

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 487**  
**93RD GENERAL ASSEMBLY**

1532S.06T

2005

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AN ACT

To repeal sections 8.177, 43.530, 136.055, 137.100, 144.025, 168.133, 260.218, 300.330, 301.010, 301.020, 301.025, 301.129, 301.190, 301.215, 301.290, 301.300, 301.301, 301.567, 302.177, 302.510, 302.530, 302.735, 304.022, 304.155, 307.180, 577.041, RSMo, section 301.130 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 301.130 as enacted by senate committee substitute for house bill no. 491, ninety-second general assembly, first regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969, ninety-second general assembly, second regular session, and to enact in lieu thereof thirty-eight new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

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

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

Section A. Sections 8.177, 43.530, 136.055, 137.100, 144.025, 168.133, 260.218, 300.330, 301.010, 301.020, 301.025, 301.129, 301.190, 301.215, 301.290, 301.300, 301.301, 301.567, 302.177, 302.510, 302.530, 302.735, 304.022, 304.155, 307.180, 577.041, RSMo, section 301.130 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 301.130 as enacted by senate committee substitute for house bill no. 491, ninety-second general assembly, first regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969, ninety-second general assembly, second regular session, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 8.177, 43.530, 67.1809, 136.055, 137.100, 144.025, 168.133, 227.363, 300.330, 300.411, 301.010, 301.020, 301.025, 301.129, 301.130, 301.190, 301.215, 301.290, 301.300, 301.301, 301.302, 301.567, 301.894, 302.177, 302.272, 302.510, 302.530, 302.735, 304.022, 304.155, 304.184, 304.678, 307.180, 307.191, 307.192, 577.041, 1, and 2, to read as follows:

- 8.177. 1. The director of the department of public safety shall employ Missouri capitol police officers for public safety at the seat of state government. Each Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to support the constitution and laws of the United States and the state of Missouri and shall receive a certificate of appointment, a copy of which shall be filed with the secretary of state, granting such police officers all the same powers of arrest held by other police officers to maintain order and preserve the peace in all state-owned or leased buildings, and the grounds thereof, at the seat of government and such buildings and grounds within the county which contains the seat of government.
2. The director of the department of public safety shall appoint a sufficient number of Missouri capitol police officers, with available appropriations, as appropriated specifically for the purpose designated in this subsection, so that the capitol grounds may be patrolled at all

13 times, and that traffic and parking upon the capitol grounds and the grounds of other state  
14 buildings owned or leased within the capital city and the county which contains the seat of  
15 government may be properly controlled. Missouri capitol police officers may make arrests for  
16 the violation of parking and traffic regulations promulgated by the office of administration.

17 **3. Missouri capitol police officers shall be authorized to arrest a person anywhere**  
18 **in the county that contains the state seat of government, when there is probable cause to**  
19 **believe the person committed a crime within capitol police jurisdiction or when a person**  
20 **commits a crime in the presence of an on-duty capitol police officer.**

43.530. [1.] For each request requiring the payment of a fee received by the central  
2 repository, the requesting entity shall pay a fee of not more than five dollars per request for  
3 criminal history record information not based on a fingerprint search when the requesting entity  
4 is required to obtain such information by any provision of state or federal law and pay a fee of  
5 not more than fourteen dollars per request for criminal history record information based on a  
6 fingerprint search when the requesting entity is required to obtain such information by any  
7 provision of state or federal law; provided that, when the requesting entity is not required to  
8 obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars  
9 per request for criminal history record information not based on a fingerprint search and pay a  
10 fee of not more than twenty dollars per request for criminal history record information based on  
11 a fingerprint search. Each such request shall be limited to check and search on one individual.  
12 Each request shall be accompanied by a check, warrant, voucher, money order, or electronic  
13 payment payable to the state of Missouri-criminal record system or payment shall be made in a  
14 manner approved by the highway patrol. The highway patrol may establish procedures for  
15 receiving requests for criminal history record information for classification and search for  
16 fingerprints, from courts and other entities, and for the payment of such requests. There is  
17 hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal  
18 Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary,  
19 if the moneys collected and deposited into this fund are not totally expended annually for the  
20 purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall  
21 remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

22 [2. For purposes of obtaining criminal records prior to issuance of a school bus operator's  
23 permit pursuant to section 302.272, RSMo, and for determining eligibility for such permit, the  
24 applicant for such permit shall submit two sets of fingerprints to the director of revenue when  
25 applying for the permit. The fingerprints shall be collected in a manner approved by the  
26 superintendent of the highway patrol. The school bus permit applicant shall pay the appropriate  
27 fee described in this section and pay the appropriate fee determined by the Federal Bureau of  
28 Investigation for the federal criminal history record when he or she applies for the school bus

29 permit. Collections for records described in this subsection shall be deposited in the criminal  
30 record system fund.]

**67.1809. 1. The regional taxicab commission established under section 67.1804 may  
2 license, supervise, and regulate any person who engages in the business of transporting  
3 passengers in commerce, wholly within the regional taxicab district established in section  
4 67.1802, in any motor vehicle designed or used to transport not more than eight passengers,  
5 including the driver. The powers granted to the regional taxicab commission under this  
6 section shall apply to the motor vehicles described in this subsection and to the persons  
7 owning or operating those vehicles:**

8 **(1) Whether or not the vehicles are equipped with a taximeter or use a taximeter;  
9 and**

10 **(2) Whether the vehicles are operated by a for-hire motor carrier of passengers or  
11 by a private motor carrier of passengers not for hire or compensation.**

12 **2. This section shall apply, notwithstanding any provisions of this chapter or of  
13 subsection 2 of section 390.126, RSMo, to the contrary, except that the vehicles described  
14 in subsection 1 of this section, and the operators of such vehicles, shall be licensed,  
15 supervised, and regulated by the state highways and transportation commission, as  
16 provided under section 226.008, RSMo, instead of the regional taxicab commission,  
17 whenever:**

18 **(1) Such motor vehicles transport passengers within the district in interstate  
19 commerce, and those interstate operations are subject to the powers of the state highways  
20 and transportation commission under section 226.008, RSMo;**

21 **(2) Such motor vehicles are operated exclusively by a not-for-profit corporation or  
22 governmental entity, whose passenger transportation within the regional taxicab district  
23 is subsidized, wholly or in part, with public transit funding provided by the state highways  
24 and transportation commission, the Federal Transit Administration, or both;**

25 **(3) Such vehicles transport one or more passengers on the public highways in a  
26 continuous journey from a place of origin within the regional taxicab district to a  
27 destination outside the district, or from a place of origin outside the district to a destination  
28 within the district, either with or without a return trip to the point of origin. Such  
29 continuous transportation of passengers between points within and without the district is  
30 subject to regulation by the state highways and transportation commission, even if the  
31 journey includes temporary stops at one or more intermediate destinations within the  
32 boundaries of the district.**

33 **3. The provisions of subdivision (3) of subsection 2 of this section shall not limit the  
34 powers of the regional taxicab commission under this section to license, supervise, and**

35 regulate the transportation of any passenger whose journey by motor vehicle takes place  
36 wholly within the regional taxicab district, even if transported on the same vehicle with  
37 other passengers whose transportation, both within and without the boundaries of the  
38 district, is subject to the exclusive powers of the state highways and transportation  
39 commission. A motor carrier or driver who transports passengers subject to the powers  
40 of the regional taxicab commission, under subsection 1 of this section, on the same vehicle  
41 with passengers whose transportation is subject to the powers of the state highways and  
42 transportation commission, under subsection 2 of this section, shall comply with all  
43 applicable requirements of the regional taxicab commission and with all applicable  
44 requirements of the state highways and transportation commission.

45       **4. No provision within this chapter shall be interpreted or construed as limiting the**  
46 **powers of the state highways and transportation commission and its enforcement**  
47 **personnel, the state highway patrol and its officers and personnel, or any other law**  
48 **enforcement officers or peace officers to enforce any safety requirements or hazardous**  
49 **materials regulations made applicable by law to the motor vehicles, drivers, or persons that**  
50 **own or operate any motor vehicles described in this section.**

51       **5. Every individual person, partnership, or corporation subject to licensing,**  
52 **regulation, and supervision by the regional taxicab commission under this section, with**  
53 **reference to any transportation of passengers by a motor vehicle previously authorized by**  
54 **a certificate or permit issued by the state highways and transportation commission under**  
55 **sections 390.051 or 390.061, RSMo, which certificate or permit was in active status and not**  
56 **suspended or revoked on August 27, 2005, according to the records of the state highways**  
57 **and transportation commission, is hereby deemed to be licensed, permitted, and authorized**  
58 **by the regional taxicab commission, and the vehicles and drivers used by such motor**  
59 **carriers are hereby deemed to be licensed, permitted, and authorized by the regional**  
60 **taxicab commission to operate and engage in the transportation of passengers within the**  
61 **regional taxicab district, to the same extent as they formerly were licensed, permitted, and**  
62 **authorized by the highways and transportation commission on August 27, 2005. Such**  
63 **motor carriers, drivers, and vehicles shall be exempted from applying for any license,**  
64 **certificate, permit, or other credential issued or required by the regional taxicab**  
65 **commission under sections 67.1800 to 67.1822, except that the regional taxicab commission**  
66 **may, after December 31, 2005, require such motor carriers and drivers to apply and pay**  
67 **the regular fees for annual renewals of such licenses, permits, certificates, or other**  
68 **credentials under uniform requirements applicable to all motor carriers, vehicles, and**  
69 **drivers operating within the regional taxicab district.**

136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each **instruction permit, nondriver license**, chauffeur's, operator's or driver's license **issued for a period of three years or less**--two dollars and fifty cents [beginning January 1, 1998; and four dollars beginning July 1, 2000;] and five dollars [beginning July 1, 2003,] for [six-year] licenses **or instruction permits** issued or renewed **for a period exceeding three years**;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

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

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the  
Missouri Legislature and charged by  
this fee office were requested by the  
fee agents.

137.100. The following subjects are exempt from taxation for state, county or local  
2 purposes:

3 (1) Lands and other property belonging to this state;

4 (2) Lands and other property belonging to any city, county or other political subdivision  
5 in this state, including market houses, town halls and other public structures, with their furniture  
6 and equipments, and on public squares and lots kept open for health, use or ornament;

7 (3) Nonprofit cemeteries;

8 (4) The real estate and tangible personal property which is used exclusively for  
9 agricultural or horticultural societies organized in this state, including not-for-profit agribusiness  
10 associations;

11 (5) All property, real and personal, actually and regularly used exclusively for religious  
12 worship, for schools and colleges, or for purposes purely charitable and not held for private or  
13 corporate profit, except that the exemption herein granted does not include real property not  
14 actually used or occupied for the purpose of the organization but held or used as investment even  
15 though the income or rentals received therefrom is used wholly for religious, educational or  
16 charitable purposes;

17 (6) Household goods, furniture, wearing apparel and articles of personal use and  
18 adornment, as defined by the state tax commission, owned and used by a person in his home or  
19 dwelling place;

20 (7) Motor vehicles leased for a period of at least one year to this state or to any city,  
21 county, or political subdivision, **or to any religious, educational, or charitable organization**  
22 **which has obtained an exemption from the payment of federal income taxes, provided the**  
23 **motor vehicles are used exclusively for religious, educational, or charitable purposes; and**

24 (8) Real or personal property leased or otherwise transferred by an interstate compact  
25 agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100,  
26 RSMo, to another for which or whom such property is not exempt when immediately after the  
27 lease or transfer, the interstate compact agency enters into a leaseback or other agreement that  
28 directly or indirectly gives such interstate compact agency a right to use, control, and possess the  
29 property; provided, however, that in the event of a conveyance of such property, the interstate  
30 compact agency must retain an option to purchase the property at a future date or, within the  
31 limitations period for reverters, the property must revert back to the interstate compact agency.  
32 Property will no longer be exempt under this subdivision in the event of a conveyance as of the  
33 date, if any, when:

34 (a) The right of the interstate compact agency to use, control, and possess the property  
35 is terminated;

36 (b) The interstate compact agency no longer has an option to purchase or otherwise  
37 acquire the property; and

38 (c) There are no provisions for reverter of the property within the limitation period for  
39 reverters.

144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail  
2 sale other than retail sales governed by subsections 4 and 5 of this section, where any article on  
3 which sales or use tax has been paid, credited, or otherwise satisfied or which was exempted or  
4 excluded from sales or use tax is taken in trade as a credit or part payment on the purchase price  
5 of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed  
6 only on that portion of the purchase price which exceeds the actual allowance made for the  
7 article traded in or exchanged, if there is a bill of sale or other record showing the actual  
8 allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle,  
9 trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed  
10 by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price  
11 which exceeds the amount of the rebate, if there is a bill of sale or other record showing the  
12 actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus  
13 any applicable rebate exceeds the purchase price of the purchased article there shall be no sales  
14 or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard  
15 motors sold by the owner or holder of the properly assigned certificate of ownership if the seller  
16 purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor  
17 within one hundred eighty days before or after the date of the sale of the original article and a  
18 [notarized] bill of sale showing the paid sale price is presented to the department of revenue at  
19 the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the  
20 subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty  
21 days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance  
22 pursuant to this section shall be made if the person titling such article establishes that the  
23 purchase or contract to purchase was finalized prior to the expiration of the one hundred  
24 eighty-day period.

25 2. As used in this section, the term "boat" includes all motorboats and vessels, as the  
26 terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

27 3. As used in this section, the term "motor vehicle" includes motor vehicles as defined  
28 in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a  
29 combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section  
30 301.010, RSMo.

31 4. The provisions of subsection 1 of this section shall not apply to retail sales of  
32 manufactured homes in which the purchaser receives a document known as the "Manufacturer's



33 Statement of Origin" for purposes of obtaining a title to the manufactured home from the  
34 department of revenue of this state or from the appropriate agency or officer of any other state.

35 5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser  
36 shall be allowed to use as an allowance to offset the sales and use tax liability towards the  
37 purchase of the motor vehicle or trailer any grain or livestock produced or raised by the  
38 purchaser. The director of revenue may prescribe forms for compliance with this subsection.

168.133. 1. The school district shall ensure that a criminal background check is  
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils  
3 and prior to the individual having contact with any pupil. Such persons include, but are not  
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,  
5 cooks, and nurses. **The school district shall also ensure that a criminal background check**  
6 **is conducted for school bus drivers. The district may allow such drivers to operate busses**  
7 **pending the result of the criminal background check.** For bus drivers, the background check  
8 **shall be** conducted [by the department of revenue for the issuance or renewal of a school bus  
9 permit under section 302.272, RSMo, shall satisfy the background check requirements of this  
10 section] **on drivers employed by the school district or employed by a pupil transportation**  
11 **company under contract with the school district.**

12 2. In order to facilitate the criminal history background check on any person employed  
13 after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to  
14 standards determined by the Missouri highway patrol. One set of fingerprints shall be used by  
15 the highway patrol to search the criminal history repository and the family care safety registry  
16 pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the  
17 Federal Bureau of Investigation for searching the federal criminal history files.

18 3. The applicant shall pay the fee for the state criminal history record information  
19 pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the  
20 appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history  
21 record when he or she applies for a position authorized to have contact with pupils pursuant to  
22 this section. The department shall distribute the fees collected for the state and federal criminal  
23 histories to the Missouri highway patrol.

24 4. The school district may adopt a policy to provide for reimbursement of expenses  
25 incurred by an employee for state and federal criminal history information pursuant to section  
26 43.530, RSMo.

27 5. If, as a result of the criminal history background check mandated by this section, it is  
28 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or  
29 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, RSMo,  
30 or a similar crime or offense committed in another state, the United States, or any other country,

31 regardless of imposition of sentence, such information shall be reported to the department of  
32 elementary and secondary education.

