a separate record for each transaction involving any:

- 1 (1) Copper, brass, or bronze;
- 2 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod,
3 fitting, or fastener; [or]
- 4 (3) Material containing copper or aluminum that is
5 knowingly used for farming purposes as farming is defined in
6 section 350.010; or
- 7 (4) Catalytic converter;

8

9 whatever may be the condition or length of such metal. The
10 record shall contain the following data: a copy of the driver's
11 license or photo identification issued by the state or by the
12 United States government or agency thereof to the person from
13 whom the material is obtained, which shall contain a current
14 address of the person from whom the material is obtained, and the
15 date, time, and place of and a full description of each such
16 purchase or trade including the quantity by weight thereof.

17 2. The records required under this section shall be
18 maintained for a minimum of twenty-four months from when such
19 material is obtained and shall be available for inspection by any
20 law enforcement officer.

21 3. Anyone convicted of violating this section shall be
22 guilty of a class A misdemeanor.

23 4. This section shall not apply to any of the following
24 transactions:

25 (1) Any transaction for which the total amount paid for all
26 regulated scrap metal purchased or sold does not exceed fifty
27 dollars, unless the scrap metal is a catalytic converter;

28 (2) Any transaction for which the seller, including a farm

1 or farmer, has an existing business relationship with the scrap
2 metal dealer and is known to the scrap metal dealer making the
3 purchase to be an established business or political subdivision
4 that operates a business with a fixed location that can be
5 reasonably expected to generate regulated scrap metal and can be
6 reasonably identified as such a business; or

7 (3) Any transaction for which the type of metal subject to
8 subsection 1 of this section is a minor part of a larger item,
9 except for equipment used in the generation and transmission of
10 electrical power or telecommunications.

11 544.157. 1. Any law enforcement officer certified pursuant
12 to chapter 590 of any political subdivision of this state, any
13 authorized agent of the department of conservation, any
14 commissioned member of the Missouri capitol police, any college
15 or university police officer, and any commissioned member of the
16 Missouri state park rangers in fresh pursuit of a person who is
17 reasonably believed by such officer to have committed a felony in
18 this state or who has committed, or attempted to commit, in the
19 presence of such officer or agent, any criminal offense or
20 violation of a municipal or county ordinance, or for whom such
21 officer holds a warrant of arrest for a criminal offense, shall
22 have the authority to arrest and hold in custody such person
23 anywhere in this state. Fresh pursuit may only be initiated from
24 within the pursuing peace officer's, conservation agent's,
25 capitol police officer's, college or university police officer's,
26 or state park ranger's jurisdiction and shall be terminated once
27 the pursuing peace officer is outside of such officer's
28 jurisdiction and has lost contact with the person being pursued.

1 If the offense is a traffic violation, the uniform traffic ticket
2 shall be used as if the violator had been apprehended in the
3 municipality or county in which the offense occurred.

4 2. If such an arrest is made in obedience to a warrant, the
5 disposition of the prisoner shall be made as in other cases of
6 arrest under a warrant; if the violator is served with a uniform
7 traffic ticket, the violator shall be directed to appear before a
8 court having jurisdiction to try the offense; if the arrest is
9 without a warrant, the prisoner shall be taken forthwith before a
10 judge of a court with original criminal jurisdiction in the
11 county wherein such arrest was made or before a municipal judge
12 thereof having original jurisdiction to try such offense, who may
13 release the person as provided in section 544.455, conditioned
14 upon such person's appearance before the court having
15 jurisdiction to try the offense. The person so arrested need not
16 be taken before a judge as herein set out if given a summons by
17 the arresting officer.

18 3. The term "fresh pursuit", as used in this section, shall
19 include hot or fresh pursuit as defined by the common law and
20 also the pursuit of a person who has committed a felony or is
21 reasonably suspected of having committed a felony in this state,
22 or who has committed or attempted to commit in this state a
23 criminal offense or violation of municipal or county ordinance in
24 the presence of the arresting officer referred to in subsection 1
25 of this section or for whom such officer holds a warrant of
26 arrest for a criminal offense. It shall include also the pursuit
27 of a person suspected of having committed a supposed felony in
28 this state, though no felony has actually been committed, if

1 there is reasonable ground for so believing. "Fresh pursuit" as
2 used herein shall imply instant pursuit.

3 4. A public agency electing to institute vehicular pursuits
4 shall adopt a policy for the safe conduct of vehicular pursuits
5 by peace officers. Such policy shall meet the following minimum
6 standards:

7 (1) There shall be supervisory control of the pursuit;

8 (2) There shall be procedures for designating the primary
9 pursuit vehicle and for determining the total number of vehicles
10 to be permitted to participate at one time in the pursuit;

11 (3) There shall be procedures for coordinating operation
12 with other jurisdictions; and

13 (4) There shall be guidelines for determining when the
14 interests of public safety and effective law enforcement justify
15 a vehicular pursuit and when a vehicular pursuit should not be
16 initiated or should be terminated.

