

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 221, 250 & 256
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation April 20, 2005 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

0633L.07C

AN ACT

To repeal sections 43.250, 210.104, 210.107, 301.010, 302.020, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 577.023, and 577.041, RSMo, and section 302.302 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, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof twenty new sections relating to the operation of motor vehicles, with penalty provisions.

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

Section A. Sections 43.250, 210.104, 210.107, 301.010, 302.020, 302.510, 302.530,
2 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 577.023, and 577.041, RSMo,
3 and section 302.302 as enacted by house substitute for senate substitute for senate committee
4 substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular
5 session, and section 302.302 as enacted by conference committee substitute no. 2 for senate
6 committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first
7 general assembly, first regular session, are repealed and twenty new sections enacted in lieu
8 thereof, to be known as sections 43.250, 301.010, 302.020, 302.302, 302.510, 302.530, 304.015,

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.

9 304.016, 304.155, 304.281, 304.351, 304.580, 304.582, 304.585, 304.590, 307.156, 307.178,
10 307.179, 577.023, and 577.041, to read as follows:

43.250. Every law enforcement officer who investigates a vehicle accident resulting in
2 injury to or death of a person, or total property damage to an apparent extent of [five hundred]
3 **two thousand** dollars or more to one person, or who otherwise prepares a written or
4 computer-generated report as a result of an investigation either at the time of and at the scene of
5 the accident or thereafter by interviewing the participants or witnesses, shall forward a report of
6 such accident to the superintendent of the Missouri state highway patrol within ten days after his
7 or her investigation of the accident, except that upon the approval of the superintendent of the
8 Missouri state highway patrol the report may be forwarded at a time and/or in a form other than
9 as required in this section.

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 that may be transported on a local log truck must be used**
92 **specifically for cutting, felling, trimming, de-limbing, de-barking, chipping, skidding,**
93 **loading, unloading, and stacking.** A local log truck may not exceed the limits required by law,
94 however, if the truck does exceed such limits as determined by the inspecting officer, then

95 notwithstanding any other provisions of law to the contrary, such truck shall be subject to the
96 weight limits required 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.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another
16 person.

17 2. Every person **who is under twenty-one years of age** operating or riding as a
18 passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any
19 highway of this state shall wear protective headgear at all times the vehicle is in motion. The
20 protective headgear shall meet reasonable standards and specifications established by the
21 director.

22 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
23 subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any
24 person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1
25 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340,
26 violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and
27 the penalty for failure to wear protective headgear as required by subsection 2 of this section is
28 an infraction for which a fine not to exceed twenty-five dollars may be imposed.
29 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall
30 be imposed upon any person due to such violation. No points shall be assessed pursuant to
31 section 302.302 for a failure to wear such protective headgear.

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

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points (except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding
In violation of a state law 3 points
In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points
In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points
In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points
(b) For the second conviction. 4 points
(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
In violation of state law 8 points
In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

37 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points

38 (13) For a conviction for failure to maintain financial responsibility pursuant
39 to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

40 **(14) For a conviction for failure to yield the right-of-way in violation**
41 **of section 304.351, RSMo, where the court has determined that the driver**
42 **caused a physical injury or serious physical injury 8 points**

43 **(15) For a conviction for failure to yield the right-of-way in violation**
44 **of section 304.351, RSMo, where the court has determined that the driver**
45 **caused a fatality 12 points**

46 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
47 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
48 302.020, when the director issues such operator a license or permit pursuant to the provisions
49 of sections 302.010 to 302.340.

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

53 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
54 section constitutes both a violation of a state law and a violation of a county or municipal
55 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
56 offense arising out of the same occurrence could be construed to be a violation of subdivisions
57 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
58 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
59 offenses arising out of the same occurrence.

60 5. The director of revenue shall put into effect a system for staying the assessment of
61 points against an operator. The system shall provide that the satisfactory completion of a
62 driver-improvement program or, in the case of violations committed while operating a
63 motorcycle, a motorcycle-rider training course approved by the director of the department of
64 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
65 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
66 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
67 committed by an individual who has been issued a commercial driver's license or is required to
68 obtain a commercial driver's license in this state or any other state, shall be accepted by the
69 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
70 of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of
71 this subsection, the driver-improvement program shall meet or exceed the standards of the
72 National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation

73 which occurred during the operation of a motorcycle, the program shall meet the standards
 74 established by the director of the department of public safety pursuant to sections 302.133 to
 75 302.138. The completion of a driver-improvement program or a motorcycle-rider training course
 76 shall not be accepted in lieu of points more than one time in any thirty-six-month period and
 77 shall be completed within sixty days of the date of conviction in order to be accepted in lieu of
 78 the assessment of points. Every court having jurisdiction pursuant to the provisions of this
 79 subsection shall, within fifteen days after completion of the driver-improvement program or
 80 motorcycle-rider training course by an operator, forward a record of the completion to the
 81 director, all other provisions of the law to the contrary notwithstanding. The director shall
 82 establish procedures for record keeping and the administration of this subsection.