33 6. Any school official making a report to the department of elementary and secondary  
34 education in conformity with this section shall not be subject to civil liability for such action.

35 7. Nothing in this section shall be construed to alter the standards for suspension, denial,  
36 or revocation of a certificate issued pursuant to this chapter.

37 8. The state board of education may promulgate rules for criminal history background  
38 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in  
39 section 536.010, RSMo, that is created under the authority delegated in this section shall become  
40 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
41 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
42 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,  
43 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
44 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
45 after January 1, 2005, shall be invalid and void.

46 [9. The provisions of this section shall become effective January 1, 2005.]

**227.363. The portion of state route H in Clay County from the intersection of state  
2 route H and Richfield Road north to the intersection of state route H and state route B  
3 shall be designated the "Richard L. Harriman Highway". Costs for such designation shall  
4 be paid by private donations.**

300.330. The driver of a **motor** vehicle shall not drive within any sidewalk area except  
2 as a permanent or temporary driveway. **A designated bicycle lane shall not be obstructed by  
3 a parked or standing motor vehicle or other stationary object. A motor vehicle may be  
4 driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the  
5 lane or provide for safe travel. In making an otherwise lawful maneuver that requires  
6 traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield  
7 to any bicycle in the lane. As used in this section, the term "designated bicycle lane" shall  
8 mean a portion of the roadway or highway which has been designated by the governing  
9 body having jurisdiction over such roadway or highway by striping with signing or  
10 striping with pavement markings for the preferential or exclusive use of bicycles.**

**300.411. The operator of a motor vehicle overtaking a bicycle proceeding in the  
2 same direction on the roadway, as defined in section 300.010, RSMo, shall leave a safe  
3 distance when passing the bicycle, and shall maintain clearance until safely past the  
4 overtaken bicycle.**

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

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for  
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one  
5 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed  
6 to be straddled by the operator, or with a seat designed to carry more than one person, and  
7 handlebars for steering control;

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

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

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

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

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

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

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

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

27 (10) "Director" or "director of revenue", the director of the department of revenue;

28 (11) "Driveaway operation":

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

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

36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the  
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a  
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of

39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent  
40 of a manufacturer or to any consignee designated by the shipper or consignor;

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

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

46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

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

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

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

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

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

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

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

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

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

65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire  
66 commercial motor vehicle the operation of which is confined to:

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

71 (b) An area that extends not more than a radius of fifty miles from its home base of  
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from  
73 projects not involving soil and water conservation. Nothing in this subdivision shall be

74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or  
75 local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations  
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,  
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the  
79 transportation of property owned by any person who is the owner or operator of such vehicle to  
80 or from a farm owned by such person or under the person's control by virtue of a landlord and  
81 tenant lease; provided that any such property transported to any such farm is for use in the  
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this  
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
85 state, used to transport harvested forest products, operated solely at a forested site and in an area  
86 extending not more than a fifty-mile radius from such site, carries a load with dimensions not  
87 in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the  
88 national system of interstate and defense highways described in Title 23, Section 103(e) of the  
89 United States Code, such vehicle shall not exceed the weight limits of section 304.180, RSMo,  
90 does not have more than four axles, and does not pull a trailer which has more than two axles.  
91 **Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing,**  
92 **debarking, chipping, skidding, loading, unloading, and stacking may be transported on a**  
93 **local log truck.** A local log truck may not exceed the limits required by law, however, if the  
94 truck does exceed such limits as determined by the inspecting officer, then notwithstanding any  
95 other provisions of law to the contrary, such truck shall be subject to the weight limits required  
96 by such sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this  
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this  
99 state, used to transport harvested forest products, operated solely at a forested site and in an area  
100 extending not more than a fifty-mile radius from such site, operates with a weight not exceeding  
101 twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four  
102 thousand eight hundred pounds on any tandem axle, and when operated on the national system  
103 of interstate and defense highways described in Title 23, Section 103(e) of the United States  
104 Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo, and  
105 does not have more than three axles and does not pull a trailer which has more than two axles.  
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for  
107 in sections 304.180 to 304.220, RSMo;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal  
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in

110 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within  
111 such municipal corporation and such municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational  
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over  
131 twelve thousand pounds:

132 (a) Offered for hire or lease; or

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

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

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

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

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

143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;

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

- 146 (42) "Operator", any person who operates or drives a motor vehicle;
- 147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to  
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease  
149 thereof with the right of purchase upon performance of the conditions stated in the agreement  
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the  
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee  
152 or mortgagor shall be deemed the owner for the purpose of this law;
- 153 (44) "Public garage", a place of business where motor vehicles are housed, stored,  
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
155 of business;
- 156 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
157 rebuilder, but does not include certificated common or contract carriers of persons or property;
- 158 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original  
159 construction by the addition or substitution of two or more new or used major component parts,  
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;
- 161 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or  
162 substantially modified so that it may be used and is used for the purposes of temporary housing  
163 quarters, including therein sleeping and eating facilities which are either permanently attached  
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
166 vehicle if the motor vehicle could otherwise be so registered;
- 167 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,  
168 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a  
169 wrecker or towing service;
- 170 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck  
171 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth  
172 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of  
173 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth  
174 wheel kingpin connection. When two vehicles are towed in this manner the combination is  
175 called a "double saddlemount combination". When three vehicles are towed in this manner, the  
176 combination is called a "triple saddlemount combination";
- 177 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for  
178 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;
- 179 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:
- 180 (a) Has been damaged to the extent that the total cost of repairs to rebuild or reconstruct  
181 the vehicle to its condition immediately before it was damaged for legal operation on the roads

182 or highways exceeds seventy- five percent of the fair market value of the vehicle immediately  
183 preceding the time it was damaged;

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

187 (c) Has been declared salvage by an insurance company as a result of settlement of a  
188 claim for loss due to damage or theft;

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

190 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section  
191 304.157, RSMo, and designated with the words "salvage/abandoned property".

192

193 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of  
194 repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales  
195 tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition,  
196 "fair market value" means the retail value of a motor vehicle as:

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

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

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

205 (52) "School bus", any motor vehicle used solely to transport students to or from school  
206 or to transport students to or from any place for educational purposes;

207 (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
208 corporation as an incidental service to transport patrons or customers of the regular business of  
209 such person, firm, or corporation to and from the place of business of the person, firm, or  
210 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
211 buses or as commercial motor vehicles;

212 (54) "Special mobile equipment", every self-propelled vehicle not designed or used  
213 primarily for the transportation of persons or property and incidentally operated or moved over  
214 the highways, including farm equipment, implements of husbandry, road construction or  
215 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
216 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
217 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,



218 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
219 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
220 shall not operate to exclude other such vehicles which are within the general terms of this  
221 section;

222 (55) "Specially constructed motor vehicle", a motor vehicle which shall not have been  
223 originally constructed under a distinctive name, make, model or type by a manufacturer of motor  
224 vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

225 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel  
226 is located on a drop frame located behind and below the rearmost axle of the power unit;

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

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

233 (59) "Trailer", any vehicle without motive power designed for carrying property or  
234 passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
235 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
236 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
237 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton  
238 trailers as defined in subdivision (8) of this section and shall not include manufactured homes  
239 as defined in section 700.010, RSMo;

240 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of  
241 property;

242 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two  
243 trailing units are connected with a B-train assembly which is a rigid frame extension attached to  
244 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second  
245 semitrailer and has one less articulation point than the conventional "A dolly" connected  
246 truck-tractor semitrailer-trailer combination;

247 (62) "Truck-trailer boat transporter combination", a boat transporter combination  
248 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
249 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
250 trailer but so as to maintain a downward force on the trailer tongue;

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

254 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,  
255 firm, corporation, association, city, county or state agency, or any member thereof, for the  
256 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
257 and from their place of employment; however, a vanpool shall not be included in the definition  
258 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
259 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
260 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
261 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
262 monetary profit other than for use in a ride-sharing arrangement;

263 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,  
264 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
265 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
266 operated by handicapped persons;

267 (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed  
268 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a  
269 highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
270 a replacement vehicle to replace a disabled or wrecked vehicle;

271 (67) "Wrecker or towing service", the act of transporting, towing or recovering with a  
272 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,  
273 tow truck, rollback or car carrier for which the operator directly or indirectly receives  
274 compensation or other personal gain.

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven  
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually  
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration  
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name  
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor  
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a  
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such  
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a  
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section  
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the  
15 odometer information provided in the vehicle inspection report, and provide for prompt access

16 to such information, together with the vehicle identification number for the motor vehicle to  
17 which such information pertains, for a period of five years after the receipt of such information.

18 This section shall not apply unless:

19 (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
20 1989; and

21 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business  
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor  
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age  
25 or less, the director of revenue shall retain the odometer information provided in the vehicle  
26 inspection report, and provide for prompt access to such information, together with the vehicle  
27 identification number for the motor vehicle to which such information pertains, for a period of  
28 five years after the receipt of such information. This subsection shall not apply unless:

29 (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
30 1990; and

31 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

32 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,  
33 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,  
34 or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the  
35 certificate of ownership. The owner shall make an application for a new certificate of ownership,  
36 pay the required title fee, and obtain the vehicle examination certificate required pursuant to  
37 **subsection 9 of section 301.190. If an insurance company which pays a claim on a salvage**  
38 **vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle,**  
39 **as prior salvage, the vehicle shall only be required to meet the examination requirements**  
40 **pursuant to subsection 10 of section 301.190.** Notarized bills of sale along with a copy of the  
41 front and back of the certificate of ownership for all major component parts installed on the  
42 vehicle and invoices for all essential parts which are not defined as major component parts shall  
43 accompany the application for a new certificate of ownership. If the vehicle is a specially  
44 constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be  
45 submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the  
46 invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance  
47 of a special number by the director of revenue or a replacement vehicle identification number,  
48 the applicant shall submit the required application and application fee. All applications required  
49 under this subsection shall be submitted with any applicable taxes which may be due on the  
50 purchase of the vehicle or parts. The director of revenue shall appropriately designate  
51 "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or

52 "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate  
53 of ownership of such vehicle.

54         5. Every insurance company which pays a claim for repair of a motor vehicle which as  
55 the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010  
56 or which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is  
57 retaining ownership of the vehicle, shall in writing notify the claimant, if he is the owner of the  
58 vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of  
59 ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain  
60 a [reconstructed] **prior salvage** motor vehicle certificate of ownership or documents and fees as  
61 otherwise required by law to obtain a salvage certificate of ownership, from the director of  
62 revenue. The insurance company shall within thirty days of the payment of such claims report  
63 to the director of revenue the name and address of such claimant, the year, make, model, vehicle  
64 identification number, and license plate number of the vehicle, and the date of loss and payment.

65         6. Anyone who fails to comply with the requirements of this section shall be guilty of  
66 a class B misdemeanor.

67         7. An applicant for registration may make a donation of one dollar to promote a  
68 blindness education, screening and treatment program. The director of revenue shall collect the  
69 donations and deposit all such donations in the state treasury to the credit of the blindness  
70 education, screening and treatment program fund established in section 192.935, RSMo. Moneys  
71 in the blindness education, screening and treatment program fund shall be used solely for the  
72 purposes established in section 192.935, RSMo, except that the department of revenue shall  
73 retain no more than one percent for its administrative costs. The donation prescribed in this  
74 subsection is voluntary and may be refused by the applicant for registration at the time of  
75 issuance or renewal. The director shall inquire of each applicant at the time the applicant  
76 presents the completed application to the director whether the applicant is interested in making  
77 the one-dollar donation prescribed in this subsection.

78         8. An applicant for registration may make a donation of one dollar to promote an organ  
79 donor program. The director of revenue shall collect the donations and deposit all such  
80 donations in the state treasury to the credit of the organ donor program fund as established in  
81 sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for  
82 the purposes established in sections 194.297 to 194.304, RSMo, except that the department of  
83 revenue shall retain no more than one percent for its administrative costs. The donation  
84 prescribed in this subsection is voluntary and may be refused by the applicant for registration at  
85 the time of issuance or renewal. The director shall inquire of each applicant at the time the  
86 applicant presents the completed application to the director whether the applicant is interested  
87 in making the one-dollar donation prescribed in this subsection.

301.025. 1. No state registration license to operate any motor vehicle in this state shall  
2 be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax  
3 receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's  
4 registration is due and which reflects that all taxes, including delinquent taxes from prior years,  
5 have been paid, or a statement certified by the county or township collector of the county or  
6 township in which the applicant's property was assessed showing that the state and county  
7 tangible personal property taxes for such previous tax year and all delinquent taxes due have  
8 been paid by the applicant, or **a statement certified by the county or township collector for**  
9 **such previous year** that no such taxes were **assessed or due and, the applicant has no unpaid**  
10 **taxes on the collector's tax roll for any subsequent year** or, if the applicant is not a resident  
11 of this state and serving in the armed forces of the United States, the application is accompanied  
12 by a leave and earnings statement from such person verifying such status or, if the applicant is  
13 an organization described pursuant to subdivision (5) of section 137.100, RSMo, or subsection  
14 1 of section 137.101, RSMo, the application is accompanied by a document, in a form approved  
15 by the director, verifying that the organization is registered with the department of revenue or  
16 is determined by the internal revenue service to be a tax- exempt entity. If the director of the  
17 department of revenue has been notified by the assessor pursuant to subsection 2 of section  
18 137.101, RSMo, that the applicant's personal property is not tax exempt, then the organization's  
19 application shall be accompanied by a statement certified by the county or township collector of  
20 the county or township in which the organization's property was assessed showing that the state  
21 and county tangible personal property taxes for such previous tax year and all delinquent taxes  
22 due have been paid by the organization. In the event the registration is a renewal of a registration  
23 made two or three years previously, the application shall be accompanied by proof that taxes  
24 were not due or have been paid for the two or three years which immediately precede the year  
25 in which the motor vehicle's or trailer's registration is due. The county or township collector  
26 shall not be required to issue a receipt **or certified statement that taxes were not assessed or**  
27 **due** for the immediately preceding tax year until all personal property taxes, including all  
28 **current and** delinquent taxes [currently due], are paid. If the applicant was a resident of another  
29 county of this state in the applicable preceding years, he or she must submit to the collector in  
30 the county or township of residence proof that the personal property tax was paid in the  
31 applicable tax years. Every county and township collector shall give each person a tax receipt  
32 or a certified statement of tangible personal property taxes paid. The receipt issued by the county  
33 collector in any county of the first classification with a charter form of government which  
34 contains part of a city with a population of at least three hundred fifty thousand inhabitants which  
35 is located in more than one county, any county of the first classification without a charter form  
36 of government with a population of at least one hundred fifty thousand inhabitants which

37 contains part of a city with a population of at least three hundred fifty thousand inhabitants which  
38 is located in more than one county and any county of the first classification without a charter  
39 form of government with a population of at least one hundred ten thousand but less than one  
40 hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible  
41 personal property taxes issues or passes a check or other similar sight order which is returned to  
42 the collector because the account upon which the check or order was drawn was closed or did  
43 not have sufficient funds at the time of presentation for payment by the collector to meet the face  
44 amount of the check or order. The collector may assess and collect in addition to any other  
45 penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount  
46 of the returned check or order whichever amount is greater to be deposited in the county general  
47 revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The  
48 collector may refuse to accept any check or other similar sight order in payment of any tax  
49 currently owed plus penalty or interest from a person who previously attempted to pay such  
50 amount with a check or order that was returned to the collector unless the remittance is in the  
51 form of a cashier's check, certified check or money order. If a person does not comply with the  
52 provisions of this section, a tax receipt issued pursuant to this section is null and void and no  
53 state registration license shall be issued or renewed. Where no such taxes are due each such  
54 collector shall, upon request, certify such fact and transmit such statement to the person making  
55 the request. Each receipt or statement shall describe by type the total number of motor vehicles  
56 on which personal property taxes were paid, and no renewal of any state registration license shall  
57 be issued to any person for a number greater than that shown on his or her tax receipt or  
58 statement except for a vehicle which was purchased without another vehicle being traded  
59 therefor, or for a vehicle previously registered in another state, provided the application for title  
60 or other evidence shows that the date the vehicle was purchased or was first registered in this  
61 state was such that no personal property tax was owed on such vehicle as of the date of the last  
62 tax receipt or certified statement prior to the renewal. The director of revenue shall make  
63 necessary rules and regulations for the enforcement of this section, and shall design all necessary  
64 forms. If electronic data is not available, residents of counties with a township form of  
65 government and with township collectors shall present personal property tax receipts which have  
66 been paid for the preceding two years when registering under this section.