17 Section 1. 1. The governor is hereby authorized and
18 empowered to sell, transfer, grant, convey, remise, release and
19 forever quitclaim all interest of the state of Missouri in real
20 property located in Taney County to the state highways and
21 transportation commission. The property to be conveyed is more
22 particularly described as follows:

23 Tract One

24 Right of way for a Federal road 80 feet wide, except as
25 noted.

26 That part of the SE¹/₄ of the NW¹/₄ and also of the NE¹/₄ of
27 SW¹/₄ and also of the NW¹/₄ of SE¹/₄ and also of the SW¹/₄ of
28 SE¹/₄ and also of the SE¹/₄ of SW¹/₄ all in Sec. 6, and also

1 the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and also of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ in Sec. 7,
2 all in T21N, R21W lying within a strip of land 80 feet
3 wide, except as noted, 40 feet thereof, except as
4 noted, being on each side of, parallel to and measured
5 from a surveyed center line which is described as
6 follows:

7 Beginning on the north line of and 720 feet east of the
8 north west corner of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 6, T21N,
9 R21W; thence south easterly on a curve to the right
10 with 1146.3 feet radius, the tangent to which bears S
11 31°56'E, 243 feet; thence S 19°47'E a distance of 391
12 feet; thence continuing S 19°47'E with 40 feet on the
13 right side and 55 feet on the left side of the said
14 center line, a distance of 200 feet; thence continuing
15 S 19°47'E with 40 feet on each side of the said center
16 line, a distance of 240 feet; thence continuing S
17 19°47'E with 60 feet on the right side of and 40 feet
18 on the left side of the said center line, a distance of
19 110 feet; thence continuing S 19°47'E with 40 feet on
20 both sides of the center line, a distance of 1405.4
21 feet; thence on a curve to the right with 819 feet
22 radius, a distance of 534.8 feet; thence S 17°39'W a
23 distance of 683.5 feet; thence on a curve to the left
24 with 637.8 feet radius, a distance of 421.1 feet;
25 thence S 20°15'E a distance of 560.3 feet; thence on a
26 curve to the left with 955.4 feet radius, a distance of
27 366.7 feet; thence S 42°15'E with 40 feet on the right
28 side of and 60 feet on the left side of the said center

1 line, a distance of 118.3 feet; thence S 42°15'E with
2 40 feet on each side of the said center line, a
3 distance of 230 feet, to the south line of and 270 feet
4 more or less east of the south west corner of the said
5 NW¼ of NE¼ of Sec. 7.

6 Containing right of way old 4.60 acres, more or less

7 new 5.68 " "

8 total 10.28 " "

9 Tract Two

10 Right of way for a Federal road 80 feet wide, except as
11 noted.

12 That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying
13 on the west side of the present road and included
14 within a tract of land 80 feet wide, except as noted,
15 40 feet of which, except as noted, is on each side of,
16 parallel to and measured from a surveyed center line
17 which is described as follows:

18 Beginning on the north line of and 270 feet east of the
19 north west corner of the SW¼ of NE¼ of Sec. 7, T21N,
20 R21W; thence S 42° 15'E a distance of 245 feet; thence
21 continuing S 42°15'E with 40 feet on the right side of
22 and 55 feet on the left side of the said center line, a
23 distance of 48.8 feet; thence on a curve to the right
24 with 716.8 feet radius and continuing 40 feet on the
25 right side of and 55 feet on the left side of the said
26 center line, a distance of 76.2 feet; thence continuing
27 on the same curve with 40 feet on both sides of the
28 said center line, a distance of 250 feet to the

1 property line between W.R. Carey and C.N. McElfresh,
2 being approximately 540 feet south of and 570 feet east
3 of the north west corner of the said SW¼ of NE¼ of Sec.
4 7.

5 Containing right of way old 0.16 acres, more or less

6 new 0.03 " "

7 total 0.21 " "

8 Tract Three

9 Right of way for a Federal road 80 feet wide, except as
10 noted.

11 That part of the SW¼ of NE¼ of Sec. 7, T21N, R21W lying
12 on the east side of the present road, and included
13 within a tract of land 80 feet wide, except as noted,
14 40 feet of which, except as noted, is on each side of,
15 parallel to and measured from a surveyed center line,
16 which is described as follows:

17 Beginning on the north line of and 270 feet east of the
18 north west corner of the SW¼ of NE¼ of Sec. 7, T21N,
19 R21W; thence S 42°15'E a distance of 245 feet; thence
20 continuing S 42°15'E with 40 feet on the right side of
21 and 55 feet on the left side of the said center line a
22 distance of 25 feet to a point on the property line
23 between V.T. Jones and C.N. McElfreh, being about 210
24 feet south of and 420 feet east of the northwest corner
25 of the said SW¼ of NE¼ of Sec. 7.

