

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 518, 288, 418, & 635
AN ACT

To repeal sections 210.104, 210.106, 210.107, 301.010, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, 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 eighteen 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:

1 Section A. Sections 210.104, 210.106, 210.107, 301.010,
2 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351,
3 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, section
4 302.302 as enacted by house substitute for senate substitute for
5 senate committee substitute for senate bill nos. 1233, 840 &
6 1043, ninety-second general assembly, second regular session, and
7 section 302.302 as enacted by conference committee substitute no.
8 2 for senate committee substitute for house committee substitute

1 for house bill nos. 302 & 38, ninety-first general assembly,
2 first regular session, are repealed and eighteen new sections
3 enacted in lieu thereof, to be known as sections 301.010,
4 302.302, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281,
5 304.351, 304.580, 304.582, 304.585, 307.156, 307.178, 307.179,
6 476.385, 577.023, and 577.041, to read as follows:

7 301.010. As used in this chapter and sections 304.010 to
8 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
9 307.175, RSMo, the following terms mean:

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

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

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

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

27 (5) "Body shop", a business that repairs physical damage on
28 motor vehicles that are not owned by the shop or its officers or

1 employees by mending, straightening, replacing body parts, or
2 painting;

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

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

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

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

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

18 (11) "Driveaway operation":

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

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

1 (c) The movement of a motor vehicle by any person who is
2 lawfully engaged in the business of transporting or delivering
3 vehicles that are not the person's own and vehicles of a type
4 otherwise required to be registered, by the driveaway or towaway
5 methods, from a point of manufacture, assembly or distribution or
6 from the owner of the vehicles to a dealer or sales agent of a
7 manufacturer or to any consignee designated by the shipper or
8 consignor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) An area that extends not more than a radius of fifty
25 miles from its home base of operations when transporting its
26 owner's machinery, equipment, or auxiliary supplies to or from
27 projects not involving soil and water conservation. Nothing in
28 this subdivision shall be construed to prevent any motor vehicle

1 from being registered as a commercial motor vehicle or local
2 commercial motor vehicle;

3 (25) "Local commercial motor vehicle", a commercial motor
4 vehicle whose operations are confined solely to a municipality
5 and that area extending not more than fifty miles therefrom, or a
6 commercial motor vehicle whose property-carrying operations are
7 confined solely to the transportation of property owned by any
8 person who is the owner or operator of such vehicle to or from a
9 farm owned by such person or under the person's control by virtue
10 of a landlord and tenant lease; provided that any such property
11 transported to any such farm is for use in the operation of such
12 farm;

13 (26) "Local log truck", a commercial motor vehicle which is
14 registered pursuant to this chapter to operate as a motor vehicle
15 on the public highways of this state, [used exclusively in this
16 state,] used to transport harvested forest products, operated
17 solely at a forested site and in an area extending not more than
18 a fifty-mile radius from such site, carries a load with
19 dimensions not in excess of twenty-five cubic yards per two axles
20 with dual wheels, and when operated on the national system of
21 interstate and defense highways described in Title 23, Section
22 103(e) of the United States Code, such vehicle shall not exceed
23 the weight limits of section 304.180, RSMo, does not have more
24 than four axles, and does not pull a trailer which has more than
25 two axles. Harvesting equipment which is used specifically for
26 cutting, felling, trimming, delimiting, debarking, chipping,
27 skidding, loading, unloading, and stacking may be transported on
28 a local log truck. A local log truck may not exceed the limits

1 required by law, however, if the truck does exceed such limits as
2 determined by the inspecting officer, then notwithstanding any
3 other provisions of law to the contrary, such truck shall be
4 subject to the weight limits required by such sections as
5 licensed for eighty thousand pounds;

6 (27) "Local log truck tractor", a commercial motor vehicle
7 which is registered under this chapter to operate as a motor
8 vehicle on the public highways of this state, [used exclusively
9 in this state,] used to transport harvested forest products,
10 operated solely at a forested site and in an area extending not
11 more than a fifty-mile radius from such site, operates with a
12 weight not exceeding twenty-two thousand four hundred pounds on
13 one axle or with a weight not exceeding forty-four thousand eight
14 hundred pounds on any tandem axle, and when operated on the
15 national system of interstate and defense highways described in
16 Title 23, Section 103(e) of the United States Code, such vehicle
17 does not exceed the weight limits contained in section 304.180,
18 RSMo, and does not have more than three axles and does not pull a
19 trailer which has more than two axles. Violations of axle weight
20 limitations shall be subject to the load limit penalty as
21 described for in sections 304.180 to 304.220, RSMo;

22 (28) "Local transit bus", a bus whose operations are
23 confined wholly within a municipal corporation, or wholly within
24 a municipal corporation and a commercial zone, as defined in
25 section 390.020, RSMo, adjacent thereto, forming a part of a
26 public transportation system within such municipal corporation
27 and such municipal corporation and adjacent commercial zone;

28 (29) "Log truck", a vehicle which is not a local log truck

1 or local log truck tractor and is used exclusively to transport
2 harvested forest products to and from forested sites which is
3 registered pursuant to this chapter to operate as a motor vehicle
4 on the public highways of this state for the transportation of
5 harvested forest products;