67       2. Every county collector in counties with a population of over six hundred thousand and  
68 less than nine hundred thousand shall give priority to issuing tax receipts or certified statements  
69 pursuant to this section for any person whose motor vehicle registration expires in January. Such  
70 collector shall send tax receipts or certified statements for personal property taxes for the  
71 previous year within three days to any person who pays the person's personal property tax in  
72 person, and within twenty working days, if the payment is made by mail. Any person wishing

73 to have priority pursuant to this subsection shall notify the collector at the time of payment of  
74 the property taxes that a motor vehicle registration expires in January. Any person purchasing  
75 a new vehicle in December and licensing such vehicle in January of the following year may use  
76 the personal property tax receipt of the prior year as proof of payment.

77 3. In addition to all other requirements, the director of revenue shall not register any  
78 vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue  
79 Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in  
80 such form as may be prescribed by the United States Secretary of the Treasury. No proof of  
81 payment of such tax shall be required by the director until the form for proof of payment has  
82 been prescribed by the Secretary of the Treasury.

83 4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail,  
84 any owner of a motor vehicle for which personal property taxes have not been paid that if full  
85 payment is not received within thirty days the collector may notify the director of revenue to  
86 suspend the motor vehicle registration for such vehicle. Any notification returned to the  
87 collector by the post office shall not result in the notification to the director of revenue for  
88 suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes  
89 the collector may notify the director of revenue of such failure. Such notification shall be on  
90 forms designed and provided by the department of revenue and shall list the motor vehicle  
91 owner's full name, including middle initial, the owner's address, and the year, make, model and  
92 vehicle identification number of such motor vehicle. Upon receipt of this notification the  
93 director of revenue may provide notice of suspension of motor vehicle registration to the owner  
94 at the owner's last address shown on the records of the department of revenue. Any suspension  
95 imposed may remain in effect until the department of revenue receives notification from a county  
96 or township collector that the personal property taxes have been paid in full. Upon the owner  
97 furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the  
98 director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a  
99 motor vehicle registration is suspended for nonpayment of personal property tax the owner so  
100 aggrieved may appeal to the circuit court of the county of his or her residence for review of such  
101 suspension at any time within thirty days after notice of motor vehicle registration suspension.  
102 Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536,  
103 RSMo, for the review of administrative decisions. The circuit court may order the director to  
104 reinstate such registration, sustain the suspension of registration by the director or set aside or  
105 modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil  
106 cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf  
107 of the director, and prosecute or defend, as the case may require.

108           5. Beginning July 1, 2005, a city not within a county or any home rule city with more  
109 than four hundred thousand inhabitants and located in more than one county may notify, by  
110 ordinary mail, any owner of a motor vehicle who is delinquent in payment of vehicle-related fees  
111 and fines that if full payment is not received within thirty days, the city not within a county or  
112 any home rule city with more than four hundred thousand inhabitants and located in more than  
113 one county may notify the director of revenue to suspend the motor vehicle registration for such  
114 vehicle. Any notification returned to the city not within a county or any home rule city with  
115 more than four hundred thousand inhabitants and located in more than one county by the post  
116 office shall not result in the notification to the director of revenue for suspension of a motor  
117 vehicle registration. If the vehicle-related fees and fines are assessed against a car that is  
118 registered in the name of a rental or leasing company and the vehicle is rented or leased to  
119 another person at the time the fees or fines are assessed, the rental or leasing company may rebut  
120 the presumption by providing the city not within a county or any home rule city with more than  
121 four hundred thousand inhabitants and located in more than one county with a copy of the rental  
122 or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing  
123 company shall not be charged for fees or fines under this subsection, nor shall the registration  
124 of a vehicle be suspended, unless prior written notice of the fees or fines has been given to that  
125 rental or leasing company by ordinary mail at the address appearing on the registration and the  
126 rental or leasing company has failed to provide the rental or lease agreement copy within fifteen  
127 days of receipt of such notice. Any notification to a rental or leasing company that is returned  
128 to the city not within a county or any home rule city with more than four hundred thousand  
129 inhabitants and located in more than one county by the post office shall not result in the  
130 notification to the director of revenue for suspension of a motor vehicle registration. For the  
131 purpose of this section, "vehicle-related fees and fines" includes, but is not limited to, traffic  
132 violation fines, parking violation fines, vehicle towing, storage and immobilization fees, and any  
133 late payment penalties, other fees, and court costs associated with the adjudication or collection  
134 of those fines.

135           6. If after notification under subsection 5 of this section the vehicle owner fails to pay  
136 such vehicle-related fees and fines to the city not within a county or any home rule city with  
137 more than four hundred thousand inhabitants and located in more than one county within thirty  
138 days from the date of such notice, the city not within a county or any home rule city with more  
139 than four hundred thousand inhabitants and located in more than one county may notify the  
140 director of revenue of such failure. Such notification shall be on forms or in an electronic format  
141 approved by the department of revenue and shall list the vehicle owner's full name and address,  
142 and the year, make, model, and vehicle identification number of such motor vehicle and such  
143 other information as the director shall require.



144           7. Upon receipt of notification under subsection 5 of this section, the director of revenue  
145 may provide notice of suspension of motor vehicle registration to the owner at the owner's last  
146 address shown on the records of the department of revenue. Any suspension imposed may  
147 remain in effect until the department of revenue receives notification from a city not within a  
148 county or any home rule city with more than four hundred thousand inhabitants and located in  
149 more than one county that the vehicle-related fees or fines have been paid in full. Upon the  
150 owner furnishing proof of payment of such fees and fines and paying a twenty dollar  
151 reinstatement fee to the director of revenue the motor vehicle registration shall be reinstated. In  
152 the event a motor vehicle registration is suspended for nonpayment of vehicle-related fees or  
153 fines the owner so aggrieved may appeal to the circuit court of the county where the violation  
154 occurred for review of such suspension at any time within thirty days after notice of motor  
155 vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the  
156 manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit  
157 court may order the director to reinstate such registration, sustain the suspension of registration  
158 by the director or set aside or modify such suspension. Appeals from the judgment of the circuit  
159 court may be taken as in civil cases. The prosecuting attorney of the county where such appeal  
160 is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

161           8. The city not within a county or any home rule city with more than four hundred  
162 thousand inhabitants and located in more than one county shall reimburse the department of  
163 revenue for all administrative costs associated with the administration of subsections 5 to 8 of  
164 this section.

165           9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
166 is created under the authority delegated in this section shall become effective only if it complies  
167 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
168 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
169 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
170 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
171 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be  
172 invalid and void.

301.129. There is established in this section an advisory committee for the department  
2 of revenue, which shall exist solely to develop uniform designs and common colors for motor  
3 vehicle license plates issued under this chapter and to determine appropriate license plate  
4 parameters for all license plates issued under this chapter. The advisory committee may adopt  
5 more than one type of design and color scheme for license plates issued under this chapter;  
6 however, each license plate of a distinct type shall be uniform in design and color scheme with  
7 all other license plates of that distinct type. The specifications for the fully reflective material

8 used for the plates, as required by section 301.130, shall be determined by the committee. Such  
9 plates shall meet any specific requirements prescribed in this chapter. The advisory committee  
10 shall consist of the director of revenue, the superintendent of the highway patrol, the correctional  
11 enterprises administrator, and the respective chairpersons of both the senate and house of  
12 representatives transportation committees. Notwithstanding section 226.200, RSMo, to the  
13 contrary, the general assembly may appropriate state highways and transportation department  
14 funds for the requirements of section 301.130 and this section. Prior to [April 1, 2006] **January**  
15 **1, 2007**, the committee shall meet, select a chairman from among their members, and develop  
16 uniform design and license plate parameters for the motor vehicle license plates issued under this  
17 chapter. Prior to determining the final design of the plates, the committee shall hold at least three  
18 public meetings in different areas of the state to invite public input on the final design. Members  
19 of the committee shall be reimbursed for their actual and necessary expenses incurred in the  
20 performance of their duties under this section out of funds appropriated for that purpose. The  
21 committee shall direct the director of revenue to implement its final design of the uniform motor  
22 vehicle license plates and any specific parameters for all license plates developed by the  
23 committee not later than [April 1, 2006] **January 1, 2007**. The committee shall be dissolved  
24 upon completion of its duties under this section.

301.130. 1. The director of revenue, upon receipt of a proper application for registration,  
2 required fees and any other information which may be required by law, shall issue to the  
3 applicant a certificate of registration in such manner and form as the director of revenue may  
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.  
5 Each set of license plates shall bear the name or abbreviated name of this state, the words  
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an  
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director  
8 of revenue. The plates shall also contain fully reflective material with a common color scheme  
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be  
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled  
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to  
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have  
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

14 2. The arrangement of letters and numbers of license plates shall be uniform throughout  
15 each classification of registration. The director may provide for the arrangement of the numbers  
16 in groups or otherwise, and for other distinguishing marks on the plates.

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in  
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local  
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and

20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection  
21 3 of section 301.030, or with the state highways and transportation commission as otherwise  
22 provided in this chapter, but only one license plate shall be issued for each such vehicle except  
23 as provided in this subsection. The applicant for registration of any property-carrying  
24 commercial motor vehicle may request and be issued two license plates for such vehicle, and if  
25 such plates are issued the director of revenue may assess and collect an additional charge from  
26 the applicant in an amount not to exceed the fee prescribed for personalized license plates in  
27 subsection 1 of section 301.144.

28 4. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the  
29 number, and the director may place upon the plates other letters or marks to distinguish  
30 commercial motor vehicles and trailers and other types of motor vehicles.

31 5. No motor vehicle or trailer shall be operated on any highway of this state unless it  
32 shall have displayed thereon the license plate or set of license plates issued by the director of  
33 revenue or the state highways and transportation commission and authorized by section 301.140.  
34 Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts  
35 thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not  
36 impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck  
37 tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of  
38 such vehicles not less than eight nor more than forty-eight inches above the ground, with the  
39 letters and numbers thereon right side up. The license plates on trailers, motorcycles,  
40 motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters  
41 and numbers thereon right side up. The license plate on buses, other than school buses, and on  
42 trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall  
43 be displayed on the front of such vehicles not less than eight nor more than forty-eight inches  
44 above the ground, with the letters and numbers thereon right side up or if two plates are issued  
45 for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front  
46 and rear of such vehicles. The license plate or plates authorized by section 301.140, when  
47 properly attached, shall be prima facie evidence that the required fees have been paid.

48 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as  
49 provided by law as evidence of the annual payment of registration fees and the current  
50 registration of a vehicle in lieu of the set of plates. Beginning January 1, [2009] **2010**, the  
51 [numbers] **director may prescribe any additional information** recorded on the tab or tabs  
52 [must be the same numbers that appear on] **to ensure that the tab or tabs positively correlate**  
53 **with** the license plate or plates issued by the department of revenue [that are displayed on the]  
54 **for such** vehicle. Such tabs shall be produced in each license bureau office.

55           (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such  
56 tab or tabs in the designated area of the license plate, no more than one per plate.

57           (3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in  
58 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has  
59 been paid.

60           (4) Except as otherwise provided in this section, the director of revenue shall issue plates  
61 for a period of at least six years.

62           (5) For those commercial motor vehicles and trailers registered pursuant to section  
63 301.041, the plate issued by the highways and transportation commission shall be a permanent  
64 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve  
65 the owner of any vehicle permanently registered pursuant to this section from the obligation to  
66 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall  
67 be returned to the highways and transportation commission upon the sale or disposal of the  
68 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may  
69 be transferred to a replacement commercial motor vehicle when the owner files a supplemental  
70 application with the Missouri highways and transportation commission for the registration of  
71 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the  
72 highways and transportation commission shall issue a certificate of registration or other suitable  
73 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times  
74 in the vehicle for which it is issued.

75           (6) Upon the sale or disposal of any vehicle permanently registered under this section,  
76 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued  
77 for such vehicle shall be returned to the highways and transportation commission and shall not  
78 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle  
79 when the owner files a supplemental application with the Missouri highways and transportation  
80 commission for the registration of such replacement vehicle. If a vehicle which is permanently  
81 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,  
82 the registrant shall be given credit for any unused portion of the annual registration fee when the  
83 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

84           7. The director of revenue and the highways and transportation commission may  
85 prescribe rules and regulations for the effective administration of this section. No rule or portion  
86 of a rule promulgated under the authority of this section shall become effective unless it has been  
87 promulgated pursuant to the provisions of section 536.024, RSMo.

88           8. Notwithstanding the provisions of any other law to the contrary, owners of motor  
89 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess  
90 of eighteen thousand pounds gross weight may apply for special personalized license plates.

91 Vehicles licensed for eighteen thousand pounds that display special personalized license plates  
92 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

93 9. Commencing January 1, [2007] **2009**, the director of revenue shall cause to be  
94 reissued new license plates of such design as directed by the director consistent with the terms,  
95 conditions, and provisions of this section and this chapter. Except as otherwise provided in this  
96 section, in addition to all other fees required by law, applicants for registration of vehicles with  
97 license plates that expire between January 1, [2007] **2009**, and December 31, [2009] **2011**,  
98 applicants for registration of trailers or semitrailers with license plates that expire between  
99 January 1, [2007] **2009**, and December 31, [2009] **2011**, and applicants for registration of  
100 vehicles that are to be issued new license plates shall pay an additional fee [of up to two dollars  
101 and fifty cents], based on the actual cost of the reissuance, to cover the cost of the newly reissued  
102 plates required by this subsection. [The additional fee, based on the actual cost, prescribed by  
103 this subsection shall only be one dollar and twenty-five cents for issuance of one new plate for  
104 vehicles requiring only one license plate pursuant to this section.] The additional fee [of two  
105 dollars and fifty cents] prescribed in this subsection shall not be charged to persons receiving  
106 special license plates issued under section 301.073 or 301.443. Historic motor vehicle license  
107 plates registered pursuant to section 301.131 and specialized license plates are exempt from the  
108 provisions of this subsection.

2 [301.130. 1. The director of revenue, upon receipt of a proper application  
3 for registration, required fees and any other information which may be required  
4 by law, shall issue to the applicant a certificate of registration in such manner and  
5 form as the director of revenue may prescribe and a set of license plates, or other  
6 evidence of registration, as provided by this section. Each set of license plates  
7 shall bear the name or abbreviated name of this state, the words "SHOW-ME  
8 STATE", the month and year in which the registration shall expire, and an  
9 arrangement of numbers or letters, or both, as shall be assigned from year to year  
10 by the director of revenue. The plates shall also contain fully reflective material  
11 with a common color scheme and design for each type of license plate issued  
12 pursuant to this chapter. The plates shall be clearly visible at night, and shall be  
13 aesthetically attractive. Special plates for qualified disabled veterans will have  
14 the "DISABLED VETERAN" wording on the license plates in preference to the  
15 words "SHOW-ME STATE" and special plates for members of the national  
16 guard will have the "NATIONAL GUARD" wording in preference to the words  
17 "SHOW-ME STATE".