26 Containing right of way old 0.09 acres, more or less

27 new 0.30 " "

28 total 0.39 " "

1 Tract Four

2 Right of way for a Federal road 80 feet wide, except as
3 noted.

4 That part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W lying
5 within a tract of land 80 feet wide, except as noted,
6 40 feet of which, except as noted, is on each side of,
7 parallel to and measured from a surveyed center line.

8 Said tract is bounded and described as follows:

9 Beginning 210 feet south of and 420 feet east of the
10 north west corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N,
11 R21W at survey station 1133+00; thence N 55°30'E on the
12 property line between C.N. McElfresh and V.T. Jones, a
13 distance of 57 feet; thence S 42°15'E a distance of
14 23.8 feet; thence on a curve to the right with 771.8
15 feet radius, parallel to and 55 feet from the said
16 center line, a distance of 95 feet; thence S 53°51'W a
17 distance of 15 feet; thence south eastward on a curve
18 to the right with 756.8 feet radius, the tangent to
19 which bears S 36°09'E a distance of 550 feet; thence S
20 6°08'W a distance of 171.4 feet; thence S 83°52'E a
21 distance of 10 feet; thence S 6°08'W a distance of 250
22 feet; thence N 83°52'W a distance of 10 feet; thence S
23 6°08'W a distance of 100 feet, more or less to the
24 south line of the said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west on said
25 south line a distance of 82 feet; thence N 6°08'E
26 parallel to and 40 feet from the said center line, a
27 distance of 530 feet; thence on a curve to the left
28 with 676.8 feet radius, a distance of 260 feet, to the

1 property line between C.N. McElfresh and W.R. Cary;
2 thence eastward on said property line, a distance of 37
3 feet to the center of the present road; thence north
4 westerly along said present road a distance of 360
5 feet; thence N 55°30'E a distance of 25 feet more or
6 less to the beginning place.

7 Containing right of way old 0.66 acres, more or less

8 new 1.45 " "

9 total 2.11 " "

10 Tract Five

11 Right of way for Federal road 80 feet wide, except as
12 noted.

13 That part of NW¼ of SE¼ of Sec. 7 and also of the NE¼
14 of NE¼ of Sec. 18, all in T21N, R21W lying within
15 tracts of land 80 feet wide, except as noted, 40 feet
16 of which, except as noted is on each side of, parallel
17 to and measured from a surveyed center line which is
18 described as follows:

19 (1) Beginning on the north line of and 470 feet east of
20 the north west corner of the NW¼ of SE¼ of Sec. 7,
21 T21N, R21W; thence S 6°08'W with 40 feet on both sides
22 of the said center line, a distance of 512.1 feet;
23 thence on a curve to the left with 1432.7 feet radius,
24 a distance of 418.7 feet; thence S 10°37'E a distance
25 of 70 feet; thence continuing S 10°37'E with 40 feet on
26 the right side of and 50 feet on the left side of the
27 said center line, a distance of 150 feet; thence
28 continuing S 10°37'E with 40 feet on each side of the

1 said center line, a distance of 150 feet, to the south
2 line of and 956 feet west of the south east corner of
3 the said NW¼ of SE¼ of Sec. 7

4 Containing right of way old 1.00 acres, more or less

5 _____ new 1.42 " "

6 _____ total 2.42 " "

7 (2) Beginning on the west line of and 460 feet south of
8 the north west corner of the NE¼ of NE¼ of Sec. 18,
9 T21N, R21W; thence S 44°10'E a distance of 155.9 feet;
10 thence on a curve to the left with 1432.7 feet radius,
11 a distance of 517.5 feet; thence S 64°52'E a distance
12 of 166.9 feet; thence on a curve to the right with
13 637.3 feet radius, a distance of 414.7 feet, to the
14 south line of and 890 feet east of the south west
15 corner of the said NE¼ of NE¼ of Sec. 18.

16 Containing right of way old 0.14 acres, more or less

17 _____ new 2.13 " "

18 _____ total 2.27 " "

19 2. The commissioner of administration shall set the terms
20 and conditions for the sale as the commissioner deems reasonable.
21 Such terms and conditions may include, but not be limited to, the
22 number of appraisals required, the time, place, and terms of the
23 sale.