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

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

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

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

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

23 (35) "Motor vehicle primarily for business use", any
24 vehicle other than a recreational motor vehicle, motorcycle,
25 motortricycle, or any commercial motor vehicle licensed for over
26 twelve thousand pounds:

27 (a) Offered for hire or lease; or

28 (b) The owner of which also owns ten or more such motor

1 vehicles;

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

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

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

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

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

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

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

23 (43) "Owner", any person, firm, corporation or association,
24 who holds the legal title to a vehicle or in the event a vehicle
25 is the subject of an agreement for the conditional sale or lease
26 thereof with the right of purchase upon performance of the
27 conditions stated in the agreement and with an immediate right of
28 possession vested in the conditional vendee or lessee, or in the

1 event a mortgagor of a vehicle is entitled to possession, then
2 such conditional vendee or lessee or mortgagor shall be deemed
3 the owner for the purpose of this law;

4 (44) "Public garage", a place of business where motor
5 vehicles are housed, stored, repaired, reconstructed or repainted
6 for persons other than the owners or operators of such place of
7 business;

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

11 (46) "Reconstructed motor vehicle", a vehicle that is
12 altered from its original construction by the addition or
13 substitution of two or more new or used major component parts,
14 excluding motor vehicles made from all new parts, and new
15 multistage manufactured vehicles;

16 (47) "Recreational motor vehicle", any motor vehicle
17 designed, constructed or substantially modified so that it may be
18 used and is used for the purposes of temporary housing quarters,
19 including therein sleeping and eating facilities which are either
20 permanently attached to the motor vehicle or attached to a unit
21 which is securely attached to the motor vehicle. Nothing herein
22 shall prevent any motor vehicle from being registered as a
23 commercial motor vehicle if the motor vehicle could otherwise be
24 so registered;

25 (48) "Rollback or car carrier", any vehicle specifically
26 designed to transport wrecked, disabled or otherwise inoperable
27 vehicles, when the transportation is directly connected to a
28 wrecker or towing service;

1 (49) "Saddlemount combination", a combination of vehicles
2 in which a truck or truck tractor tows one or more trucks or
3 truck tractors, each connected by a saddle to the frame or fifth
4 wheel of the vehicle in front of it. The "saddle" is a mechanism
5 that connects the front axle of the towed vehicle to the frame or
6 fifth wheel of the vehicle in front and functions like a fifth
7 wheel kingpin connection. When two vehicles are towed in this
8 manner the combination is called a "double saddlemount
9 combination". When three vehicles are towed in this manner, the
10 combination is called a "triple saddlemount combination";

11 (50) "Salvage dealer and dismantler", a business that
12 dismantles used motor vehicles for the sale of the parts thereof,
13 and buys and sells used motor vehicle parts and accessories;

14 (51) "Salvage vehicle", a motor vehicle, semitrailer, or
15 house trailer which:

16 (a) Has been damaged to the extent that the total cost of
17 repairs to rebuild or reconstruct the vehicle to its condition
18 immediately before it was damaged for legal operation on the
19 roads or highways exceeds seventy- five percent of the fair
20 market value of the vehicle immediately preceding the time it was
21 damaged;

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

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

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

1 (e) Is abandoned property which is titled pursuant to
2 section 304.155, RSMo, or section 304.157, RSMo, and designated
3 with the words "salvage/abandoned property".
4

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

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

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

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

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

24 (53) "Shuttle bus", a motor vehicle used or maintained by
25 any person, firm, or corporation as an incidental service to
26 transport patrons or customers of the regular business of such
27 person, firm, or corporation to and from the place of business of
28 the person, firm, or corporation providing the service at no fee

1 or charge. Shuttle buses shall not be registered as buses or as
2 commercial motor vehicles;

3 (54) "Special mobile equipment", every self-propelled
4 vehicle not designed or used primarily for the transportation of
5 persons or property and incidentally operated or moved over the
6 highways, including farm equipment, implements of husbandry, road
7 construction or maintenance machinery, ditch-digging apparatus,
8 stone crushers, air compressors, power shovels, cranes, graders,
9 rollers, well-drillers and wood-sawing equipment used for hire,
10 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
11 leveling graders, finished machines, motor graders, road rollers,
12 scarifiers, earth-moving carryalls, scrapers, drag lines,
13 concrete pump trucks, rock-drilling and earth-moving equipment.
14 This enumeration shall be deemed partial and shall not operate to
15 exclude other such vehicles which are within the general terms of
16 this section;

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

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

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

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

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

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

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

25 (62) "Truck-trailer boat transporter combination", a boat
26 transporter combination consisting of a straight truck towing a
27 trailer using typically a ball and socket connection with the
28 trailer axle located substantially at the trailer center of

1 gravity rather than the rear of the trailer but so as to maintain
2 a downward force on the trailer tongue;

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

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

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

28 (66) "Wrecker" or "tow truck", any emergency commercial

1 vehicle equipped, designed and used to assist or render aid and
2 transport or tow disabled or wrecked vehicles from a highway,
3 road, street or highway rights-of-way to a point of storage or
4 repair, including towing a replacement vehicle to replace a
5 disabled or wrecked vehicle;