18 2. The arrangement of letters and numbers of license plates shall be  
19 uniform throughout each classification of registration. The director may provide  
20 for the arrangement of the numbers in groups or otherwise, and for other  
21 distinguishing marks on the plates.

22 3. All property-carrying commercial motor vehicles to be registered at a  
gross weight in excess of twelve thousand pounds, all passenger-carrying

commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, but only one license plate shall be issued for each such vehicle except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the number, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 5 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

66 (4) Except as provided in subdivision (1) of this subsection, the director  
67 of revenue shall issue plates for a period of at least five years.

68 (5) For those commercial motor vehicles and trailers registered pursuant  
69 to section 301.041, the plate issued by the director of revenue shall be a  
70 permanent nonexpiring license plate for which no tabs shall be issued. Nothing  
71 in this section shall relieve the owner of any vehicle permanently registered  
72 pursuant to this section from the obligation to pay the annual registration fee due  
73 for the vehicle. The permanent nonexpiring license plate shall be returned to the  
74 director of revenue upon the sale or disposal of the vehicle by the owner to whom  
75 the permanent nonexpiring license plate is issued, or the plate may be transferred  
76 to a replacement commercial motor vehicle when the owner files a supplemental  
77 application with the Missouri highway reciprocity commission for the registration  
78 of such replacement commercial motor vehicle. Upon payment of the annual  
79 registration fee, the director of revenue shall issue a certificate of registration or  
80 other suitable evidence of payment of the annual fee, and such evidence of  
81 payment shall be carried at all times in the vehicle for which it is issued.

82 (6) Upon the sale or disposal of any vehicle permanently registered under  
83 this section, or upon the termination of a lease of any such vehicle, the permanent  
84 nonexpiring plate issued for such vehicle shall be returned to the director and  
85 shall not be valid for operation of such vehicle, or the plate may be transferred  
86 to a replacement vehicle when the owner files a supplemental application with  
87 the Missouri highway reciprocity commission for the registration of such  
88 replacement vehicle. If a vehicle which is permanently registered under this  
89 section is sold, wrecked or otherwise disposed of, or the lease terminated, the  
90 registrant shall be given credit for any unused portion of the annual registration  
91 fee when the vehicle is replaced by the purchase or lease of another vehicle  
92 during the registration year.

93 7. The director of revenue may prescribe rules and regulations for the  
94 effective administration of this section. No rule or portion of a rule promulgated  
95 under the authority of this section shall become effective unless it has been  
96 promulgated pursuant to the provisions of section 536.024, RSMo.

97 8. Notwithstanding the provisions of any other law to the contrary,  
98 owners of motor vehicles other than apportioned motor vehicles or commercial  
99 motor vehicles licensed in excess of eighteen thousand pounds gross weight may  
100 apply for special personalized license plates. Vehicles licensed for eighteen  
101 thousand pounds that display special personalized license plates shall be subject  
102 to the provisions of subsections 1 and 2 of section 301.030.]

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate  
2 therefor, shall be issued by the director of revenue unless the applicant therefor shall make  
3 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall  
4 present satisfactory evidence that such certificate has been previously issued to the applicant for  
5 such motor vehicle or trailer. Application shall be made within thirty days after the applicant

6 acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and  
7 shall contain the applicant's identification number, a full description of the motor vehicle or  
8 trailer, the vehicle identification number, and the mileage registered on the odometer at the time  
9 of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the  
10 applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer,  
11 provided that for good cause shown the director of revenue may extend the period of time for  
12 making such application.

13         2. The director of revenue shall use reasonable diligence in ascertaining whether the facts  
14 stated in such application are true and shall, to the extent possible without substantially delaying  
15 processing of the application, review any odometer information pertaining to such motor vehicle  
16 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of  
17 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the  
18 director shall thereupon issue an appropriate certificate over his signature and sealed with the  
19 seal of his office, procured and used for such purpose. The certificate shall contain on its face  
20 a complete description, vehicle identification number, and other evidence of identification of the  
21 motor vehicle or trailer, as the director of revenue may deem necessary, together with the  
22 odometer information required to be put on the face of the certificate pursuant to section  
23 407.536, RSMo, a statement of any liens or encumbrances which the application may show to  
24 be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing  
25 the transferor's title and whether the transferor's odometer mileage statement executed pursuant  
26 to section 407.536, RSMo, indicated that the true mileage is materially different from the number  
27 of miles shown on the odometer, or is unknown.

28         3. The director of revenue shall appropriately designate on the current and all subsequent  
29 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",  
30 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section  
31 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for  
32 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print  
33 on the face thereof the following designation: "Annual odometer updates may be available from  
34 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint  
35 on the face thereof the most recent of either:

36             (1) The mileage information included on the face of the immediately prior certificate and  
37 the date of purchase or issuance of the immediately prior certificate; or

38             (2) Any other mileage information provided to the director of revenue, and the date the  
39 director obtained or recorded that information.

40         4. The certificate of ownership issued by the director of revenue shall be manufactured  
41 in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge



42 such certificate without ready detection. In order to carry out the requirements of this subsection,  
43 the director of revenue may contract with a nonprofit scientific or educational institution  
44 specializing in the analysis of secure documents to determine the most effective methods of  
45 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

46         5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in  
47 addition to the fee for registration of such motor vehicle or trailer. If application for the  
48 certificate is not made within thirty days after the vehicle is acquired by the applicant, a  
49 delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and  
50 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of one  
51 hundred dollars before November 1, 2003, and not to exceed a total of two hundred dollars on  
52 or after November 1, 2003, shall be imposed, but such penalty may be waived by the director for  
53 a good cause shown. If the director of revenue learns that any person has failed to obtain a  
54 certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle  
55 without obtaining a certificate, he shall cancel the registration of all vehicles registered in the  
56 name of the person, either as sole owner or as a co-owner, and shall notify the person that the  
57 cancellation will remain in force until the person pays the delinquency penalty fee provided in  
58 this section, together with all fees, charges and payments which he should have paid in  
59 connection with the certificate of ownership and registration of the vehicle. The certificate shall  
60 be good for the life of the motor vehicle or trailer so long as the same is owned or held by the  
61 original holder of the certificate and shall not have to be renewed annually.

62         6. Any applicant for a certificate of ownership requesting the department of revenue to  
63 process an application for a certificate of ownership in an expeditious manner requiring special  
64 handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

65         7. It is unlawful for any person to operate in this state a motor vehicle or trailer required  
66 to be registered under the provisions of the law unless a certificate of ownership has been issued  
67 as herein provided.

68         8. Before an original Missouri certificate of ownership is issued, an inspection of the  
69 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state  
70 highway patrol on vehicles for which there is a current title issued by another state if a Missouri  
71 salvage certificate of title has been issued for the same vehicle but no prior inspection and  
72 verification has been made in this state, except that if such vehicle has been inspected in another  
73 state by a law enforcement officer in a manner comparable to the inspection process in this state  
74 and the vehicle identification numbers have been so verified, the applicant shall not be liable for  
75 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle  
76 identification number verification to the director of revenue at the time of the application. The  
77 applicant, who has such a title for a vehicle on which no prior inspection and verification have

78 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable  
79 to the director of revenue at the time of the request for the application, which shall be deposited  
80 in the state treasury to the credit of the state highways and transportation department fund.

81 9. Each application for an original Missouri certificate of ownership for a vehicle which  
82 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,  
83 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director  
84 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state  
85 highway patrol, or other law enforcement agency as authorized by the director of revenue. The  
86 vehicle examination shall include a verification of vehicle identification numbers and a  
87 determination of the classification of the vehicle. The owner of a vehicle which requires a  
88 vehicle examination certificate shall present the vehicle for examination and obtain a completed  
89 vehicle examination certificate prior to submitting an application for a certificate of ownership  
90 to the director of revenue. The fee for the vehicle examination application shall be twenty-five  
91 dollars and shall be collected by the director of revenue at the time of the request for the  
92 application and shall be deposited in the state treasury to the credit of the state highways and  
93 transportation department fund.

94 10. When an application is made for an original Missouri certificate of ownership for a  
95 motor vehicle previously registered or titled in a state other than Missouri **or as required by**  
96 **section 301.020**, it shall be accompanied by a current inspection form certified by a duly  
97 authorized official inspection station as described in chapter 307, RSMo. The completed form  
98 shall certify that the manufacturer's identification number for the vehicle has been inspected, that  
99 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the  
100 time of inspection. The inspection station shall collect the same fee as authorized in section  
101 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner  
102 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the  
103 safety and emissions inspections required in chapter 307, RSMo, shall be completed and only  
104 the fees required by sections 307.365 and 307.366, RSMo, shall be charged to the owner. This  
105 section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

106 11. Motor vehicles brought into this state in a wrecked or damaged condition or after  
107 being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle  
108 procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected  
109 by the Missouri state highway patrol in accordance with subsection 9 of this section. If the  
110 inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate  
111 on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall  
112 be carried forward on all subsequently issued certificates of title for the motor vehicle.

113           12. When an application is made for an original Missouri certificate of ownership for a  
114 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of  
115 ownership has been appropriately designated by the issuing state as a reconstructed motor  
116 vehicle, motor change vehicle, or specially constructed motor vehicle, the director of revenue  
117 shall appropriately designate on the current Missouri and all subsequent issues of the certificate  
118 of ownership the name of the issuing state and such prior designation.

119           13. When an application is made for an original Missouri certificate of ownership for a  
120 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of  
121 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,  
122 the director of revenue shall appropriately designate on the current Missouri and all subsequent  
123 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

124           14. The director of revenue and the superintendent of the Missouri state highway patrol  
125 shall make and enforce rules for the administration of the inspections required by this section.

126           15. Each application for an original Missouri certificate of ownership for a vehicle which  
127 is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the  
128 current model year, and which has a value of three thousand dollars or less shall be accompanied  
129 by:

130           (1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer  
131 was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

132           (2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source  
133 of all major component parts used to rebuild the vehicle;

134           (3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5  
135 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways  
136 and transportation department fund; and

137           (4) An inspection certificate, other than a motor vehicle examination certificate required  
138 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,  
139 or other law enforcement agency as authorized by the director of revenue. The inspection  
140 performed by the highway patrol or other authorized local law enforcement agency shall include  
141 a check for stolen vehicles.

142  
143 The department of revenue shall issue the owner a certificate of ownership designated with the  
144 words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance  
145 with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of  
146 a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle  
147 examination certificate issued by the Missouri state highway patrol.

301.215. 1. When the holder of any indebtedness secured by a security agreement or other contract for security covering a motor vehicle or trailer repossesses the motor vehicle or trailer either by legal process or in accordance with the terms of a contract authorizing the repossession of the vehicle without legal process, the holder may obtain a certificate of ownership from the director of revenue upon presentation of [(1)] an application which shall be upon a blank form furnished by the director of revenue and shall contain a full description of the motor vehicle or trailer and the manufacturer's or other identifying number[; (2)] **and an affidavit of the holder, certified under penalties of perjury for making a false statement to a public official, that the debtor defaulted in payment of the debt, and that the holder repossessed the motor vehicle or trailer either by legal process or in accordance with the terms of the contract, and the specific address where the vehicle or trailer is held[; and (3) the original or a conformed or photostatic copy of the original of the security agreement or other contract for security and the instrument or instruments evidencing the indebtedness secured by the security agreement or other contract for security. The director may by regulation prescribe for the inclusion in either or both the application or affidavit any other information that he from time to time deems necessary or advisable and may prescribe that the affidavit be part of the application].** **Such affidavit shall also state that the lienholder has the written consent from all owners or lienholders of record to repossess the vehicle or has provided all the owners or lienholders with written notice of the repossession. The lienholder shall first give ten days' written notice by first class United States mail postage prepaid to each of the owners and other lienholders, if any, of the motor vehicle or trailer at each of their last mailing addresses as shown by the last prior certificate of ownership, if any issued on the motor vehicle or trailer, that an application for a repossessed title will be made.**

2. Upon the holder's presentation of the papers and payment of a fee of ten dollars, the director of revenue, if he is satisfied with the genuineness of the papers, shall issue and deliver to the holder a certificate of ownership which shall be in its usual form except it shall be clearly captioned "Repossessed Title"[; provided, however, that unless the application is accompanied by the written consent, acknowledged before an officer authorized to take acknowledgments, of the owners and other lienholders, if any, of the motor vehicle or trailer as shown by the last prior certificate of ownership, if any, issued on the motor vehicle or trailer, for the issuance of a repossessed title to the applicant, no such repossessed title may be issued by the director of revenue unless the director shall first give ten days' written notice by first class United States mail postage prepaid to each of the owners and other lienholders, if any, of the motor vehicle or trailer at each of their last mailing addresses as shown by the last prior certificate of ownership, if any, issued on the motor vehicle or trailer, that an application for a repossessed title has been made and the date the repossessed title will be issued, and the notice shall be accompanied by

37 a copy, photostatic or otherwise, of each the application and affidavit. The application for  
38 repossessed title may be withdrawn by the applicant at any time before the granting thereof].  
39 Each repossessed title so issued shall for all purposes be treated as an original certificate of  
40 ownership and shall supersede the outstanding certificate of ownership, if any, and duplicates  
41 thereof, if any, on the motor vehicle or trailer, all of which shall become null and void.

42 3. In any case where there is no certificate of ownership or duplicate thereof outstanding  
43 in the name of the debtor on the repossessed motor vehicle or trailer, the director of revenue shall  
44 issue a repossessed title to the holder and shall proceed to collect all unpaid fees, taxes, charges  
45 and penalties from the debtor as provided in section 301.190.

46 **4. The director of revenue may prescribe rules and regulations for the effective**  
47 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
48 **section 536.010, RSMo, that is created under the authority delegated in this section shall**  
49 **become effective only if it complies with and is subject to all of the provisions of chapter**  
50 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**  
51 **RSMo, are nonseverable and if any of the powers vested with the general assembly**  
52 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**  
53 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
54 **authority and any rule proposed or adopted after August 28, 2005, shall be invalid and**  
55 **void.**

301.290. 1. Correctional enterprises of the department of corrections shall purchase,  
2 erect and maintain all of the machinery and equipment necessary for the manufacture of the  
3 license plates and tabs issued by the director of revenue, and of signs used by the state  
4 transportation department. Beginning on January 1, [2009] **2010**, correctional enterprises shall  
5 no longer erect and maintain tabs for the department of revenue.

6 2. The director of revenue shall procure all plates issued by him, and the state  
7 transportation department shall procure all signs used by it from correctional enterprises, unless  
8 an emergency arises and correctional enterprises cannot furnish the plates, tabs or signs.

9 3. Correctional enterprises shall furnish the plates and signs at such a price as will not  
10 exceed the price at which such plates and signs may be obtained upon the open market, but in  
11 no event shall such price be less than the cost of manufacture, including labor and materials.

12 4. All moneys derived from the sale of the plates, tabs and signs shall be paid into the  
13 state treasury to the credit of the working capital revolving fund as provided in section 217.595,  
14 RSMo.

301.300. 1. In event of the loss, theft, mutilation or destruction of any certificate of  
2 ownership, number plate, tab or set of tabs issued by the director of revenue, the lawful holder  
3 thereof shall, within five days, file with the director of revenue, an affidavit showing such fact,

4 and shall, on the payment of a fee of eight dollars and fifty cents, obtain a duplicate or  
5 replacement of such plate, certificate, tab or set of tabs. Any duplicate certificate issued for any  
6 "motor vehicle primarily for business use", as defined in section 301.010, shall be issued only  
7 to the owner of record.