24 3. The attorney general shall approve the form of the
25 instrument of conveyance.

26 Section 2. 1. The governor is hereby authorized and
27 empowered to sell, transfer, grant, convey, remise, release, and
28 forever quitclaim all interest of the state of Missouri in real

1 property located in St. Clair County, Appleton City, to the state
2 highways and transportation commission. The property to be
3 conveyed is more particularly described as follows:

4 All of Lots Nine (9), ten (10), eleven (11), twelve
5 (12), Thirteen (13), Fourteen (14), fifteen (15) and
6 Sixteen (16), Block two (2); also Lots three (3), four
7 (4), five (5), six (6), seven (7), eight (8), twelve
8 (12), thirteen (13), fourteen (14), fifteen (15),
9 sixteen (16) and seventeen (17), Block three (3),
10 Grantley's Addition to Appleton City, Missouri.

11 2. The commissioner of administration shall set the terms
12 and conditions for the sale as the commissioner deems reasonable.
13 Such terms and conditions may include, but not be limited to, the
14 number of appraisals required, the time, place, and terms of the
15 sale.

16 3. The attorney general shall approve the form of the
17 instrument of conveyance.

18 Section 3. 1. The governor is hereby authorized and
19 empowered to sell, transfer, grant, convey, remise, release, and
20 forever quitclaim all interest of the state of Missouri in real
21 property located in Osage County to the state highways and
22 transportation commission. The property to be conveyed is more
23 particularly described as follows:

24 A strip of land 95 ft. wide being 40 ft. wide on the
25 left or north side of, and 55 ft. wide on the right or
26 south side of, parallel to and adjoining the centerline
27 of State Highway Route U.S. 50, leading from Kansas
28 City to St. Louis, Missouri beginning at the west

1 property line of said first party or Sta. 503+50 and
2 continuing to Sta. 512+00, a distance of 830.8 ft.
3 thence widening to a strip of land 100 ft. wide being
4 45 ft. wide on the left or north side of and 55 ft.
5 wide on the right or south side of said centerline from
6 Sta. 512+00 to Sta. 516+00, a distance of 400 ft.
7 thence narrowing to a strip of land 80 ft. wide being
8 40 ft. wide on each side of said centerline from Sta.
9 516+00 to the south property line of said first party
10 or Sta. 520+00 being a distance of 400 ft., also a
11 strip of land 50 ft. wide for connection of said
12 highway and the present road, said strip of land
13 extending a distance of 75 ft. more or less in an
14 easterly direction from said left or north right-of-way
15 line at or near Sta. 520+ and as shown on the plans for
16 said highway, as surveyed, located and platted by the
17 State Highway Department thru the S.½ of N.W.¼ of Sec.
18 7 T 43 N-R 8 W; as shown by a plat of said survey now
19 on file with the Clerk of the County Court of Osage
20 County, Missouri.

21 2. The commissioner of administration shall set the terms
22 and conditions for the sale as the commissioner deems reasonable.
23 Such terms and conditions may include, but not be limited to, the
24 number of appraisals required, the time, place, and terms of the
25 sale.

26 3. The attorney general shall approve the form of the
27 instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all in Madison County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at a point 114.7 feet south 82 1/2° east of the southwest corner of U.S.P.S. 350, Township 33 north, Range 7 east, and on the centerline of the survey made by the State Highway Commission for Route 67, Madison County, and shown on the plan thereof - a copy of which is on file with the Clerk of the County Court of Madison County - the said point being known as Station 250+74 and on the arc of a 0° 30' curve to the right; the tangent of which bears north 0° 18' east at this point, thence along the said arc 2041.6 feet thence north 10° 30' east, 1458.4 feet to a point on the said centerline known as Station 215+74 and there terminating.

A strip of land lying on each side of, and adjacent to the above described centerline as follows:

Station to Station		Distance	Width Right	Width Left
		(East)	(West)	
250+74	235+00	1574 Feet	50 Feet	
235+00	230+00	500 "	65 "	50 Feet
230+00	228+80	120 "	80 "	50 "
228+80	224+50	430 "	80 "	80 "
224+50	224+00	50 "	80 "	50 "
224+00	215+74	826 "	50 "	50 "

1 and all of U.S.P.S. 350 lying west of the said
2 centerline from Station 250+74 to Station 235+00.

3 Also strips of land 10 feet wide lying on each side of
4 and adjacent to the above described right-of-way being
5 on the right (east) side from Station 224+00 to Station
6 217+00 and on the left (west) side from Station 220+50
7 to Station 218+00, upon which the parties of the first
8 part grant, convey and warrant for themselves, and
9 their heirs, successors and assigns, unto the State,
10 its agents, successors or assigns, the right, easement
11 and privilege to construct and maintain on the land
12 described in this paragraph all such extensions of any
13 slopes from roadbed cuts or fills which may be
14 necessary to taper out such slopes; only the above
15 rights in, and not the fee title to, such land is
16 hereby conveyed, and the grantors shall have the
17 unrestricted right to fence, use and control such land
18 in any way they desire, so long as the same does not
19 interfere with the rights hereby granted.