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

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
 (except any violation of municipal stop sign ordinance where no accident is involved 1 point)
- (2) Speeding
 In violation of a state law 3 points
 In violation of a county or municipal ordinance 2 points
- (3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points
 In violation of any county or municipal ordinance 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points
 In violation of a county or municipal ordinance 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
 (a) For the first conviction 2 points
 (b) For the second conviction 4 points
 (c) For the third conviction 6 points
- (6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points
- (7) Obtaining a license by misrepresentation 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood

32 alcohol content of eight-hundredths of one percent or more by weight 12 points
33 (10) For the first conviction for driving with blood alcohol
34 content eight-hundredths of one percent or more by weight
35 In violation of state law 8 points
36 In violation of a county or municipal ordinance or federal law or regulation . 8 points
37 (11) Any felony involving the use of a motor vehicle 12 points
38 (12) Knowingly permitting unlicensed operator to operate a motor
39 vehicle 4 points
40 (13) For a conviction for failure to maintain financial responsibility
41 pursuant to county or municipal ordinance or pursuant to
42 section 303.025, RSMo 4 points
43 2. The director shall, as provided in subdivision (5) of subsection 1 of
44 this section, assess an operator points for a conviction pursuant to subdivision (1)
45 or (2) of subsection 1 of section 302.020, when the director issues such operator
46 a license or permit pursuant to the provisions of sections 302.010 to 302.340.
47 3. An additional two points shall be assessed when personal injury or
48 property damage results from any violation listed in subsection 1 of this section
49 and if found to be warranted and certified by the reporting court.
50 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of
51 subsection 1 of this section constitutes both a violation of a state law and a
52 violation of a county or municipal ordinance, points may be assessed for either
53 violation but not for both. Notwithstanding that an offense arising out of the
54 same occurrence could be construed to be a violation of subdivisions (8), (9) and
55 (10) of subsection 1 of this section, no person shall be tried or convicted for more
56 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
57 section for offenses arising out of the same occurrence.
58 5. The director of revenue shall put into effect a system for staying the
59 assessment of points against an operator. The system shall provide that the
60 satisfactory completion of a driver-improvement program or, in the case of
61 violations committed while operating a motorcycle, a motorcycle-rider training
62 course approved by the director of the department of public safety, by an
63 operator, when so ordered and verified by any court having jurisdiction over any
64 law of this state or county or municipal ordinance, regulating motor vehicles,
65 other than a violation committed in a commercial motor vehicle as defined in
66 section 302.700, shall be accepted by the director in lieu of the assessment of
67 points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this
68 section or pursuant to subsection 3 of this section. For the purposes of this
69 subsection, the driver-improvement program shall meet or exceed the standards
70 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the
71 case of a violation which occurred during the operation of a motorcycle, the
72 program shall meet the standards established by the director of the department of
73 public safety pursuant to sections 302.133 to 302.138. The completion of a
74 driver-improvement program or a motorcycle-rider training course shall not be

75 accepted in lieu of points more than one time in any thirty-six-month period and
76 shall be completed within sixty days of the date of conviction in order to be
77 accepted in lieu of the assessment of points. Every court having jurisdiction
78 pursuant to the provisions of this subsection shall, within fifteen days after
79 completion of the driver-improvement program or motorcycle-rider training
80 course by an operator, forward a record of the completion to the director, all other
81 provisions of the law to the contrary notwithstanding. The director shall establish
82 procedures for record keeping and the administration of this subsection.]
83

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.

304.015. 1. All vehicles not in motion shall be placed with their right side as near the
2 right-hand side of the highway as practicable, except on streets of municipalities where vehicles
3 are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

4 2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon
5 the right half of the roadway, except as follows:

6 (1) When overtaking and passing another vehicle proceeding in the same direction
7 pursuant to the rules governing such movement;

8 (2) When placing a vehicle in position for and when such vehicle is lawfully making a
9 left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations
10 thereunder or of municipalities;

11 (3) When the right half of a roadway is closed to traffic while under construction or
12 repair;

13 (4) Upon a roadway designated by local ordinance as a one-way street and marked or
14 signed for one-way traffic.

15 3. It is unlawful to drive any vehicle upon any highway or road which has been divided
16 into two or more roadways by means of a physical barrier or by means of a dividing section or
17 delineated by curbs, lines or other markings on the roadway, except to the right of such barrier
18 or dividing section, or to make any left turn or semicircular or U-turn on any such divided
19 highway, except at an intersection or interchange or at any signed location designated by the state
20 highways and transportation commission or the department of transportation. The provisions
21 of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles
22 owned by the commission or the department.

23 4. The authorities in charge of any highway or the state highway patrol may erect signs
24 temporarily designating lanes to be used by traffic moving in a particular direction, regardless
25 of the center line of the highway, and all members of the Missouri highway patrol and other
26 peace officers may direct traffic in conformance with such signs. When authorized signs have
27 been erected designating off-center traffic lanes, no person shall disobey the instructions given
28 by such signs.