8         2. Upon filing affidavit of lost, stolen, mutilated or destroyed certificate of registration,  
9 the director of revenue shall issue to the lawful owner a duplicate or replacement thereof upon  
10 payment of a fee of eight dollars and fifty cents.

11         3. Vehicle owners who elect not to transfer or renew multiyear plates shall be charged  
12 a fee equal to that charged for a lost plate in addition to the registration fee prescribed by law at  
13 the time the new plate or plates are issued.

14         **4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer**  
15 **may obtain a duplicate or replacement title in the owner's name if the owner's title has**  
16 **been lost, stolen, mutilated, or destroyed and is not available for assignment. In order to**  
17 **obtain the duplicate or replacement title from the department of revenue, the licensed**  
18 **dealer shall procure a power of attorney from the owner authorizing the dealer to obtain**  
19 **a duplicate or replacement title in the owner's name and sign any title assignments on the**  
20 **owner's behalf. The application to the department of revenue for the duplicate or**  
21 **replacement title shall be accompanied by the executed power of attorney, or a copy**  
22 **thereof, and the application shall contain the appropriate mailing address of the dealer.**  
23 **The director of the department of revenue is authorized to make all necessary rules and**  
24 **regulations for the administration of this subsection, and shall design all necessary forms**  
25 **required by this subsection. No rule or portion of a rule promulgated pursuant to the**  
26 **authority of this section shall become effective unless it has been promulgated pursuant to**  
27 **the provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is defined**  
28 **in section 536.010, RSMo, that is created under the authority delegated in this section shall**  
29 **become effective only if it complies with and is subject to all of the provisions of chapter**  
30 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**  
31 **RSMo, are nonseverable and if any of the powers vested with the general assembly**  
32 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**  
33 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
34 **authority and any rule proposed or adopted after August 28, 2005, shall be invalid and**  
35 **void.**

       301.301. Any person replacing a stolen license plate tab may receive at no cost up to two  
2 **sets of two** license plate tabs per year when the application for the replacement tab is  
3 accompanied with a police report that is corresponding with the stolen license plate tab.

**301.302. A citation shall not be issued to any person stopped by law enforcement for a missing license plate tab or tabs if such person indicates that the tab or tabs have been stolen and a check on such person's vehicle registration reveals that the vehicle is properly registered. A law enforcement officer may issue a warning under these circumstances. In the event a citation is improperly issued to a person for missing tabs when the requirements of this section are met, any court costs shall be waived.**

301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a "new motor vehicle" as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the "manufacturer's suggested retail price" of the advertised vehicle;

(6) Terms such as "at cost", "\$..... above cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale. Terms such as "invoice price", "\$..... over invoice" may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, "manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges;

30 (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall  
31 be fully identified as to year, make, and model. In addition, in advertisements placed by  
32 individual dealers and not line-make marketing groups, the advertised price or credit terms shall  
33 include all charges which the buyer must pay to the dealer, except buyer-selected options and  
34 state and local taxes. If a processing fee or freight or destination charges are not included in the  
35 advertised price, the amount of any such processing fee and freight or destination charge must  
36 be clearly and conspicuously disclosed within the advertisement;

37 (8) Advertisements which offer to match or better any competitors' prices shall not be  
38 used;

39 (9) Advertisements of "dealer rebates" shall not be used, however, this shall not be  
40 deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such  
41 rebates are clearly and conspicuously disclosed;

42 (10) "Free", "at no cost" shall not be used if any purchase is required to qualify for the  
43 "free" item, merchandise, or service;

44 (11) "Bait advertising", in which an advertiser may have no intention to sell at the prices  
45 or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the  
46 following examples:

47 (a) Not having available for sale the advertised motor vehicles at the advertised prices.  
48 If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such  
49 vehicles, and they shall be available at the advertised price. If the advertised vehicle is available  
50 only in limited numbers or only by order, such limitations shall be stated in the advertisement;

51 (b) Advertising a motor vehicle at a specified price, including such terms as "as low as  
52 \$.....", but having available for sale only vehicles equipped with dealer-added cost options  
53 which increase the selling price above the advertised price;

54 (12) Any reference to monthly payments, down payments, or other reference to financing  
55 or leasing information shall be accompanied by a clear and conspicuous disclosure of the  
56 following:

57 (a) Whether the payment or other information relates to a financing or a lease transaction;

58 (b) If the payment or other information relates to a financing transaction, the minimum  
59 down payment, annual percentage interest rate, and number of payments necessary to obtain the  
60 advertised payment amount must be disclosed, in addition to any special qualifications required  
61 for obtaining the advertised terms including, but not limited to, "first-time buyer" discounts,  
62 "college graduate" discounts, and a statement concerning whether the advertised terms are  
63 subject to credit approval;

64 (c) If the payment or other information relates to a lease transaction, the total amount due  
65 from the purchaser at signing with such costs broken down and identified by category, lease term



66 expressed in number of months, whether the lease is closed-end or open-end, and total cost to  
67 the lessee over the lease term in dollars;

68 (13) Any advertisement which states or implies that the advertising dealer has a special  
69 arrangement or relationship with the distributor or manufacturer, as compared to similarly  
70 situated dealers, shall not be used;

71 (14) Any advertisement which, in the circumstances under which it is made or applied,  
72 is false, deceptive, or misleading shall not be used;

73 (15) No abbreviations for industry words or phrases shall be used in any advertisement  
74 unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

75 2. The requirements of this section shall apply regardless of whether a dealer advertises  
76 by means of print, broadcast, or electronic media, or direct mail. **If the advertisement is by**  
77 **means of a broadcast or print media, a dealer may provide the disclaimers and disclosures**  
78 **required under subdivision (3) of subsection 1 of this section by reference to an Internet**  
79 **web page or toll-free telephone number containing the information required to be**  
80 **disclosed.**

81 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by  
82 use of a dealership name which complies with subsection 6 of section 301.560.

**301.894. 1. Notwithstanding the provisions of sections 301.200 and 301.210, any**  
2 **person licensed as a motor vehicle dealer under sections 301.550 to 301.573 shall be**  
3 **authorized to purchase or accept in trade any motor vehicle for which there has been**  
4 **issued a certificate of title, and to receive such vehicle subject to any existing liens thereon**  
5 **created and perfected under sections 301.600 to 301.660 provided the licensed dealer**  
6 **receives the following:**

7 (1) **A signed written contract between the licensed dealer and the owner of the**  
8 **vehicle; and**

9 (2) **Physical delivery of the vehicle to the licensed dealer; and**

10 (3) **A power of attorney from the owner to the licensed dealer, in accordance with**  
11 **subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or**  
12 **replacement title in the owner's name and sign any title assignments on the owner's behalf.**

13 2. **If the dealer complies with the requirements of subsection 1 of this section, the**  
14 **sale or trade of the vehicle to the dealer shall be considered final.**

15 3. **If a licensed dealer complies with the requirements of subsection 1 of this section,**  
16 **the licensed dealer may sell such vehicle prior to receiving and assigning to the purchaser**  
17 **the certificate of title, provided such dealer complies with the following:**

18       (1) All outstanding liens created on the vehicle pursuant to section 301.600 to  
19 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence  
20 to the purchaser; and

21       (2) The dealer has obtained proof or other evidence from the department of  
22 revenue confirming that no outstanding child support liens exist upon the vehicle at the  
23 time of sale and provides a copy of said proof or other evidence to the purchaser; and

24       (3) The dealer has obtained proof or other evidence from the department of  
25 revenue confirming that all applicable state sales tax has been satisfied on the sale of the  
26 vehicle to the previous owner and provides a copy of said proof or other evidence to the  
27 purchaser; and

28       (4) The dealer has signed and submitted an application for duplicate or  
29 replacement title for the vehicle pursuant to subsection 4 of section 301.300 and provides  
30 a copy of the application to the purchaser, along with a copy of the power of attorney  
31 required under subsection 1 of this section.

32       4. Following a sale or other transaction in which a certificate of title has not been  
33 assigned from the owner to the dealer, a licensed dealer shall, within five business days,  
34 apply for a duplicate or replacement title. Upon receipt of a duplicate or replacement title  
35 applied for pursuant to subsection 4 of section 301.300, the dealer shall assign and deliver  
36 said certificate of title to the purchaser of the vehicle within five business days. The dealer  
37 shall maintain proof of the assignment and delivery of the certificate of title to the  
38 purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the  
39 certificate of title to the purchaser upon either:

40       (1) Physical delivery of the certificate of title to any of the purchasers identified in  
41 the contract with the dealer; or

42       (2) Mailing of the certificate, postage prepaid, return receipt requested, to any of  
43 the purchasers at any of their addresses identified in the contract with the dealer.

44       5. If a dealer fails to comply with subsection 3 of this section, and the purchaser of  
45 the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the  
46 vehicle for actual damages, plus court costs and reasonable attorney fees.

47       6. If a dealer fails to comply with subsection 4 of this section, and the purchaser of  
48 the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the  
49 vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer  
50 cannot be found by the purchaser after making reasonable attempts, and thereby fails to  
51 assign and deliver the duplicate or replacement certificate of title to the purchaser, as  
52 required by subsection 4 of this section, then the purchaser may deliver to the director a  
53 copy of the contract for sale of the vehicle, a copy of the application for duplicate title

54 provided by the dealer to the purchaser, a copy of the secure power of attorney allowing  
55 the dealer to assign the duplicate title, and the proof or other evidence obtained by the  
56 purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall  
57 mail by certified mail, return receipt requested, a notice to the dealer at the last address  
58 given to the department by that dealer. That notice shall inform the dealer that the  
59 director intends to cancel any prior certificate of title issued to the dealer on the vehicle  
60 and issue to the purchaser a certificate of title in the name of the purchaser, subject to any  
61 liens incurred by the purchaser in connection with the purchase of the vehicle, unless the  
62 dealer, within ten business days from the date of the director's notice, files with the  
63 director a written objection to the director taking such action. If the dealer does file a  
64 timely, written objection with the director, then the director shall not take any further  
65 action without an order from a court of competent jurisdiction. However, if the dealer  
66 does not file a timely, written objection with the director, then the director shall cancel the  
67 prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to  
68 the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection  
69 with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes  
70 and fees associated with registering the vehicle.

71       7. If a seller fraudulently misrepresents to a dealer that the seller is the owner of  
72 a vehicle and the dealer or any subsequent purchaser is thereby damaged, then the seller  
73 shall be liable to the dealer and any subsequent purchaser for actual damages, plus court  
74 costs and reasonable attorney fees.

75       8. When a lienholder is damaged as a result of acts or omissions by the dealer to the  
76 lienholder or any party covered by subsections 5, 6, and 7 of this section, or by any  
77 combination of claims under this subsection, then the dealer shall be liable to the lienholder  
78 for actual damages, plus court costs and reasonable attorney fees.

79       9. No court costs or attorney fees shall be awarded under this section unless, prior  
80 to filing any such action, the following conditions have been met:

81       (1) The aggrieved party seeking damages has delivered an itemized written demand  
82 of the party's actual damages to the party from whom damages are sought; and

83       (2) The party from whom damages are sought has not satisfied the written demand  
84 within thirty days after receipt of the written demand.

302.177. 1. [To all applicants for a license or renewal to transport persons or property  
2 classified in section 302.015 who are at least twenty-one years of age and under the age of  
3 seventy, and who submit a satisfactory application and meet the requirements set forth in  
4 sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a

5 fee of thirty dollars; except that, no license shall be issued if an applicant's license is currently  
6 suspended, taken up, canceled, revoked, or deposited in lieu of bail.

7       2. To all applicants for a license or renewal who are between twenty-one and sixty-nine  
8 years of age, and who submit a satisfactory application and meet the requirements set forth in  
9 sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a  
10 fee of fifteen dollars; except that, no license shall be issued if an applicant's license is currently  
11 suspended, taken up, canceled, revoked, or deposited in lieu of bail.

12       3. All licenses issued pursuant to subsections 1 and 2 of this section shall expire on the  
13 applicant's birthday in the sixth year after issuance and must be renewed on or before the date  
14 of expiration, which date shall be shown on the license. The director shall have the authority to  
15 stagger the expiration date of driver's licenses and nondriver's licenses being issued or renewed  
16 over a six-year period.

17       4. To all applicants for a license or renewal to transport persons or property classified  
18 in section 302.015 who are between eighteen and twenty-one years of age or greater than  
19 sixty-nine years of age, or, beginning September 30, 2005, to an applicant for such license  
20 containing a school bus endorsement issued pursuant to section 302.272, and who submit a  
21 satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the  
22 director shall issue or renew a license upon the payment of a fee of fifteen dollars.

23       5. To all other applicants for a license or renewal less than twenty-one years of age or  
24 greater than sixty-nine years of age who submit a satisfactory application and meet the  
25 requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license  
26 upon the payment of a fee of seven dollars and fifty cents. All licenses issued pursuant to this  
27 subsection and subsection 4 of this section or, beginning September 30, 2005, to an applicant for  
28 a license to transport persons or property which contains a school bus endorsement issued  
29 pursuant to section 302.272, shall expire on the applicant's birthday in the third year after  
30 issuance.

31       **6.] To all applicants for a license or renewal to transport persons or property**  
32 **classified in section 302.015 who are at least twenty-one years of age and under the age of**  
33 **seventy, and who submit a satisfactory application and meet the requirements of sections**  
34 **302.010 to 302.605, the director shall issue or renew such license; except that no license**  
35 **shall be issued if an applicant's license is currently suspended, canceled, revoked,**  
36 **disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's**  
37 **birthday in the sixth year of issuance, unless the license must be issued for a shorter period**  
38 **due to other requirements of law or for transition or staggering of work as determined by**  
39 **the director. The license must be renewed on or before the date of expiration, which date**  
40 **shall be shown on the license.**

41           **2. To all applicants for a license or renewal to transport persons or property**  
42 **classified in section 302.015 who are less than twenty-one years of age or greater than sixty-**  
43 **nine years of age, and who submit a satisfactory application and meet the requirements of**  
44 **sections 302.010 to 302.605, the director shall issue or renew such license; except that no**  
45 **license shall be issued if an applicant's license is currently suspended, canceled, revoked,**  
46 **disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's**  
47 **birthday in the third year of issuance, unless the license must be issued for a shorter period**  
48 **due to other requirements of law or for transition or staggering of work as determined by**  
49 **the director. The license must be renewed on or before the date of expiration, which date**  
50 **shall be shown on the license. A license issued under this section to an applicant who is**  
51 **over the age of sixty-nine and contains a school bus endorsement shall not be issued for a**  
52 **period that exceeds one year.**

53           **3. To all other applicants for a license or renewal of a license who are at least**  
54 **twenty-one years of age and under the age of seventy, and who submit a satisfactory**  
55 **application and meet the requirements of sections 302.010 to 302.605, the director shall**  
56 **issue or renew such license; except that no license shall be issued if an applicant's license**  
57 **is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such**  
58 **license shall expire on the applicant's birthday in the sixth year of issuance, unless the**  
59 **license must be issued for a shorter period due to other requirements of law or for**  
60 **transition or staggering of work as determined by the director. The license must be**  
61 **renewed on or before the date of expiration, which date shall be shown on the license.**

62           **4. To all other applicants for a license or renewal of a license who are less than**  
63 **twenty-one years of age or greater than sixty-nine years of age, and who submit a**  
64 **satisfactory application and meet the requirements of sections 302.010 to 302.605, the**  
65 **director shall issue or renew such license; except that no license shall be issued if an**  
66 **applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in**  
67 **lieu of bail. Such license shall expire on the applicant's birthday in the third year of**  
68 **issuance, unless the license must be issued for a shorter period due to other requirements**  
69 **of law or for transition or staggering of work as determined by the director. The license**  
70 **must be renewed on or before the date of expiration, which date shall be shown on the**  
71 **license.**

72           **5. The fee for a license issued for a period which exceeds three years under**  
73 **subsection 1 of this section shall be thirty dollars.**

74           **6. The fee for a license issued for a period of three years or less under subsection**  
75 **2 of this section shall be fifteen dollars, except that the fee for a license issued for one year**  
76 **or less which contains a school bus endorsement shall be five dollars.**

77           **7. The fee for a license issued for a period which exceeds three years under**  
78 **subsection 3 of this section shall be fifteen dollars.**

79           **8. The fee for a license issued for a period of three years or less under subsection**  
80 **4 of this section shall be seven dollars and fifty cents.**

81           **9.** Beginning July 1, 2005, the director shall not issue a driver's license for a period that  
82 exceeds an applicant's lawful presence in the United States. The director may establish  
83 procedures to verify the lawful presence of the applicant and establish the duration of any driver's  
84 license issued under this section.