20 Also 0.20 acre being a tract or parcel of land lying on
21 the right (east) side of and adjacent to the right-of-
22 way described above being 70 feet wide from Station
23 226+50 to Station 225+25, upon which the party of the
24 second part is granted only the right to enter for the
25 purpose of constructing and opening a channel and using
26 the excavation therefrom in grading the State Highway.
27 The said party of the second part is also granted the
28 right to enter upon the said land of the parties of the

1 first part as often as may be necessary for the purpose
2 of maintaining and keeping open the said channel, the
3 parties of the first part or their successors otherwise
4 to have the free, uninterrupted and absolute use of
5 said land.

6 All lying in U.S.P.S. 350, Township 33 north, Range 7
7 east of the 5th P.M. in Madison County, Missouri and
8 containing 10.15 acres.

9 2. The commissioner of administration shall set the terms
10 and conditions for the sale as the commissioner deems reasonable.
11 Such terms and conditions may include, but not be limited to, the
12 number of appraisals required, the time, place, and terms of the
13 sale.

14 3. The attorney general shall approve the form of the
15 instrument of conveyance.

16 Section 5. 1. The governor is hereby authorized and
17 empowered to sell, transfer, grant, convey, remise, release and
18 forever quitclaim all interest of the state of Missouri in real
19 property located in Greene County to the state highways and
20 transportation commission. The property to be conveyed is more
21 particularly described as follows:

22 Right of way for State Highway Route 60.

23 That part of the NE ¼ of SW ¼ and NW ¼ of SE ¼ of Sec.
24 10, Twp. 28N, R23W, south and east of the Frisco
25 Railroad right of way and southwest of State Highway
26 Route M, being in a tract of land 172 feet wide, except
27 as noted, 57 feet of which, except as noted, is on the
28 left or northwesterly side, and 115 feet, except as

1 noted, on the right or southeasterly side of, adjacent
2 to, parallel with and measured from the surveyed center
3 line of the survey of the Missouri State Highway
4 Department for said Route 60, which surveyed center
5 line is described as follows:

6 1. Beginning at a point approximately 47 feet south
7 and 16 feet east of the southwest corner of the said NW
8 ¼ of SE ¼ of Sec. 10, at survey station 178+50, thence
9 N 56°14'E 1635 feet to station 194+85, which station is
10 approximately 462 feet south and 30 feet east of the
11 northeast corner of said NW ¼ of SE ¼ of Sec. 10.

12 Containing 5.74 acres, more or less, new right of way.

13 2. Also beginning on the left side of item 1, opposite
14 station 191+28.3, thence N 4°02'E 255 feet, thence S
15 85°43'W approximately 77.5 feet to the southeasterly
16 boundary of the railroad right of way, thence in a
17 southwesterly direction with said boundary to the south
18 side of the said NE ¼ of SE ¼ of said Sec. 10, thence
19 east approximately 20 feet to item 1, thence N 56°14'E
20 with item 1, 1375 feet to the point of beginning.

21 Containing 3.04 acres, more or less, new right of way.

22 3. Also a tract beginning on the left side of item 1,
23 opposite station 193+28.3, thence northerly to the
24 southwesterly right of way boundary of said Route M as
25 it is now located and established, 30 feet from and
26 opposite station 3+98.7 of said route, thence
27 southeasterly with Route M to the east boundary of the
28 property, thence south with said east property boundary

1 to item 1, thence southwesterly with item 1 to the
2 point of beginning.

3 Containing 0.28 acre, more or less, new right of way.

4 4. Also a tract beginning on the right side of item 1,
5 opposite station 193+28.3, thence easterly
6 approximately 35 feet to the east property boundary,
7 thence north approximately 26 feet to item 1, thence
8 southwesterly with item 1 approximately 40 feet to the
9 point of beginning.

10 Containing 0.01 acre, more or less, new right of way.

11 Items 1, 2, 3 and 4 contain a total of 9.07 acres, more
12 or less, new right of way.

13 2. The commissioner of administration shall set the terms
14 and conditions for the sale as the commissioner deems reasonable.
15 Such terms and conditions may include, but not be limited to, the
16 number of appraisals required, the time, place, and terms of the
17 sale.

18 3. The attorney general shall approve the form of the
19 instrument of conveyance.