29 5. Whenever any roadway has been divided into three or more clearly marked lanes for
30 traffic, the following rules in addition to all others consistent herewith shall apply:

31 (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and
32 shall not be moved from such lane until the driver has first ascertained that such movement can
33 be made with safety;

34 (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the
35 center lane, except when overtaking and passing another vehicle where the roadway ahead is
36 clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for
37 a left turn or where such center lane is at the time allocated exclusively to traffic moving in the
38 direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

39 (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic
40 thereon shall be driven in the right-hand lane for traffic or as close as practicable to the
41 right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

42 (4) Official signs may be erected by the highways and transportation commission or the
43 highway patrol may place temporary signs directing slow-moving traffic to use a designated lane

44 or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall
45 obey the directions of every such sign;

46 (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the
47 right, and except when a roadway has been divided into traffic lanes, each driver shall give to
48 the other at least one-half of the main traveled portion of the roadway whenever possible.

49 6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding
50 in the same direction shall be driven in the right-hand lane except when overtaking and passing
51 another vehicle or when preparing to make a proper left turn or when otherwise directed by
52 traffic markings, signs or signals.

53 7. **All trucks registered for a gross weight of more than forty-eight thousand**
54 **pounds, shall not be driven in the far left-hand upon all interstate highways, freeways, or**
55 **expressways within the urbanized areas of this state having three or more lanes of traffic**
56 **proceeding in the same direction. This restriction shall not apply when:**

57 (1) **It is reasonably necessary for the operator of the truck to respond to emergency**
58 **conditions;**

59 (2) **It is necessary for the operator of the truck to avoid actual or potential traffic**
60 **moving onto the right lane from an acceleration or merging lane;**

61 (3) **It is necessary for the operator of the truck to follow traffic control devices that**
62 **direct use of a lane other than the right lane; or**

63 (4) **The right half of a roadway is closed to traffic while under construction or**
64 **repair.**

65 8. Violation of this section shall be deemed an infraction unless such violation causes
66 an immediate threat of an accident, in which case such violation shall be deemed a class C
67 misdemeanor, or unless an accident results from such violation, in which case such violation
68 shall be deemed a class A misdemeanor.

69 9. **As used in subsection 7 of this section, the word "truck" means any vehicle,**
70 **machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn**
71 **by mechanical power and designed for or used in the transportation of property upon the**
72 **highways. The term "truck" also includes a commercial motor vehicle as defined in section**
73 **301.010, RSMo.**

304.016. 1. The following rules shall govern the overtaking and passing of vehicles
2 proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

3 (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction
4 shall pass to the left thereof at a safe distance and shall not again drive to the right side of the
5 roadway until safely clear of the overtaken vehicle; and

6 (2) Except when overtaking and passing on the right is permitted, the driver of an
7 overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not
8 increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

9 2. The driver of a motor vehicle may overtake and pass to the right of another vehicle
10 only under the following conditions:

11 (1) When the vehicle overtaken is making or about to make a left turn;

12 (2) Upon a city street with unobstructed pavement of sufficient width for two or more
13 lines of vehicles in each direction;

14 (3) Upon a one-way street;

15 (4) Upon any highway outside of a city with unobstructed pavement of sufficient width
16 and clearly marked for four or more lines of traffic. The driver of a motor vehicle may overtake
17 and pass another vehicle upon the right only under the foregoing conditions when such
18 movement may be made in safety. In no event shall such movement be made by driving off the
19 paved or main traveled portion of the roadway. The provisions of this subsection shall not
20 relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the
21 right-hand edge of the roadway.

22 3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be
23 driven to the left side of the center line of a highway or public road in overtaking and passing
24 another vehicle proceeding in the same direction unless such left side is clearly visible and is free
25 of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be
26 completely made without interfering with the safe operation of any vehicle approaching from the
27 opposite direction or any vehicle overtaken.

28 4. No vehicle shall at any time be driven to the left side of the roadway under the
29 following conditions:

30 (1) When approaching the crest of a grade or upon a curve of the highway where the
31 driver's view is obstructed within such distance as to create a hazard in the event another vehicle
32 might approach from the opposite direction;

33 (2) When the view is obstructed upon approaching within one hundred feet of any
34 bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or
35 railroad grade crossing;

36 **(3) When the roadway is clearly marked with a solid yellow center stripe indicating**
37 **a no passing zone or an unsafe location to overtake or drive to the left side of the roadway.**

38 5. 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.

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 304.291, are thereby advised that there is insufficient time
24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then
29 before entering the intersection and shall remain standing until an indication to proceed is shown
30 except as provided in paragraph (b);

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section
41 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

42 (4) In the event an official traffic control signal is erected and maintained at a place other
43 than an intersection, the provision of this section shall be applicable except as to those provisions
44 which by their nature can have no application. Any stop required shall be made at a sign or
45 marking on the pavement indicating where the stop shall be made, but in the absence of any such
46 sign or marking the stop shall be made at the signal.