85           **[7.] 10.** The director of revenue may adopt any rules and regulations necessary to carry  
86 out the provisions of this section. No rule or portion of a rule promulgated pursuant to the  
87 authority of this section shall become effective unless it has been promulgated pursuant to the  
88 provisions of chapter 536, RSMo.

          302.272. 1. No person shall operate any school bus owned by or under contract with a  
2 public school or the state board of education unless such driver has qualified for a school bus  
3 endorsement under this section and complied with the pertinent rules and regulations of the  
4 department of revenue and any final rule issued by the secretary of the United States Department  
5 of Transportation or has a valid school bus endorsement on a valid commercial driver's license  
6 issued by another state. A school bus endorsement shall be issued to any applicant who meets  
7 the following qualifications:

8           (1) The applicant has a valid state license issued under this chapter [or has a license valid  
9 in any other state];

10          (2) The applicant is at least twenty-one years of age; **and**

11          (3) [The applicant has passed a medical examination, including vision and hearing tests,  
12 as prescribed by the director of revenue and, if the applicant is at least seventy years of age, the  
13 applicant shall pass the medical examination annually to maintain or renew the endorsement; and

14          (4)] The applicant has successfully passed an examination for the operation of a school  
15 bus as prescribed by the director of revenue. The examination shall include[, but need not be  
16 limited to, a written skills examination of applicable laws, rules and procedures, including] any  
17 examinations prescribed by the secretary of the United States Department of Transportation, and  
18 a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate  
19 class of vehicle to be driven. For purposes of this section classes of school buses shall comply  
20 with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). **For**  
21 **drivers who are at least seventy years of age, such examination shall be completed**  
22 **annually.**

23          2. [Except as otherwise provided in this section, a school bus endorsement shall be  
24 renewed every three years and shall require the applicant to provide a medical examination as

25 specified in subdivision (3) of subsection 1 of this section and to successfully pass a written  
26 skills examination as prescribed by the director of revenue in consultation with the department  
27 of elementary and secondary education. If the applicant is at least seventy years of age, the  
28 school bus endorsement shall be renewed annually, and the applicant shall successfully pass the  
29 examination prescribed in subdivision (4) of subsection 1 of this section prior to receiving the  
30 renewed endorsement, provided that the background check, as contemplated by subsections 5  
31 and 6 of this section, shall continue to be conducted on a renewing applicant's previously  
32 established three-year renewal schedule. The director may waive the written skills examination  
33 on renewal of a school bus endorsement upon verification of the applicant's successful  
34 completion within the preceding twelve months of a training program which has been approved  
35 by the director in consultation with the department of elementary and secondary education and  
36 which is at least eight hours in duration with special instruction in school bus driving.

37 3. The fee for a new or renewed school bus endorsement shall be three dollars.

38 4. Upon the applicant's completion of the requirements of subsections 1, 2, and 3 of this  
39 section, the director of revenue may issue a temporary school bus permit to the applicant until  
40 such time as a school bus endorsement shall be issued following the record clearance as provided  
41 in subsection 6 of this section.

42 5.] The director of revenue, to the best of the director's knowledge, shall not issue or  
43 renew a school bus endorsement to any applicant[:

44 (1)] whose driving record shows that such applicant's privilege to operate a motor vehicle  
45 has been suspended, revoked or disqualified or whose driving record shows a history of moving  
46 vehicle violations[;

47 (2) Who has pled guilty to or been found guilty of any felony or misdemeanor for  
48 violation of drug regulations as defined in chapter 195, RSMo; of any felony for an offense  
49 against the person as defined by chapter 565, RSMo, or any other offense against the person  
50 involving child abuse or the endangerment of a child as prescribed by law; of any misdemeanor  
51 or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony  
52 for prostitution as defined by chapter 567, RSMo; of any misdemeanor or felony for an offense  
53 against the family as defined in chapter 568, RSMo; of any felony or misdemeanor for a weapons  
54 offense as defined by chapter 571, RSMo; of any misdemeanor or felony for pornography or  
55 related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state,  
56 municipal or other court of similar jurisdiction of which the director has knowledge;

57 (3) Who has pled guilty to or been found guilty of any felony involving robbery, arson,  
58 burglary or a related offense as defined by chapter 569, RSMo; or any similar crime in any  
59 federal, state, municipal or other court of similar jurisdiction within the preceding ten years of  
60 which the director has knowledge;

61 (4) Who is listed on the child abuse and neglect registry.

62 6. The Missouri highway patrol shall provide a record of clearance or denial of clearance  
63 for any applicant for a school bus endorsement for the offenses specified in subdivisions (2) and  
64 (3) of subsection 5 of this section. The Missouri highway patrol in providing the record of  
65 clearance or denial of clearance for any such applicant is authorized to obtain from the Federal  
66 Bureau of Investigation any information which might aid the Missouri highway patrol in  
67 providing such record of clearance or denial of clearance. The Missouri highway patrol shall  
68 provide the record of clearance or denial of clearance within thirty days of the date requested,  
69 relying on information available at that time, except that the Missouri highway patrol shall  
70 provide any information subsequently discovered to the department of revenue.

71 7. For purposes of obtaining the record of clearance or denial for convictions specified  
72 in subdivisions (2) and (3) of subsection 5 of this section, the applicant for a school bus  
73 endorsement shall submit two sets of fingerprints. Beginning January 1, 2005, the director shall  
74 request that the department of social services determine whether the applicant is listed on the  
75 child abuse and neglect registry and shall require the applicant to submit two sets of fingerprints.  
76 One set of fingerprints shall be used by the highway patrol in order to search the criminal history  
77 repository and the second set shall be forwarded to the Federal Bureau of Investigation for  
78 searching the federal criminal history files.

79 8. The applicant shall pay the fee for the state criminal history information pursuant to  
80 section 43.530, RSMo, and pay the appropriate fee determined by the Federal Bureau of  
81 Investigation for the federal criminal history record when he or she applies for the school bus  
82 endorsement or permit pursuant to this section. The director shall distribute the fees collected  
83 for the state and federal criminal histories to the highway patrol.

84 9. If, as a result of the criminal history background check and the check of the child  
85 abuse and neglect registry required by this section, it is determined that an applicant has pled  
86 guilty or nolo contendere to, or been found guilty of an offense listed in subdivisions (2) and (3)  
87 of subsection 5 of this section, or a similar offense if committed in any other state, the United  
88 States, or any other country, regardless of imposition of sentence, or the applicant's name appears  
89 on the child abuse and neglect registry the director of revenue shall not issue or renew a school  
90 bus permit to such applicant].

91 [10.] 3. The director may adopt any rules and regulations necessary to carry out the  
92 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
93 536.010, RSMo, that is created under the authority delegated in this section shall become  
94 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,  
95 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
96 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,



97 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
98 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
99 after August 28, 2004, shall be invalid and void.

100 [11. Except as otherwise provided in this section,]

101 **4. Notwithstanding the requirements of this section, an applicant who resides in**  
102 **another state and** possesses a valid driver's license from [another] **his or her state of residence**  
103 with a valid school bus endorsement [and who is otherwise qualified to receive a school bus  
104 endorsement in this state shall be issued a school bus permit. The requirements to obtain and  
105 retain such permit shall be identical to those requirements for a school bus endorsement issued  
106 pursuant to this section] **for the type of vehicle being operated shall not be required to obtain**  
107 **a Missouri driver's license with a school bus endorsement.**

2 [302.272. 1. No person shall operate any school bus owned by or under  
3 contract with a public school or the state board of education unless such driver  
4 has qualified for a school bus permit under this section and complied with the  
5 pertinent rules and regulations of the department of revenue. A school bus permit  
6 shall be issued to any applicant who meets the following qualifications:

7 (1) The applicant has a valid state license issued under this chapter or has  
8 a license valid in any other state;

9 (2) The applicant is at least twenty-one years of age;

10 (3) The applicant has passed a medical examination, including vision and  
11 hearing tests, as prescribed by the director of revenue and, if the applicant is at  
12 least seventy years of age, the applicant shall pass the medical examination  
13 annually to maintain or renew the permit; and

14 (4) The applicant has successfully passed an examination for the  
15 operation of a school bus as prescribed by the director of revenue. The  
16 examination shall include, but need not be limited to, a written skills examination  
17 of applicable laws, rules and procedures, and a driving test in the type of vehicle  
18 to be operated. The test shall be completed in the appropriate class of vehicle to  
19 be driven. For purposes of this section classes of school buses shall comply with  
20 the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law  
21 99-570).

22 2. Except as otherwise provided in this section, a school bus permit shall  
23 be renewed every three years and shall require the applicant to provide a medical  
24 examination as specified in subdivision (3) of subsection 1 of this section and to  
25 successfully pass a written skills examination as prescribed by the director of  
26 revenue in consultation with the department of elementary and secondary  
27 education. If the applicant is at least seventy years of age, the school bus permit  
28 shall be renewed annually, and the applicant shall successfully pass the  
29 examination prescribed in subdivision (4) of subsection 1 of this section prior to  
receiving the renewed permit, provided that the background check, as

30 contemplated by subsections 5 and 6 of this section, shall continue to be  
31 conducted on a renewing applicant's previously established three-year renewal  
32 schedule. The director may waive the written skills examination on renewal of  
33 a school bus permit upon verification of the applicant's successful completion  
34 within the preceding twelve months of a training program which has been  
35 approved by the director in consultation with the department of elementary and  
36 secondary education and which is at least eight hours in duration with special  
37 instruction in school bus driving.

38 3. The fee for a new or renewed school bus permit shall be three dollars.

39 4. Upon the applicant's completion of the requirements of subsections 1,  
40 2, and 3 of this section, the director of revenue shall issue a temporary school bus  
41 permit to the applicant until such time as a permanent school bus permit shall be  
42 issued following the record clearance as provided in subsection 6 of this section.

43 5. The director of revenue, to the best of the director's knowledge, shall  
44 not issue or renew a school bus permit to any applicant:

45 (1) Whose driving record shows that such applicant's privilege to operate  
46 a motor vehicle has been suspended, revoked or disqualified or whose driving  
47 record shows a history of moving vehicle violations;

48 (2) Who has pled guilty to or been found guilty of any felony or  
49 misdemeanor for violation of drug regulations as defined in chapter 195, RSMo;  
50 of any felony for an offense against the person as defined by chapter 565, RSMo,  
51 or any other offense against the person involving child abuse or the endangerment  
52 of a child as prescribed by law; of any misdemeanor or felony for a sexual  
53 offense as defined by chapter 566, RSMo; of any misdemeanor or felony for  
54 prostitution as defined by chapter 567, RSMo; of any misdemeanor or felony for  
55 an offense against the family as defined in chapter 568, RSMo; of any felony or  
56 misdemeanor for a weapons offense as defined by chapter 571, RSMo; of any  
57 misdemeanor or felony for pornography or related offense as defined by chapter  
58 573, RSMo; or of any similar crime in any federal, state, municipal or other court  
59 of similar jurisdiction of which the director has knowledge;

60 (3) Who has pled guilty to or been found guilty of any felony involving  
61 robbery, arson, burglary or a related offense as defined by chapter 569, RSMo;  
62 or any similar crime in any federal, state, municipal or other court of similar  
63 jurisdiction within the preceding ten years of which the director has knowledge;

64 (4) Who is listed on the child abuse and neglect registry.

65 6. The Missouri highway patrol shall provide a record of clearance or  
66 denial of clearance for any applicant for a school bus permit for the offenses  
67 specified in subdivisions (2) and (3) of subsection 5 of this section. The Missouri  
68 highway patrol in providing the record of clearance or denial of clearance for any  
69 such applicant is authorized to obtain from the Federal Bureau of Investigation  
70 any information which might aid the Missouri highway patrol in providing such  
71 record of clearance or denial of clearance. The Missouri highway patrol shall  
72 provide the record of clearance or denial of clearance within thirty days of the

73 date requested, relying on information available at that time, except that the  
74 Missouri highway patrol shall provide any information subsequently discovered  
75 to the department of revenue.

76 7. Beginning January 1, 2005, the director shall request that the  
77 department of social services determine whether the applicant is listed on the  
78 child abuse and neglect registry and shall require the applicant to submit two sets  
79 of fingerprints. One set of fingerprints shall be used by the highway patrol in  
80 order to search the criminal history repository and the second set shall be  
81 forwarded to the Federal Bureau of Investigation for searching the federal  
82 criminal history files.

83 8. The applicant shall pay the fee for the state criminal history  
84 information pursuant to section 43.530, RSMo, and pay the appropriate fee  
85 determined by the Federal Bureau of Investigation for the federal criminal history  
86 record when he or she applies for the school bus permit pursuant to this section.  
87 The director shall distribute the fees collected for the state and federal criminal  
88 histories to the highway patrol.

89 9. If, as a result of the criminal history background check and the check  
90 of the child abuse and neglect registry required by this section, it is determined  
91 that an applicant has pled guilty or nolo contendere to, or been found guilty of an  
92 offense listed in subdivisions (2) and (3) of subsection 5 of this section, or a  
93 similar offense if committed in any other state, the United States, or any other  
94 country, regardless of imposition of sentence, or the applicant's name appears on  
95 the child abuse and neglect registry the director of revenue shall not issue or  
96 renew a school bus permit to such applicant.

97 10. The director may adopt any rules and regulations necessary to carry  
98 out the provisions of this section. Any rule or portion of a rule, as that term is  
99 defined in section 536.010, RSMo, that is created under the authority delegated  
100 in this section shall become effective only if it complies with and is subject to all  
101 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
102 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the  
103 powers vested with the general assembly pursuant to chapter 536, RSMo, to  
104 review, to delay the effective date, or to disapprove and annul a rule are  
105 subsequently held unconstitutional, then the grant of rulemaking authority and  
106 any rule proposed or adopted after August 28, 2004, shall be invalid and void.]  
107

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer

2 who arrests any person for a violation of any state statute related to driving while intoxicated or  
3 for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a  
4 county or municipal alcohol-related traffic offense, and in which the alcohol concentration in the  
5 person's blood, breath, or urine was eight-hundredths of one percent or more by weight or  
6 two-hundredths of one percent or more by weight for anyone less than twenty-one years of age,  
7 shall forward to the department a [verified] **certified** report of all information relevant to the

8 enforcement action, including information which adequately identifies the arrested person, a  
9 statement of the officer's grounds for belief that the person violated any state statute related to  
10 driving while intoxicated or was less than twenty-one years of age and was driving with  
11 two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county  
12 or municipal ordinance prohibiting driving while intoxicated or a county or municipal  
13 alcohol-related traffic offense, a report of the results of any chemical tests which were conducted,  
14 and a copy of the citation and complaint filed with the court.