20 Section 6. 1. The governor is hereby authorized and
21 empowered to sell, transfer, grant, convey, remise, release and
22 forever quitclaim all interest of the state of Missouri in real
23 property located in Andrew County to the state highways and
24 transportation commission. The property to be conveyed is more
25 particularly described as follows:

26 Tract 1

27 A parcel of land bounded by a line beginning at a point
28 on the centerline of the surveyed State highway at

1 Station 195+98, said point also being two hundred
2 thirty-five (235) feet north of the northeast corner of
3 the southeast quarter of the southwest quarter of
4 Section thirty-five (35), Township sixty-one (61)
5 north, Range thirty-five (35) west, thence south fifty
6 (50) feet, thence northeasterly on a curve having a
7 radius of one thousand one hundred eight-six and
8 twenty-eight hundredths (1186.28) feet, and extending
9 two hundred twenty-eight (228) feet, thence north 47°
10 19' east one thousand twenty-nine and two tenths
11 (1029.2) feet, thence easterly on a curve having a
12 radius of one thousand one hundred six and twenty-eight
13 hundredths (1106.28) feet, and extending eight hundred
14 forty-eight and sixty-seven hundredths (848.67) feet,
15 thence easterly twenty-five and thirteen hundredths
16 (25.13) feet, thence north forty (40) feet, thence west
17 three hundred fifty (350) feet, thence southwesterly on
18 a curve having a radius of one thousand one hundred
19 eighty-six and twenty-eight hundredths (1186.28) feet,
20 and extending two hundred seventy (270) feet, thence
21 northwesterly five (5) feet, thence southeasterly on a
22 curve having a radius of one thousand one hundred
23 ninety-one and twenty-eight hundredths (1191.28) feet,
24 and extending two hundred ninety (290) feet, thence
25 south 47° 19' west a distance of forty-five (45) feet,
26 thence southeasterly five (5) feet, thence south 47° 19'
27 west four hundred eighty (480) feet, thence westerly
28 twenty-four (24) feet thence south fifteen (15) feet,

1 thence easterly ten (10) feet, thence south 47°19' west
2 a distance of four hundred fifty-three (453) feet
3 thence southwesterly on a curve having a radius of one
4 thousand one hundred six and twenty-eight hundredths
5 (1106.28) feet a distance of one-hundred seventy (170)
6 feet, thence south fifty (50) feet to the point of
7 beginning.

8 Said parcel of land being in and a part of the north
9 one-half of the southeast quarter of Section thirty-
10 five (35), Township sixty-one (61) north, Range thirty-
11 five (35) west and comprising three and ninety
12 hundredths (3.90) acres.

13 Tract 2

14 A parcel of land bounded by a line beginning at a point
15 on the centerline of the surveyed State highway at
16 Station 217+00, said point being eight hundred ninety-
17 seven and forty-nine hundredths (897.49) feet west of
18 the quarter section corner east side of Section thirty-
19 five (35), Township sixty-one (61) north, Range thirty-
20 five (35) west, thence west three hundred fifty (350)
21 feet to the north right of way line of the surveyed
22 State highway, thence northeasterly along the said
23 north right of way line on a curve having a radius of
24 one thousand one hundred eighty-six and twenty-eight
25 hundredths (1186.28) feet and extending three hundred
26 twenty-eight (328) feet, thence east twenty-five (25)
27 feet, thence south forty (40) feet to the point of
28 beginning.

1 Said parcel of land being in and a part of the
2 southeast quarter of the northeast quarter of Section
3 thirty-five (35), Township sixty-one (61) north, Range
4 thirty-five (35) west and comprising sixteen hundredths
5 (0.16) of an acre.

6 Tract 3

7 That part of the northeast quarter of Section thirty-
8 four (34), Township sixty-one (61) north, Range thirty-
9 five (35) west and being more particularly described as
10 follows: Bounded by a line beginning at a point, said
11 point being one thousand two hundred twenty-two (1222)
12 feet east of the quarter section corner center of said
13 Section thirty-four (34), thence north three hundred
14 seventy (370) feet, to the south bank of 102 River,
15 thence easterly along the south bank of said River
16 forty (40) feet, thence south 17 °30' east three
17 hundred fifty (350) feet, thence west one hundred forty
18 (140) feet to the point of beginning and comprising
19 fifty-nine hundredths (0.59) of an acre.