47 2. Notwithstanding the provisions of section 304.361, violation of this section is a class
48 C misdemeanor.

49 **3. A person operating a motorcycle who violates this section or section 304.301 by**
50 **entering or crossing an intersection controlled by a traffic-control signal against a red light**
51 **shall have an affirmative defense to that charge if the person establishes all of the following**
52 **conditions:**

53 (1) **The motorcycle has been brought to a complete stop;**

54 **(2) The traffic-control signal continues to show a red light for an unreasonable**
55 **time;**

56 **(3) The traffic-control is apparently malfunctioning or, if programmed or**
57 **engineered to change to a green light only after detecting the approach of a motor vehicle,**
58 **the signal has apparently failed to detect the arrival of the motorcycle; and**

59 **(4) No motor vehicle or person is approaching on the street or highway to be**
60 **crossed or entered or is so far away from the intersection that it does not constitute an**
61 **immediate hazard. The affirmative defense in this subsection applies only to a violation**
62 **for entering or crossing an intersection controlled by a traffic-control signal against a red**
63 **light and does not provide a defense to any other civil or criminal action.**

304.351. 1. The driver of a vehicle approaching an intersection shall yield the
2 right-of-way to a vehicle which has entered the intersection from a different highway, provided,
3 however, there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at approximately the
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left
8 turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall yield
10 the right-of-way to any vehicle approaching from the opposite direction which is within the
11 intersection or so close thereto as to constitute an immediate hazard.

12 4. **(1)** The state highways and transportation commission with reference to state
13 highways and local authorities with reference to other highways under their jurisdiction may
14 designate through highways and erect stop signs or yield signs at specified entrances thereto, or
15 may designate any intersection as a stop intersection or as a yield intersection and erect stop signs
16 or yield signs at one or more entrances to such intersection.

17 **[(1)] (2)** Preferential right-of-way at an intersection may be indicated by stop signs or
18 yield signs as authorized in this section:

19 (a) Except when directed to proceed by a police officer or traffic-control signal, every
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic in the intersecting roadway before entering the intersection. After having
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection
25 from another highway or which is approaching so closely on the highway as to constitute an
26 immediate hazard during the time when such driver is moving across or within the intersection.

27 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching
32 on another highway so closely as to constitute an immediate hazard during the time such traffic
33 is moving across or within the intersection.

34 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any
35 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway
36 to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor **unless such violation causes serious physical injury, in which**
48 **case such violation shall be deemed a class B misdemeanor as provided for in subsection**
49 **10 of this section, or unless such violation causes death in which case such violation shall**
50 **be deemed a class A misdemeanor as provided for in subsection 11 of this section.**

51 9. Any person who pleads guilty to or is found guilty of violating the provisions of
52 this section in which the offender is found to have caused physical injury to a person or
53 persons shall be assessed a fine of no less than two hundred dollars.

54 10. Any person who pleads guilty to or is found guilty of violating the provisions
55 of this section in which the offender is found to have caused serious physical injury to a
56 person or persons shall be guilty of a class B misdemeanor and shall be assessed a fine of
57 no less than five hundred dollars.

58 11. Notwithstanding the provisions of subsection 8 of this section, any person who
59 pleads guilty to or is found guilty of violating the provisions of this section in which the
60 offender is found to have caused a fatality shall be guilty of a class A misdemeanor and
61 shall be assessed a fine of no less than one thousand dollars.

62 **12. As used in subsections 9 and 10 of this section, the terms "physical injury" and**
63 **"serious physical injury" shall have the meanings ascribed to them in section 556.061,**
64 **RSMo.**

 304.580. [1.] As used in [this section] **sections 304.582 and 304.585**, the term
2 "construction zone" or "work zone" means any area upon or around any highway as defined in
3 section 302.010, RSMo, which is visibly marked by the department of transportation or a
4 contractor **or subcontractor** performing work for the department of transportation as an area
5 where construction, maintenance, **incident removal**, or other work is temporarily occurring. The
6 term "work zone" or "construction zone" also includes the lanes of highway leading up to the
7 area upon which an activity described in this subsection is being performed, beginning at the
8 point where appropriate signs [directing motor vehicles to merge from one lane into another lane
9 are posted.

10 2. Upon a conviction or a plea of guilty by any person for a moving violation as defined
11 in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess
12 a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the
13 offense occurred within a construction zone or a work zone.

14 3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant
15 to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this
16 section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine
17 authorized by law, if the offense occurred within a construction zone or a work zone and at the
18 time the speeding or passing violation occurred there was any person in such zone who was there
19 to perform duties related to the reason for which the area was designated a construction zone or
20 work zone. However, no person assessed an additional fine pursuant to this subsection shall also
21 be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be
22 assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to
23 subsection 4 of this section.