15 2. The report required by this section shall be **certified under penalties of perjury for**  
16 **making a false statement to a public official and** made on forms supplied by the department  
17 or in a manner specified by regulations of the department.

18 3. A county or municipal ordinance prohibiting driving while intoxicated or a county or  
19 municipal alcohol-related traffic offense may not be the basis for suspension or revocation of a  
20 driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement  
21 officer, other than an elected peace officer or official, has been [certified] **licensed** by the director  
22 of the department of public safety pursuant to the provisions of [sections 590.100 to 590.180]  
23 **chapter 590, RSMo.**

302.530. 1. Any person who has received a notice of suspension or revocation may  
2 make a request within fifteen days of receipt of the notice for a review of the department's  
3 determination at a hearing. If the person's driver's license has not been previously surrendered,  
4 it [shall] **may** be surrendered at the time the request for a hearing is made.

5 2. At the time the request for a hearing is made, if it appears from the record that the  
6 person is the holder of a valid driver's license issued by this state, and that the driver's license has  
7 been surrendered [as required], the department shall issue a temporary permit which shall be  
8 valid until the scheduled date for the hearing. The department may later issue an additional  
9 temporary permit or permits in order to stay the effective date of the suspension or revocation  
10 until the final order is issued following the hearing, as required by section 302.520.

11 3. The hearing may be held by telephone, or if requested by the person, such person's  
12 attorney or representative, in the county where the arrest was made. The hearing shall be  
13 conducted by examiners who are licensed to practice law in the state of Missouri and who are  
14 employed by the department on a part-time or full-time basis as the department may determine.

15 4. The sole issue at the hearing shall be whether by a preponderance of the evidence the  
16 person was driving a vehicle pursuant to the circumstances set out in section 302.505. The  
17 burden of proof shall be on the state to adduce such evidence. If the department finds the  
18 affirmative of this issue, the suspension or revocation order shall be sustained. If the department  
19 finds the negative of the issue, the suspension or revocation order shall be rescinded.

20           5. The procedure at such hearing shall be conducted in accordance with chapter 536,  
21 RSMo, [not otherwise in conflict] with sections 302.500 to 302.540. **A report certified under**  
22 **subsection 2 of section 302.510 shall be admissible in a like manner as a verified report as**  
23 **evidence of the facts stated therein and any provision of chapter 536, RSMo, to the**  
24 **contrary shall not apply.**

25           6. The department shall promptly notify[, by certified letter,] the person of its decision  
26 including the reasons for that decision. Such notification shall include a notice advising the  
27 person that the department's decision shall be final within fifteen days from the date [of  
28 certification of the letter] **such notice was mailed** unless the person challenges the department's  
29 decision within that time period by filing an appeal in the circuit court in the county where the  
30 arrest occurred.

31           7. Unless the person, within fifteen days after being notified [by certified letter] of the  
32 department's decision, files an appeal for judicial review pursuant to section 302.535, the  
33 decision of the department shall be final.

34           8. The director may adopt any rules and regulations necessary to carry out the provisions  
35 of this section.

302.735. 1. An application shall not be taken from a nonresident after September 30,  
2 2005. The application for a commercial driver's license shall include, but not be limited to, the  
3 applicant's legal name, mailing and residence address, if different, a physical description of the  
4 person, including sex, height, weight and eye color, the person's Social Security number, date  
5 of birth and any other information deemed appropriate by the director. The application shall also  
6 require, beginning September 30, 2005, the applicant to provide the names of all states where  
7 the applicant has been previously licensed to drive any type of motor vehicle during the  
8 preceding ten years.

9           2. [The application for a commercial driver's license or renewal shall be accompanied  
10 by the payment of a fee of forty dollars. The fee for a duplicate commercial driver's license shall  
11 be twenty dollars.] A commercial driver's license shall expire on the applicant's birthday in the  
12 sixth year after issuance, **unless the license must be issued for a shorter period due to other**  
13 **requirements of law or for transition or staggering of work as determined by the director,**  
14 and must be renewed on or before the date of expiration. [The director shall have the authority  
15 to stagger the issuance or renewal of commercial driver's license applicants over a six-year  
16 period.] When a person changes such person's name an application for a duplicate license shall  
17 be made to the director of revenue. When a person changes such person's mailing address or  
18 residence the applicant shall notify the director of revenue of said change, however, no  
19 application for a duplicate license is required. [To all applicants for a commercial license or  
20 renewal who are between eighteen and twenty-one years of age and seventy years of age and

21 older, the application shall be accompanied by a fee of twenty dollars.] A commercial license  
22 issued pursuant to this section to an applicant less than twenty-one years of age and seventy years  
23 of age and older [or, beginning September 30, 2005, to an applicant for a commercial driver's  
24 license containing a school bus or hazardous materials endorsement] shall expire on the  
25 applicant's birthday in the third year after issuance, **unless the license must be issued for a**  
26 **shorter period as determined by the director.**

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

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

34 **5. A commercial driver's license containing a hazardous materials endorsement**  
35 **issued to an applicant who is seventy years of age or older shall not be issued for a period**  
36 **exceeding three years. The director shall not require such drivers to obtain a security**  
37 **threat assessment more frequently than such assessment is required by the Transportation**  
38 **Security Administration under the Uniting and Strengthening America by Providing**  
39 **Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT**  
40 **ACT) of 2001.**

41 **6. The fee for a commercial driver's license or renewal commercial driver's license**  
42 **issued for a period greater than three years shall be forty dollars.**

43 **7. The fee for a commercial driver's license or renewal commercial driver's license**  
44 **issued for a period of three years or less shall be twenty dollars.**

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

46 **9. In order for the director to properly transition driver's license requirements**  
47 **under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and**  
48 **Strengthening America by Providing Appropriate Tools Required to Intercept and**  
49 **Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to**  
50 **stagger expiration dates and make adjustments for any fees, including driver examination**  
51 **fees that are incurred by the driver as a result of the initial issuance of a transitional license**  
52 **required to comply with such acts.**

53 **[3.] 10. Within thirty days after moving to this state, the holder of a commercial driver's**  
54 **license shall apply for a commercial driver's license in this state. The applicant shall meet all**  
55 **other requirements of sections 302.700 to 302.780, except that the director may waive the driving**  
56 **test for a commercial driver's license as required in section 302.720 if the applicant for a**

57 commercial driver's license has a valid commercial driver's license from a state which has  
58 requirements for issuance of such license comparable to those in this state.

59 [4.] **11.** Any person who falsifies any information in an application or test for a  
60 commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the  
61 person's commercial driver's license shall be canceled, for a period of one year after the director  
62 discovers such falsification.

63 [5.] **12.** Beginning July 1, 2005, the director shall not issue a commercial driver's license  
64 under this section unless the director verifies that the applicant is lawfully present in the United  
65 States before accepting the application. If lawful presence is granted for a temporary period, no  
66 commercial driver's license shall be issued. The director may, by rule or regulation, establish  
67 procedures to verify the lawful presence of the applicant and establish the duration of any  
68 commercial driver's license issued under this section. No rule or portion of a rule promulgated  
69 pursuant to the authority of this section shall become effective unless it has been promulgated  
70 pursuant to chapter 536, RSMo.

71 **13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections**  
72 **1 and 5 of this section to the contrary, the director may issue a nonresident commercial**  
73 **driver's license to a resident of a foreign jurisdiction if the United States Secretary of**  
74 **Transportation has determined that the commercial motor vehicle testing and licensing**  
75 **standards in the foreign jurisdiction do not meet the testing standards established in 49**  
76 **C.F.R. Part 383.**

77 **(2) Any applicant for a nonresident commercial driver's license must present**  
78 **evidence satisfactory to the director that the applicant currently has employment with an**  
79 **employer in this state. The nonresident applicant must meet the same testing, driver**  
80 **record requirements, conditions, and is subject to the same disqualification and conviction**  
81 **reporting requirements applicable to resident commercial drivers.**

82 **(3) The nonresident commercial driver's license will expire on the same date that**  
83 **the documents establishing lawful presence for employment expire. The word**  
84 **"nonresident" shall appear on the face of the nonresident commercial driver's license. Any**  
85 **applicant for a Missouri nonresident commercial driver's license must first surrender any**  
86 **nonresident commercial driver's license issued by another state.**

87 **(4) The nonresident commercial driver's license applicant must pay the same fees**  
88 **as required for the issuance of a resident commercial driver license.**

89 **14. Foreign jurisdiction for purposes of issuing a nonresident commercial driver's**  
90 **license under this section shall not include any of the fifty states of the United States or**  
91 **Canada or Mexico.**

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal  
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a  
4 flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall  
5 yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible  
6 to the right of, the traveled portion of the highway and thereupon stop and remain in such  
7 position until such emergency vehicle has passed, except when otherwise directed by a police  
8 or traffic officer.

9 2. Upon approaching a stationary emergency vehicle displaying lighted red or red and  
10 blue lights, the driver of every motor vehicle shall:

11 (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety  
12 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary  
13 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the  
14 same direction as the approaching vehicle; or

15 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe  
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17 3. The motorman of every streetcar shall immediately stop such car clear of any  
18 intersection and keep it in such position until the emergency vehicle has passed, except as  
19 otherwise directed by a police or traffic officer.

20 4. An "emergency vehicle" is a vehicle of any of the following types:

21 (1) A vehicle operated by the state highway patrol, the state water patrol, **the Missouri**  
22 **capitol police**, or a state park ranger, those vehicles operated by enforcement personnel of the  
23 state highways and transportation commission, police or fire department, sheriff, constable or  
24 deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests  
25 for violations of the laws of the United States, traffic officer or coroner or by a privately owned  
26 emergency vehicle company;

27 (2) A vehicle operated as an ambulance or operated commercially for the purpose of  
28 transporting emergency medical supplies or organs;

29 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

30 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or  
31 public service corporation while performing emergency service;

32 (5) Any vehicle transporting equipment designed to extricate human beings from the  
33 wreckage of a motor vehicle;

34 (6) Any vehicle designated to perform emergency functions for a civil defense or  
35 emergency management agency established pursuant to the provisions of chapter 44, RSMo;



36 (7) Any vehicle operated by an authorized employee of the department of corrections  
37 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage  
38 incident, escape or other critical situation where there is the threat of serious physical injury or  
39 death, responding to mutual aid call from another criminal justice agency, or in accompanying  
40 an ambulance which is transporting an offender to a medical facility;

41 (8) Any vehicle designated to perform hazardous substance emergency functions  
42 established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

43 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound  
44 the siren thereon or have the front red lights or blue lights on except when such vehicle is  
45 responding to an emergency call or when in pursuit of an actual or suspected law violator, or  
46 when responding to, but not upon returning from, a fire.

47 (2) The driver of an emergency vehicle may:

48 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

49 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
50 necessary for safe operation;

51 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or  
52 property;

53 (d) Disregard regulations governing direction of movement or turning in specified  
54 directions.

55 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this  
56 subsection shall apply only when the driver of any such vehicle while in motion sounds audible  
57 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle  
58 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal  
59 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

60 6. No person shall purchase an emergency light as described in this section without  
61 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
62 emergency vehicle purposes.

63 7. Violation of this section shall be deemed a class C misdemeanor.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer  
2 of a government agency where that agency's real property is concerned, may authorize a towing  
3 company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours,  
6 or [after four hours] **immediately** if a law enforcement officer determines that the abandoned  
7 property is a serious hazard to other motorists, provided that commercial motor vehicles not  
8 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under

9 this subdivision to a place of safety until the owner or owner's representative has had a  
10 reasonable opportunity to contact a towing company of choice;

11 (b) Any interstate highway or freeway outside of an urbanized area, left unattended for  
12 forty-eight hours, or after four hours if a law enforcement officer determines that the abandoned  
13 property is a serious hazard to other motorists, provided that commercial motor vehicles not  
14 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under  
15 this subdivision to a place of safety until the owner or owner's representative has had a  
16 reasonable opportunity to contact a towing company of choice;

17 (c) Any state highway other than an interstate highway or freeway in an urbanized area,  
18 left unattended for more than ten hours; or

19 (d) Any state highway other than an interstate highway or freeway outside of an  
20 urbanized area, left unattended for more than forty-eight hours; provided that commercial motor  
21 vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be  
22 removed under this subdivision to a place of safety until the owner or owner's representative has  
23 had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or  
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct  
26 the normal movement of traffic where there is no reasonable indication that the person in control  
27 of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080, RSMo;

29 (4) Any abandoned property which has been reported as stolen or taken without consent  
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for  
32 an alleged offense for which the officer is required to take the person into custody and where  
33 such person is unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is  
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance  
37 where signs have been posted giving notice of the law or where the violation causes a safety  
38 hazard; or

39 (8) Any abandoned property illegally left standing on the waters of this state as defined  
40 in section 306.010, RSMo, where the abandoned property is obstructing the normal movement  
41 of traffic, or where the abandoned property has been unattended for more than ten hours or is  
42 floating loose on the water.

43 2. The state transportation department may immediately remove any abandoned,  
44 unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal

45 property from the roadway of any state highway if the abandoned property, cargo or personal  
46 property is creating a traffic hazard because of its position in relation to the state highway. In  
47 the event the property creating a traffic hazard is a commercial motor vehicle, as defined in  
48 section 302.700, RSMo, the department's authority under this subsection shall be limited to  
49 authorizing a towing company to remove the commercial motor vehicle to a place of safety,  
50 except that the owner of the commercial motor vehicle or the owner's designated representative  
51 shall have a reasonable opportunity to contact a towing company of choice. The provisions of  
52 this subsection shall not apply to vehicles transporting any material which has been designated  
53 as hazardous under Section 5103(a) of Title 49, U.S.C.

54         3. Any law enforcement agency authorizing a tow pursuant to this section in which the  
55 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and  
56 inspection report. Any state or federal government agency other than a law enforcement agency  
57 authorizing a tow pursuant to this section in which the abandoned property is moved away from  
58 the immediate vicinity in which it was abandoned shall report the towing to the state highway  
59 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection  
60 report as required in this section. Any local government agency, other than a law enforcement  
61 agency, authorizing a tow pursuant to this section where property is towed away from the  
62 immediate vicinity shall report the tow to the local law enforcement agency within two hours  
63 along with a crime inquiry and inspection report.

64         4. Neither the law enforcement officer, government agency official nor anyone having  
65 custody of abandoned property under his direction shall be liable for any damage to such  
66 abandoned property occasioned by a removal authorized by this section or by ordinance of a  
67 county or municipality licensing and regulating the sale of abandoned property by the  
68 municipality, other than damages occasioned by negligence or by willful or wanton acts or  
69 omissions.

70         5. The owner of abandoned property removed as provided in this section or in section  
71 304.157 shall be responsible for payment of all reasonable charges for towing and storage of  
72 such abandoned property as provided in section 304.158.