20 Tract 4

21 That part of the southeast quarter of Section thirty-
22 five (35), Township sixty-one (61) north, Range thirty-
23 five (35) west, more particularly described as
24 Tract #1, being bounded by a line beginning at a point
25 on the centerline of State Highway Route 48 at Station
26 212+71.2, which is approximately one thousand three
27 hundred fifty-seven and six tenths (1357.6) feet west
28 of the northeast corner of the southeast quarter of

1 said Section thirty-five (35), thence west fifty-four
2 and five tenths (54.5) feet to this westerly right of
3 way line of said State Highway Route 48, thence south
4 47°11' west along said westerly right of way line three
5 hundred (300) feet, thence northeasterly to the right
6 on the arc of a curve having a radius of one thousand
7 one hundred ninety-one and twenty-eight hundredths
8 (1191.28) feet, and extending a distance of one hundred
9 eighty (180) feet, thence southeasterly and at right
10 angles a distance of five (5) feet, thence
11 northeasterly to right on the arc of a curve having a
12 radius of one thousand one hundred eight-six and
13 twenty-eight hundredths (1186.28) feet and extending a
14 distance of two hundred seventy (270) feet to a point
15 on the north line of the southeast quarter of said
16 Section thirty-five (35), thence west to said point of
17 beginning. Said tract is for right of way and contains
18 thirty-three hundredths (0.33) of an acre.

19 Tract 5

20 That part of the northeast quarter of Section thirty-
21 five (35), Township sixty-one (61), Range thirty-five
22 (35) west, found by
23 Starting at a point on the centerline of State Highway
24 Route 48, at Station 212+71.2, which is approximately
25 one thousand three hundred fifty-seven and six tenths
26 (1357.6) feet west of the southeast corner of the
27 northeast quarter of said section thirty-five (35),
28 thence following said centerline north 47°11' east one

1 thousand twenty-eight and seven tenths (1028.7) feet to
2 Station 222+99.9, a P.C., thence northerly to the left
3 on the arc of a 5° 00' curve seven hundred sixty-two
4 (762) feet to Station 250+61.9, a P.T. , thence north
5 9° 05' east one thousand two hundred ninety-seven and
6 one tenth (1297.1) feet to Station 245+59, which is on
7 defendants' north property line, and is approximately
8 forty (40) feet west of the northeast corner of said
9 Section thirty-five (35).

10 Tract #1, being all of defendants' land lying within
11 forty (40) feet to each side of the above described
12 centerline from said Station 212+71.2 to Station
13 219+00, thence continuing with sixty (60) feet to left
14 and widening uniformly to fifty (50) feet to right of
15 said centerline at Station 220+00, thence continuing
16 with sixty (60) feet to left and fifty (50) feet to
17 right of said centerline to Station 220+50, thence
18 continuing with forty (40) feet to left and narrowing
19 uniformly to forty (40) feet to right of said
20 centerline at Station 221+50, thence continuing with
21 forty (40) feet to each side of said centerline to said
22 Station 245+59, Said tract is for right of way and
23 contains five and seventy-seven hundredths (5.77)
24 acres.

25 Tract #2, being thirty (30) feet wide by one hundred
26 (100) feet long to left of the above described right of
27 way (or Tract #1) from opposite Station 235+00 to
28 opposite Station 254+00, at an angle of 90° from said

1 centerline. Said tract contains seven hundredths
2 (0.07) of an acre, and is for changing the channel of a
3 stream and providing for drainage ditches necessary for
4 the proper construction and maintenance of said State
5 Highway. Plaintiff only seeks the right to enter upon
6 said tract of land for the purpose of constructing and
7 opening said drainage ditches and channel change, using
8 the excavation therefrom in grading said highway and
9 for filling portions of the old channel; also the right
10 to enter upon said parcel of land when necessary to
11 maintain and keep open said ditches; the defendants,
12 their successors or assigns to otherwise have the free,
13 uninterrupted and absolute use of said Tract #2.

14 2. The commissioner of administration shall set the terms
15 and conditions for the sale as the commissioner deems reasonable.
16 Such terms and conditions may include, but not be limited to, the
17 number of appraisals required, the time, place, and terms of the
18 sale.

19 3. The attorney general shall approve the form of the
20 instrument of conveyance.

21 Section 7. 1. The governor is hereby authorized and
22 empowered to sell, transfer, grant, convey, remise, release and
23 forever quitclaim all interest of the state of Missouri in real
24 property located in Ozark County to the state highways and
25 transportation commission. The property to be conveyed is more
26 particularly described as follows:

27 Tract 1

28 All that part of the following tract:

1 Northwest quarter of the southeast quarter (NW¹/₄ SE¹/₄)
2 Of Section 15, Township 22 North, Range 16 West
3 Which lies within a distance of 40 feet on each side of
4 the centerline of State highway designated as Route SC,
5 leading from Route 5, west of Gainesville, westerly to
6 the Ozark-Taney County line, as the same was located,
7 surveyed and platted by the State Highway Department,
8 as shown on plans duly approved by the State Highway
9 Commission, a copy of which is now on file with the
10 Clerk of the County Court in and for Ozark County.