24 4. The penalty authorized by subsection 3 of this section shall only be assessed by the
25 court if the department of transportation or contractor performing work for the department of
26 transportation has erected signs upon or around a construction or work zone which are clearly
27 visible from the highway and which state substantially the following message: "Warning: \$250
28 fine for speeding or passing in this work zone".

29 5. During any day in which no person is present in a construction zone or work zone
30 established pursuant to subsection 3 of this section to perform duties related to the purpose of
31 the zone, the sign warning of additional penalties shall not be visible to motorists. During any
32 period of two hours or more in which no person is present in such zone on a day in which
33 persons have been or will be present to perform duties related to the reason for which the area

34 was designated as a construction zone or work zone, the sign warning of additional penalties
35 shall not be visible to motorists. The department of transportation or contractor performing work
36 for the department of transportation shall be responsible for compliance with provisions of this
37 subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary
38 for public safety in the construction or work zone being visible to motorists at all times.

39 6. The driver of a motor vehicle may not overtake or pass another motor vehicle within
40 a work zone or construction zone. This subsection applies to a construction zone or work zone
41 located upon a highway divided into two or more marked lanes for traffic moving in the same
42 direction and for which motor vehicles are instructed to merge from one lane into another lane
43 by an appropriate sign erected by the department of transportation or a contractor performing
44 work for the department of transportation. Violation of this subsection is a class C misdemeanor.

45 7. This section shall not be construed to enhance the assessment of court costs or the
46 assessment of points pursuant to section 302.302, RSMo.] **or traffic control devices are posted**
47 **or placed. The term "worker" or "highway worker" as used in sections 304.582 and**
48 **304.585 shall mean any person who is working in a construction zone or work zone, or any**
49 **employee of the department of transportation who is performing duties under the**
50 **department's motorist assist program on a state highway or the right-of-way of a state**
51 **highway.**

304.582. 1. Upon the first conviction or plea of guilty by any person for a moving
2 **violation as defined in section 302.010, RSMo, or any offense listed in section 302.302,**
3 **RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine**
4 **authorized to be imposed by law, if the offense occurred within a construction zone or a**
5 **work zone. A second or subsequent violation of this subsection shall result in the court**
6 **assessing a fine of seventy-five dollars in addition to any other fine authorized to be**
7 **imposed by law.**

8 **2. Upon the first conviction or plea of guilty by any person for a speeding violation**
9 **under section 304.009 or 304.010, or a passing violation under subsection 4 of this section,**
10 **the court shall assess a fine of two hundred fifty dollars in addition to any other fine**
11 **authorized by law, if the offense occurred within a construction zone or a work zone and**
12 **at the time the speeding or passing violation occurred there was any highway worker in**
13 **such work zone. A second or subsequent violation of this subsection shall result in the**
14 **court assessing a fine of three hundred dollars in addition to any other fine authorized by**
15 **law. However, no person assessed an additional fine under this subsection shall also be**
16 **assessed an additional fine under subsection 1 of this section, and no person shall be**
17 **assessed an additional fine under this subsection if no signs have been posted under**
18 **subsection 3 of this section.**

19 **3. The penalty authorized by subsection 2 of this section shall only be assessed by**
20 **the court if the department of transportation or contractor performing work for the**
21 **department of transportation has erected signs upon or around a construction or work**
22 **zone which are clearly visible from the highway and which state substantially the following**
23 **message: "Warning: Minimum \$250 fine for speeding or passing in this work zone when**
24 **workers are present."**

25 **4. The driver of a motor vehicle may not overtake or pass another motor vehicle**
26 **within a work zone or construction zone as provided in this subsection. Violation of this**
27 **subsection is a class C misdemeanor.**

28 **(1) This subsection applies to a construction zone or work zone located upon a**
29 **highway divided into two or more marked lanes for traffic moving in the same direction**
30 **and for which motor vehicles are instructed to merge from one lane into another lane and**
31 **not pass by appropriate signs erected by the department of transportation or a contractor**
32 **or subcontractor performing work for the department of transportation.**

33 **(2) This subsection also prohibits the operator of a motor vehicle from passing or**
34 **attempting to pass another motor vehicle in a work zone or construction zone located upon**
35 **a two-lane highway when highway workers or equipment are working and when**
36 **appropriate signs or traffic control devices have been erected by the department of**
37 **transportation or a contractor or subcontractor performing work for the department of**
38 **transportation.**

39 **5. The additional fines imposed by subsection 4 of this section shall not be**
40 **construed to enhance the assessment of court costs or the assessment of points under**
41 **section 302.302, RSMo.**

304.585. 1. A person shall be deemed to commit the offense of endangerment of a
2 **highway worker upon conviction for any of the following when the offense occurs within**
3 **a construction zone or work zone, as defined in section 304.580:**