73         6. Upon the towing of any abandoned property pursuant to this section or under authority  
74 of a law enforcement officer or local government agency pursuant to section 304.157, the law  
75 enforcement agency that authorized such towing or was properly notified by another government  
76 agency of such towing shall promptly make an inquiry with the national crime information center  
77 and any statewide Missouri law enforcement computer system to determine if the abandoned  
78 property has been reported as stolen and shall enter the information pertaining to the towed  
79 property into the statewide law enforcement computer system. If the abandoned property is not  
80 claimed within ten working days of the towing, the tower who has online access to the

81 department of revenue's records shall make an inquiry to determine the abandoned property  
82 owner and lienholder, if any, of record. In the event that the records of the department of  
83 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply  
84 with the requirements of subsection 3 of section 304.156. If the tower does not have online  
85 access, the law enforcement agency shall submit a crime inquiry and inspection report to the  
86 director of revenue. A towing company that does not have online access to the department's  
87 records and that is in possession of abandoned property after ten working days shall report such  
88 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.  
89 The crime inquiry and inspection report shall be designed by the director of revenue and shall  
90 include the following:

- 91 (1) The year, model, make and property identification number of the property and the  
92 owner and any lienholders, if known;
- 93 (2) A description of any damage to the property noted by the officer authorizing the tow;
- 94 (3) The license plate or registration number and the state of issuance, if available;
- 95 (4) The storage location of the towed property;
- 96 (5) The name, telephone number and address of the towing company;
- 97 (6) The date, place and reason for the towing of the abandoned property;
- 98 (7) The date of the inquiry of the national crime information center, any statewide  
99 Missouri law enforcement computer system and any other similar system which has titling and  
100 registration information to determine if the abandoned property had been stolen. This  
101 information shall be entered only by the law enforcement agency making the inquiry;
- 102 (8) The signature and printed name of the officer authorizing the tow; and
- 103 (9) The name of the towing company, the signature and printed name of the towing  
104 operator, and an indicator disclosing whether the tower has online access to the department's  
105 records;
- 106 (10) Any additional information the director of revenue deems appropriate.

107 7. One copy of the crime inquiry and inspection report shall remain with the agency  
108 which authorized the tow. One copy shall be provided to and retained by the storage facility and  
109 one copy shall be retained by the towing facility in an accessible format in the business records  
110 for a period of three years from the date of the tow or removal.

111 8. The owner of such abandoned property, or the holder of a valid security interest of  
112 record, may reclaim it from the towing company upon proof of ownership or valid security  
113 interest of record and payment of all reasonable charges for the towing and storage of the  
114 abandoned property.

115 9. Any person who removes abandoned property at the direction of a law enforcement  
116 officer or an officer of a government agency where that agency's real property is concerned as

117 provided in this section shall have a lien for all reasonable charges for the towing and storage of  
118 the abandoned property until possession of the abandoned property is voluntarily relinquished  
119 to the owner of the abandoned property or to the holder of a valid security interest of record.  
120 Any personal property within the abandoned property need not be released to the owner thereof  
121 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been  
122 paid or satisfactory arrangements for payment have been made, except that any medication  
123 prescribed by a physician shall be released to the owner thereof upon request. The company  
124 holding or storing the abandoned property shall either release the personal property to the owner  
125 of the abandoned property or allow the owner to inspect the property and provide an itemized  
126 receipt for the contents. The company holding or storing the property shall be strictly liable for  
127 the condition and safe return of the personal property. Such lien shall be enforced in the manner  
128 provided under section 304.156.

129       10. Towing companies shall keep a record for three years on any abandoned property  
130 towed and not reclaimed by the owner of the abandoned property. Such record shall contain  
131 information regarding the authorization to tow, copies of all correspondence with the department  
132 of revenue concerning the abandoned property, including copies of any online records of the  
133 towing company accessed and information concerning the final disposition of the possession of  
134 the abandoned property.

135       11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard  
136 motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall  
137 notify the local law enforcement agency where the repossession occurred within two hours of  
138 the repossession and shall further provide the local law enforcement agency with any additional  
139 information the agency deems appropriate. The local law enforcement agency shall make an  
140 inquiry with the national crime information center and the Missouri statewide law enforcement  
141 computer system and shall enter the repossessed vehicle into the statewide law enforcement  
142 computer system.

143       12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who  
144 has complied with the notification provisions in section 304.156, including notice that any  
145 property remaining unredeemed after thirty days may be sold as scrap property may then dispose  
146 of such property as provided in this subsection. Such sale shall only occur if at least thirty days  
147 has passed since the date of such notification, the abandoned property remains unredeemed with  
148 no satisfactory arrangements made with the towing company for continued storage, and the  
149 owner or holder of a security agreement has not requested a hearing as provided in section  
150 304.156. The towing company may dispose of such abandoned property by selling the property  
151 on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed  
152 salvage dealer for destruction purposes only. The towing company shall forward a copy of the

153 bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of  
154 revenue within two weeks of the date of such sale. The towing company shall keep a record of  
155 each such vehicle sold for destruction for three years that shall be available for inspection by law  
156 enforcement and authorized department of revenue officials. The record shall contain the year,  
157 make, identification number of the property, date of sale, and name of the purchasing scrap metal  
158 operator or licensed salvage dealer and copies of all notifications issued by the towing company  
159 as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record  
160 of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators  
161 and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo,  
162 on vehicles purchased on a bill of sale pursuant to this section.

**304.184. Notwithstanding any other provision of law to the contrary, any truck,  
2 tractor-trailer or other combination engaged in transporting solid waste, as defined by  
3 section 260.200, between any city and a solid waste disposal area or solid waste processing  
4 facility approved by the department of natural resources or department of health and  
5 senior services, may operate with a weight not to exceed twenty-two thousand four  
6 hundred pounds on one axle or a weight not to exceed forty-four thousand eight hundred  
7 pounds on any tandem axle; but nothing in this section shall be construed to permit the  
8 operation of any motor vehicle on the interstate highway system in excess of the weight  
9 limits imposed by federal statute; and no such truck, tractor-trailer or other combination  
10 shall exceed the width and length limitations provided in section 304.190, RSMo.**

**304.678. 1. The operator of a motor vehicle overtaking a bicycle proceeding in the  
2 same direction on the roadway, as defined in section 300.010, RSMo, shall leave a safe  
3 distance, when passing the bicycle, and shall maintain clearance until safely past the  
4 overtaken bicycle.**

**5 2. Any person who violates the provisions of this section is guilty of an infraction  
6 unless an accident is involved in which case it shall be a class C misdemeanor.**

307.180. As used in sections 307.180 to 307.193:

2 (1) The word "bicycle" shall mean every vehicle propelled solely by human power upon  
3 which any person may ride, having two tandem wheels, **or two parallel wheels and one or two  
4 forward or rear wheels, all of which are more than fourteen inches in diameter**, except  
5 scooters and similar devices;

6 (2) The term "motorized bicycle" shall mean any two- or three-wheeled device having  
7 an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
8 centimeters, which produces less than three gross brake horsepower, and is capable of propelling  
9 the device at a maximum speed of not more than thirty miles per hour on level ground. A

10 motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or  
11 renters' insurance policy.

2 **307.191. 1. A person operating a bicycle at less than the posted speed or slower**  
3 **than the flow of traffic upon a street or highway may operate as described in section**  
4 **307.190, or may operate on the shoulder adjacent to the roadway.**

5 **2. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall**  
6 **be operated in the same direction as vehicles are required to be driven upon the roadway.**

7 **3. For purposes of this section and section 307.190, "roadway", means that portion**  
8 **of a street or highway ordinarily used for vehicular travel, exclusive of the berm or**  
9 **shoulder.**

10 **307.192. The operator of a bicycle shall signal as required in section 304.019,**  
11 **RSMo, except that a signal by the hand and arm need not be given continuously if the hand**  
12 **is needed to control or operate the bicycle. An operator of a bicycle intending to turn the**  
13 **bicycle to the right shall signal as indicated in section 304.019, RSMo, or by extending such**  
14 **operator's right arm in a horizontal position so that the same may be seen in front and in**  
15 **rear of the vehicle.**

16 577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision  
17 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to  
18 any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal  
19 shall be admissible in a proceeding pursuant to section 565.024 or 565.060, RSMo, or section  
20 577.010 or 577.012. The request of the officer shall include the reasons of the officer for  
requesting the person to submit to a test and also shall inform the person that evidence of refusal  
to take the test may be used against such person and that the person's license shall be  
immediately revoked upon refusal to take the test. If a person when requested to submit to any  
test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be  
granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the  
twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a  
refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of  
license revocation personally upon the person and shall take possession of any license to operate  
a motor vehicle issued by this state which is held by that person. The officer shall issue a  
temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall  
also give the person a notice of such person's right to file a petition for review to contest the  
license revocation.

2 **2. The officer shall make a [sworn] certified report [to the director of revenue, which]**  
3 **under penalties of perjury for making a false statement to a public official. The report**  
4 **shall be forwarded to the director of revenue and shall include the following:**

- 21 (1) That the officer has:
- 22 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle
- 23 while in an intoxicated or drugged condition; or
- 24 (b) Reasonable grounds to believe that the person stopped, being under the age of
- 25 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
- 26 of one percent or more by weight; or
- 27 (c) Reasonable grounds to believe that the person stopped, being under the age of
- 28 twenty-one years, was committing a violation of the traffic laws of the state, or political
- 29 subdivision of the state, and such officer has reasonable grounds to believe, after making such
- 30 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
- 31 (2) That the person refused to submit to a chemical test;
- 32 (3) Whether the officer secured the license to operate a motor vehicle of the person;
- 33 (4) Whether the officer issued a fifteen-day temporary permit;
- 34 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice
- 35 of the right to file a petition for review, which notices and permit may be combined in one
- 36 document; and
- 37 (6) Any license to operate a motor vehicle which the officer has taken into possession.
- 38 3. Upon receipt of the officer's report, the director shall revoke the license of the person
- 39 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
- 40 operating permit or privilege shall be revoked for one year; or if the person is a resident without
- 41 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
- 42 person the issuance of a license or permit for a period of one year.
- 43 4. If a person's license has been revoked because of the person's refusal to submit to a
- 44 chemical test, such person may petition for a hearing before a circuit or associate circuit court
- 45 in the county in which the arrest or stop occurred. The person may request such court to issue
- 46 an order staying the revocation until such time as the petition for review can be heard. If the
- 47 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the
- 48 director of revenue and shall send a copy of such order to the director. Such order shall serve
- 49 as proof of the privilege to operate a motor vehicle in this state and the director shall maintain
- 50 possession of the person's license to operate a motor vehicle until termination of any revocation
- 51 pursuant to this section. Upon the person's request the clerk of the court shall notify the
- 52 prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the
- 53 director of revenue. At the hearing the court shall determine only:
- 54 (1) Whether or not the person was arrested or stopped;
- 55 (2) Whether or not the officer had:



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

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

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

65 (3) Whether or not the person refused to submit to the test.

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

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

70 7. No person who has had a license to operate a motor vehicle suspended or revoked  
71 pursuant to the provisions of this section shall have that license reinstated until such person has  
72 participated in and successfully completed a substance abuse traffic offender program defined  
73 in section 577.001, or a program determined to be comparable by the department of mental  
74 health or the court. Assignment recommendations, based upon the needs assessment as  
75 described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the  
76 person with written notice that the person is entitled to have such assignment recommendations  
77 reviewed by the court if the person objects to the recommendations. The person may file a  
78 motion in the associate division of the circuit court of the county in which such assignment was  
79 given, on a printed form provided by the state courts administrator, to have the court hear and  
80 determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name  
81 the person or entity making the needs assessment as the respondent and a copy of the motion  
82 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,  
83 the court may modify or waive any assignment recommendation that the court determines to be  
84 unwarranted based upon a review of the needs assessment, the person's driving record, the  
85 circumstances surrounding the offense, and the likelihood of the person committing a like  
86 offense in the future, except that the court may modify but may not waive the assignment to an  
87 education or rehabilitation program of a person determined to be a prior or persistent offender  
88 as defined in section 577.023, or of a person determined to have operated a motor vehicle with  
89 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
90 the court determination of the motion shall satisfy the provisions of this section for the purpose  
91 of reinstating such person's license to operate a motor vehicle. The respondent's personal

92 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
93 directed by the court.

94 8. The fees for the substance abuse traffic offender program, or a portion thereof to be  
95 determined by the division of alcohol and drug abuse of the department of mental health, shall  
96 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
97 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
98 department of mental health for the purposes of funding the substance abuse traffic offender  
99 program defined in section 302.010, RSMo, and section 577.001. The administrator of the  
100 program shall remit to the division of alcohol and drug abuse of the department of mental health  
101 on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the  
102 program, less two percent for administrative costs. Interest shall be charged on any unpaid  
103 balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this  
104 section and shall accrue at a rate not to exceed the annual rates established pursuant to the  
105 provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and  
106 any interest received by the department of mental health pursuant to this section shall be  
107 deposited in the mental health earnings fund which is created in section 630.053, RSMo.

108 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
109 department of mental health the supplemental fees and interest for all persons enrolled in the  
110 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
111 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
112 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
113 department of mental health within six months of the due date, the attorney general of the state  
114 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
115 The court shall assess attorney fees and court costs against any delinquent program.

**Section 1. Each school district shall have on file a statement from a medical  
2 examiner which indicates that the driver is physically qualified to operate a school bus for  
3 the purpose of transporting pupils. Such statement shall be made on an annual basis. The  
4 term medical examiner includes, but is not limited to, doctors of medicine, doctors of  
5 osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic.  
6 For new drivers, such statement shall be on file prior to the driver's initial operation of a  
7 school bus. This section shall apply to drivers employed by the school district or under  
8 contract with the school district.**

**Section 2. On an annual basis, each school district shall provide training in at least  
2 eight hours of duration to each school bus driver employed by the school district or under  
3 contract with the school district. Such training shall provide special instruction in school  
4 bus driving.**

2 [260.218. Notwithstanding any other provision of law to the contrary, any  
3 truck, tractor-trailer or other combination engaged in transporting solid waste, as  
4 defined by section 260.200, between any city and a solid waste disposal area or  
5 solid waste processing facility approved by the department of natural resources  
6 or department of health and senior services, may operate with a weight not to  
7 exceed twenty-two thousand four hundred pounds on one axle or a weight not to  
8 exceed forty-four thousand eight hundred pounds on any tandem axle; but  
9 nothing in this section shall be construed to permit the operation of any motor  
10 vehicle on the interstate highway system in excess of the weight limits imposed  
11 by federal statute; and no such truck, tractor-trailer or other combination shall  
12 exceed the width and length limitations provided in section 304.190, RSMo.]

Section B. Because immediate action is necessary to ensure the safety of children  
2 receiving pupil transportation services and to ensure the safe transportation of hazardous  
3 materials on the streets and highways of this state, the repeal of 302.272 as enacted by conference  
4 committee substitute for senate substitute for senate committee substitute for house substitute  
5 for house committee substitute for house bill no. 1453 merged with conference committee  
6 substitute for house substitute for house committee substitute for senate substitute for senate  
7 committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged  
8 with house substitute for senate substitute for senate committee substitute for senate bill nos.  
9 1233, 840 & 1043, ninety-second general assembly, second regular session the repeal and  
10 reenactment of sections 43.530, 136.055, 168.133, 302.177, 302.735, RSMo, and section  
11 302.272 as enacted by conference committee substitute for senate substitute for senate committee  
12 substitute for house substitute for house committee substitute for house bill no. 1453 merged  
13 with conference committee substitute for house substitute for house committee substitute for  
14 senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for  
15 senate bill no. 969, ninety-second general assembly, second regular session, and the enactment  
16 of section 1 of this act, this act is deemed necessary for the immediate preservation of the public  
17 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
18 meaning of the constitution, the repeal of 302.272 as enacted by conference committee substitute  
19 for senate substitute for senate committee substitute for house substitute for house committee  
20 substitute for house bill no. 1453 merged with conference committee substitute for house  
21 substitute for house committee substitute for senate substitute for senate committee substitute  
22 for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute  
23 for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043,  
24 ninety-second general assembly, second regular session, the repeal and reenactment of sections  
25 43.530, 136.055, 168.133, 302.177, 302.735, RSMo, and section 302.272 as enacted by  
26 conference committee substitute for senate substitute for senate committee substitute for house

27 substitute for house committee substitute for house bill no. 1453 merged with conference  
28 committee substitute for house substitute for house committee substitute for senate substitute for  
29 senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969,  
30 ninety-second general assembly, second regular session, and the enactment of section 1 of this  
31 act, shall be in full force and effect upon its passage and approval.