11 Said centerline being described as follows:

12 Beginning at a point on the west boundary of said
13 tract, distant 650 feet, more or less, north of the
14 southwest corner thereof, at or near Station 201+60;
15 thence run north 49° 14' east, 526.9 feet; thence
16 deflect to the right on a 4° curve, (delta angle 40°
17 22') 1009.2 feet; thence on tangent to said curve north
18 89° 36' east, 18.9 feet, more or less, to a point on
19 the east boundary of said tract, distant 5 feet, more
20 or less, south of the northeast corner thereof, and
21 there terminating at or near Station 217+15.

22 Containing 2.86 acres, more or less.

23 2. Also the following parcel of land adjoining the
24 above described right of way tract, extending between
25 the stations indicated to the widths shown below:

26 Left: Station 202+01 to 202+27, 26 feet long by 30
27 feet wide on a 40° skew to the right

1 3. Also all that part of said tract lying northerly of
2 the above described strip, and easterly of a line
3 described as follows:

4 Beginning at a point on the left or northerly line of
5 said above described strip, opposite Station 211+00;
6 thence run northwesterly normal to said centerline to
7 its intersection with the northerly boundary of said
8 tract, and there terminating.

9 Item 2 has an area of 0.02 acre, more or less, and is
10 for the purpose of a ditch outlet, to which the State
11 Highway Department only seeks the right to enter upon
12 land of said owners for the purpose of constructing and
13 opening said ditch, using excavation therefrom in
14 grading said highway, and entering upon the said parcel
15 of land as often as may be necessary to maintain and
16 keep open said ditch; providing the owners shall
17 otherwise have the free, absolute and uninterrupted use
18 of said land.

19 Item 3 has an area of 0.29 acre, more or less, and is
20 for the purpose of permanent right of way.

21 Tract 2

22 All that part of the following tract:

23 South half of the northeast quarter (S½ NE¼)

24 Of Section 15, Township 22 North, Range 16 West

25 Which lies within a distance of 40 feet on the

26 northerly side of the centerline of State highway

27 designated as Route SC, leading from Route 5, west of

28 Gainesville, westerly to the Ozark-Taney County line,

1 as the same was located, surveyed and platted by the
2 State Highway Department, as shown on plans duly
3 approved by the State Highway Commission, a copy of
4 which is now on file with the Clerk of the County Court
5 in and for Ozark County.

6 Said centerline being described as follows:

7 Beginning at a point distant 38 feet, more or less,
8 south and 330 feet, more or less, west of the
9 southeast corner of the southwest quarter of the
10 northeast quarter of said Section 15, at or near
11 Station 213+80; thence from a tangent bearing north 76°
12 58' east, deflect to the right on a 4° curve, 316.1
13 feet; thence on tangent to said curve north 89° 36'
14 east, 1368.9 feet, more or less, to a point on the
15 extended east boundary of the southeast quarter of the
16 northeast quarter of said Section 15, distant 10 feet,
17 more or less, south of the southeast corner thereof,
18 and there terminating at or near Station 230+65

19 Containing 0.25 acre, more or less, new right of way
20 and 0.99 acre, more or less, old right of way

21 (There is excepted from the above described strip, a
22 strip of land 10 feet in width, lying adjacent to and
23 southerly of the northerly line of said strip, and
24 extending from Station 227+00 to the east boundary of
25 the property).

26 2. Also the following parcel of land adjoining the
27 above described right of way tract, extending between
28 the stations indicated to the widths shown below:

1 Left: Station 222+50 to 225+50, 300 feet long by 5
2 feet wide

3 Item 2 has an area of 0.03 acre, more or less, and is
4 for the purpose of permanent right of way.

5 2. The commissioner of administration shall set the terms
6 and conditions for the sale as the commissioner deems reasonable.
7 Such terms and conditions may include, but not be limited to, the
8 number of appraisals required, the time, place, and terms of the
9 sale.

10 3. The attorney general shall approve the form of the
11 instrument of conveyance.

12 Section B. Because of the need to ensure that motorists who
13 were issued valid special license plates are legally registered
14 within the state of Missouri and because of the need to avoid
15 unnecessary administrative license plate recalls, the repeal and
16 reenactment of section 301.449 of this act is deemed necessary
17 for the immediate preservation of the public health, welfare,
18 peace and safety, and is hereby declared to be an emergency act
19 within the meaning of the constitution, and the repeal and
20 reenactment of section 301.449 of this act shall be in full force
21 and effect upon its passage and approval.

22 ✓
23 _____
24
25
26
27
28 _____
29