4 **(1) Exceeding the posted speed limit by ten miles per hour or more;**

5 **(2) Failure to stop for a work zone flagman or failure to obey traffic control devices**
6 **erected in the construction zone or work zone for purposes of controlling the flow of motor**
7 **vehicles through the zone;**

8 **(3) Driving through or around a work zone by any lane not clearly designated to**
9 **motorists for the flow of traffic through the work zone;**

10 **(4) Physically assaulting, attempting to assault, or threatening to assault a highway**
11 **worker in a construction zone or work zone, with a motor vehicle or other deadly weapon**
12 **or dangerous instrument;**

13 **(5) Negligently striking, moving, or altering barrels, barriers, signs, or other devices**
14 **erected to control the flow of traffic to protect workers and motorists in the work zone; or**

15 **(6) Committing any of the following offenses for which points may be assessed**
16 **under section 302.302, RSMo, including:**

17 **(a) Leaving the scene of an accident in violation of section 577.060, RSMo;**

18 **(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**

19 **(c) Operating a vehicle without a valid license in violation of subdivision (1) or (2)**
20 **of subsection 1 of section 302.020, RSMo;**

21 **(d) Operating a motor vehicle with a suspended or revoked license;**

22 **(e) Obtaining a drivers license by misrepresentation;**

23 **(f) Driving while in an intoxicated condition, or under the influence of controlled**
24 **substances or drugs, or driving with an excessive blood alcohol content;**

25 **(g) Any felony involving the use of a motor vehicle; and**

26 **(h) Knowingly permitting an unlicensed operator to operate a motor vehicle.**

27 **2. Upon conviction or a plea of guilty for committing the offense of endangerment**
28 **of a highway worker under subsection 1 of this section, in addition to any other penalty**
29 **authorized by law, the person shall be guilty of a class A misdemeanor if no injury or death**
30 **to a highway worker resulted from the offense. If a highway worker is injured as a result**
31 **of the person committing the offense of endangerment of a highway worker, the person**
32 **shall be guilty of a class D felony. If death of a highway worker results from the**
33 **commission of the offense of endangerment of a highway worker, the person shall be guilty**
34 **of a class C felony.**

304.590. 1. There is hereby created in the state treasury for use by the highways
2 **and transportation commission a fund to be known as the "Work Zone Safety Trust**
3 **Fund". All surcharges collected under this section, appropriations of the general assembly,**
4 **federal grants, private donations, and any other moneys designated for the work zone**
5 **safety trust fund established under this section shall be deposited in the fund. Moneys**
6 **deposited in the fund shall be expended under the direction of the commission for the**
7 **purpose of funding enforcement of all traffic laws of the state, including sections 304.582**
8 **and 304.585, by law enforcement personnel in construction zones or work zones on the**
9 **highway system. Any funds determined by the commission not to be needed for**
10 **enforcement in such construction zones or work zones may be expended for promotion of**
11 **safety in construction zones or work zones through education, advertising, and other**
12 **efforts to promote safety in construction zones or work zones to the general public. Such**
13 **funds shall not be expended for salaries or administrative expenses of the department of**
14 **transportation. Notwithstanding the provisions of section 33.080, RSMo, any unexpended**

15 **balance in the work zone safety trust fund at the end of any biennium shall not be**
16 **transferred to the general revenue fund. All interest earned from moneys in the work zone**
17 **safety trust fund shall be credited to such fund.**

18 **2. In all violations of the traffic laws of this state, including infractions, there shall**
19 **be assessed as court costs a surcharge in the amount of five dollars. No such surcharge**
20 **shall be collected in any proceeding involving a violation of an ordinance or state law when**
21 **the proceeding or defendant has been dismissed by the court except when the dismissal is**
22 **conditioned upon an agreement to pay costs. Such surcharge shall be collected and**
23 **distributed to the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The**
24 **surcharge collected under this section shall be paid to the state treasury to the credit of the**
25 **work zone safety trust fund established in this section.**

307.156. Any person, firm, or corporation that owns or operates a business engaged
2 **in whole or in part in servicing motor vehicles and installs or purports to install an airbag**
3 **in a motor vehicle and either:**

4 **(1) Installs an airbag that does not meet all applicable federal safety regulations for**
5 **an airbag installed in a vehicle of that make, model, and year; or**

6 **(2) Installs an airbag that previously has been installed in another motor vehicle**
7 **without disclosing in writing to the owner or lessee of the vehicle receiving such airbag**
8 **installation that a used airbag has been installed in it, shall be guilty of a class D felony.**

307.178. 1. As used in this section, the term "passenger car" means every motor vehicle
2 designed for carrying ten persons or less and used for the transportation of persons; except that,
3 the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and
4 trucks with a licensed gross weight of twelve thousand pounds or more.

5 2. Each driver, except persons employed by the United States Postal Service while
6 performing duties for that federal agency which require the operator to service postal boxes from
7 their vehicles, or which require frequent entry into and exit from their vehicles, and front seat
8 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway
9 in this state, and persons less than eighteen years of age operating or riding in a truck, as defined
10 in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and
11 fastened safety belt that meets federal National Highway, Transportation and Safety Act
12 requirements; except that, a child less than four years of age shall be protected as required in
13 section 210.104, RSMo. No person shall be stopped, inspected, or detained solely to determine
14 compliance with this subsection; **however, nothing shall prohibit a law enforcement officer**
15 **from enforcing the provisions of this section if the violation is clearly visible to the officer**
16 **without stopping the vehicle.** The provisions of this section shall not be applicable to persons
17 who have a medical reason for failing to have a seat belt fastened about their body, nor shall the

18 provisions of this section be applicable to persons while operating or riding a motor vehicle
19 being used in agricultural work-related activities. Noncompliance with this subsection shall not
20 constitute probable cause for violation of any other provision of law **or for a search of the**
21 **driver, passenger, or vehicle.**

22 3. Each driver of a motor vehicle transporting a child four years of age or more[, but less
23 than sixteen years of age,] shall secure the child in a properly adjusted and fastened [safety belt]
24 **restraint under section 307.179.**

25 4. In any action to recover damages arising out of the ownership, common maintenance
26 or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not
27 be considered evidence of comparative negligence. Failure to wear a safety belt in violation of
28 this section may be admitted to mitigate damages, but only under the following circumstances:

29 (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation
30 of this section must first introduce expert evidence proving that a failure to wear a safety belt
31 contributed to the injuries claimed by plaintiff;

32 (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's
33 failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed
34 injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one
35 percent of the damages awarded after any reductions for comparative negligence.

36 5. Each driver who violates the provisions of subsection 2 or 3 of this section is guilty
37 of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions
38 of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any
39 person due to a violation of this section. In no case shall points be assessed against any person,
40 pursuant to section 302.302, RSMo, for a violation of this section.

41 6. The [department of public safety] **state highways and transportation commission**
42 shall initiate and develop a program of public information to develop understanding of, and
43 ensure compliance with, the provisions of this section. The [department of public safety]
44 **commission** shall evaluate the effectiveness of this section and shall include a report of its
45 findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and
46 FHWA pursuant to 23 U.S.C. 402.

47 7. If there are more persons than there are seat belts in the enclosed area of a motor
48 vehicle, then the driver and passengers are not in violation of this section.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle
3 Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a
4 child to properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal
6 Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is
7 either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt
8 or a universal attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every person transporting a child under the age of sixteen years shall be
11 responsible, when transporting such child in a motor vehicle operated by that person on
12 the streets or highways of this state, for providing for the protection of such child as
13 follows:

14 (1) Children less than four years of age shall be secured in a child passenger
15 restraint system appropriate for that child;

16 (2) Children four through five years of age shall be secured in a child booster seat
17 appropriate for that child;

18 (3) Children six years of age or older shall be secured by a vehicle safety belt.

19 3. Any person who violates this section is guilty of an infraction and, upon
20 conviction, may be punished by a fine of not more than twenty-five dollars. No court costs
21 shall be charged for a violation of this section. In no case shall points be assessed against
22 any person, pursuant to section 302.302, RSMo, for violation of this section. If a person
23 receives a citation for violating this section, the charges shall be dismissed or withdrawn
24 if the person prior to or at his or her hearing provides evidence of acquisition of a child
25 passenger restraint system or child booster seat which is satisfactory to the court or the
26 party responsible for prosecuting the person's citation.

27 4. The provisions of this section shall not apply to any public carrier for hire or to
28 school buses as defined in section 301.010, RSMo, unless such school bus is required to be
29 equipped with safety belts pursuant to federal motor vehicle safety standards.

30 5. The state highways and transportation commission shall initiate and develop a
31 program of public information to develop understanding of, and ensure compliance with
32 the provisions of this section. The commission may promulgate rules and regulations for
33 the enforcement of this section. Any rule or portion of a rule, as that term is defined in
34 section 536.010, RSMo, that is created under the authority delegated in this section shall
35 become effective only if it complies with and is subject to all of the provisions of chapter
36 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
37 RSMo, are nonseverable and if any of the powers vested with the general assembly
38 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
39 annul a rule are subsequently held unconstitutional, then the grant of rulemaking

40 **authority and any rule proposed or adopted after August 28, 2005, shall be invalid and**
41 **void.**

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "intoxication-related traffic offense" is driving while intoxicated, driving with
3 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) of
4 subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4)
5 of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second
6 degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo, or driving under
7 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance,
8 where the judge in such case was an attorney and the defendant was represented by or waived
9 the right to an attorney in writing;

10 (2) A "persistent offender" is one of the following:

11 (a) A person who has pleaded guilty to or has been found guilty of two or more
12 intoxication-related traffic offenses, where such two or more offenses occurred within ten years
13 of the occurrence of the intoxication-related traffic offense for which the person is charged;

14 (b) A person who has pleaded guilty to or has been found guilty of involuntary
15 manslaughter pursuant to subsection 1 of section 565.024, RSMo, assault in the second degree
16 pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law
17 enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section
18 565.082, RSMo; and

19 (3) A "prior offender" is a person who has pleaded guilty to or has been found guilty of
20 one intoxication-related traffic offense, where such prior offense occurred within five years of
21 the occurrence of the intoxication-related traffic offense for which the person is charged.

22 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
23 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
24 misdemeanor.

25 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
26 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
27 felony.

28 4. No **state, county, or municipal** court shall suspend the imposition of sentence as to
29 a prior or persistent offender under this section nor sentence such person to pay a fine in lieu of
30 a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior
31 offender shall be eligible for parole or probation until he has served a minimum of five days
32 imprisonment, unless as a condition of such parole or probation such person performs at least
33 thirty days of community service under the supervision of the court in those jurisdictions which
34 have a recognized program for community service. No persistent offender shall be eligible for

35 parole or probation until he or she has served a minimum of ten days imprisonment, unless as
36 a condition of such parole or probation such person performs at least sixty days of community
37 service under the supervision of the court.

38 5. The **state, county, or municipal** court shall find the defendant to be a prior offender
39 or persistent offender, if:

40 (1) The indictment or information, original or amended, or the information in lieu of an
41 indictment pleads all essential facts warranting a finding that the defendant is a prior offender
42 or persistent offender; and

43 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
44 beyond a reasonable doubt the defendant is a prior offender or persistent offender; and

45 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
46 by the court that the defendant is a prior offender or persistent offender.

47 6. In a jury trial, the facts shall be pleaded, established and found prior to submission to
48 the jury outside of its hearing.

49 7. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
50 findings of such facts to a later time, but prior to sentencing.

51 8. The defendant shall be accorded full rights of confrontation and cross-examination,
52 with the opportunity to present evidence, at such hearings.

53 9. The defendant may waive proof of the facts alleged.

54 10. Nothing in this section shall prevent the use of presentence investigations or
55 commitments.

56 11. At the sentencing hearing both the **state, county, or municipality** and the defendant
57 shall be permitted to present additional information bearing on the issue of sentence.

58 12. The pleas or findings of guilty shall be prior to the date of commission of the present
59 offense.

60 13. The court shall not instruct the jury as to the range of punishment or allow the jury,
61 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
62 prior offenders or persistent offenders.

63 14. Evidence of prior convictions shall be heard and determined by the trial court out of
64 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
65 be limited to evidence of convictions received by a search of the records of the Missouri uniform
66 law enforcement system maintained by the Missouri state highway patrol. After hearing the
67 evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal
68 or county ordinance in a county or municipal court for driving while intoxicated or a conviction
69 or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence,

70 suspended execution of sentence, probation or parole or any combination thereof in a state court
71 shall be treated as a prior conviction.

577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to
3 any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal
4 shall be admissible in a proceeding pursuant to section 565.024 or 565.060, RSMo, or section
5 577.010 or 577.012. The request of the officer shall include the reasons of the officer for
6 requesting the person to submit to a test and also shall inform the person that evidence of refusal
7 to take the test may be used against such person and that the person's license shall be
8 immediately revoked upon refusal to take the test. If a person when requested to submit to any
9 test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be
10 granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the
11 twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a
12 refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of
13 license revocation personally upon the person and shall take possession of any license to operate
14 a motor vehicle issued by this state which is held by that person. The officer shall issue a
15 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall
16 also give the person a notice of such person's right to file a petition for review to contest the
17 license revocation.

18 2. The officer shall make a [sworn] **certified** report [to the director of revenue, which]
19 **under penalties of perjury for making a false statement to a public official. The report**
20 **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.

2 [210.104. 1. Every person transporting a child under the age of four
3 years shall be responsible, when transporting such child in a motor vehicle
4 operated by that person on the streets or highways of this state, for providing for
5 the protection of such child. Such child shall be protected by a child passenger
6 restraint system approved by the department of public safety.

7 2. Any person who violates this section is guilty of an infraction and,
8 upon conviction, may be punished by a fine of not more than twenty-five dollars
9 and court costs.

10 3. The provisions of sections 210.104 to 210.107 shall not apply to any
11 public carrier for hire.]

2 [210.107. The department of public safety shall initiate and develop a
3 program of public information to develop understanding of, and ensure
4 compliance with the provisions of sections 210.104 to 210.107. The department
5 of public safety shall, within thirty days of September 28, 1983, promulgate
6 standards for the performance, design, and installation of passenger restraint
7 systems for children under four years of age in accordance with federal motor
8 vehicle safety standards and shall approve those systems which meet such
9 standards. No rule or portion of a rule promulgated under the authority of
10 sections 210.104 to 210.107 shall become effective unless it has been
11 promulgated pursuant to the provisions of section 536.024, RSMo.]