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

11 302.302. 1. The director of revenue shall put into effect
12 a point system for the suspension and revocation of licenses.
13 Points shall be assessed only after a conviction or forfeiture of
14 collateral. The initial point value is as follows:

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

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

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

28 (4) Careless and imprudent driving in violation of

- 1 subsection 4 of section 304.016, RSMo 4 points
- 2 In violation of a county or municipal ordinance. 2 points
- 3 (5) Operating without a valid license in violation
- 4 of subdivision (1) or (2) of subsection 1 of section 302.020:
- 5 (a) For the first conviction 2 points
- 6 (b) For the second conviction. 4 points
- 7 (c) For the third conviction 6 points
- 8 (6) Operating with a suspended or revoked license
- 9 prior to restoration of operating privileges 12 points
- 10 (7) Obtaining a license by misrepresentation . . . 12 points
- 11 (8) For the first conviction of driving while
- 12 in an intoxicated condition or under the influence
- 13 of controlled substances or drugs. 8 points
- 14 (9) For the second or subsequent conviction of
- 15 any of the following offenses however combined:
- 16 driving while in an intoxicated condition, driving
- 17 under the influence of controlled substances or drugs
- 18 or driving with a blood alcohol content of eight-
- 19 hundredths of one percent or more by weight 12 points
- 20 (10) For the first conviction for driving with
- 21 blood alcohol content eight-hundredths of one percent
- 22 or more by weight
- 23 In violation of state law. 8 points
- 24 In violation of a county or municipal ordinance or
- 25 federal law or regulation 8 points
- 26 (11) Any felony involving the use of a motor
- 27 vehicle. 12 points
- 28 (12) Knowingly permitting unlicensed operator

- 1 to operate a motor vehicle 4 points
- 2 (13) For a conviction for failure to maintain
- 3 financial responsibility pursuant to county or municipal
- 4 ordinance or pursuant to section 303.025, RSMo 4 points
- 5 (14) For a conviction for failure to yield the
- 6 right-of-way in violation of section 304.351, RSMo,
- 7 where the court has determined that the driver caused
- 8 a physical injury or serious physical injury 8 points
- 9 (15) For a conviction for failure to yield the
- 10 right-of-way in violation of section 304.351, RSMo,
- 11 where the court has determined that the driver
- 12 caused a fatality 12 points
- 13 (16) Endangerment of a highway worker in violation
- 14 of section 304.585 8 points
- 15 (17) Aggravated endangerment of a highway worker
- 16 in violation of section 304.585 12 points

17 2. The director shall, as provided in subdivision (5) of
 18 subsection 1 of this section, assess an operator points for a
 19 conviction pursuant to subdivision (1) or (2) of subsection 1 of
 20 section 302.020, when the director issues such operator a license
 21 or permit pursuant to the provisions of sections 302.010 to
 22 302.340.

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

27 4. When any of the acts listed in subdivision (2), (3), (4)
 28 or (8) of subsection 1 of this section constitutes both a

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

9 5. The director of revenue shall put into effect a system
10 for staying the assessment of points against an operator. The
11 system shall provide that the satisfactory completion of a
12 driver-improvement program or, in the case of violations
13 committed while operating a motorcycle, a motorcycle-rider
14 training course approved by the director of the department of
15 public safety, by an operator, when so ordered and verified by
16 any court having jurisdiction over any law of this state or
17 county or municipal ordinance, regulating motor vehicles, other
18 than a violation committed in a commercial motor vehicle as
19 defined in section 302.700 or a violation committed by an
20 individual who has been issued a commercial driver's license or
21 is required to obtain a commercial driver's license in this state
22 or any other state, shall be accepted by the director in lieu of
23 the assessment of points for a violation pursuant to subdivision
24 (1), (2) or (4) of subsection 1 of this section or pursuant to
25 subsection 3 of this section. For the purposes of this
26 subsection, the driver-improvement program shall meet or exceed
27 the standards of the National Safety Council's eight-hour
28 "Defensive Driving Course" or, in the case of a violation which

1 occurred during the operation of a motorcycle, the program shall
2 meet the standards established by the director of the department
3 of public safety pursuant to sections 302.133 to 302.138. The
4 completion of a driver-improvement program or a motorcycle-rider
5 training course shall not be accepted in lieu of points more than
6 one time in any thirty-six-month period and shall be completed
7 within sixty days of the date of conviction in order to be
8 accepted in lieu of the assessment of points. Every court having
9 jurisdiction pursuant to the provisions of this subsection shall,
10 within fifteen days after completion of the driver-improvement
11 program or motorcycle-rider training course by an operator,
12 forward a record of the completion to the director, all other
13 provisions of the law to the contrary notwithstanding. The
14 director shall establish procedures for record keeping and the
15 administration of this subsection.

16 [302.302. 1. The director of revenue shall put
17 into effect a point system for the suspension and
18 revocation of licenses. Points shall be assessed only
19 after a conviction or forfeiture of collateral. The
20 initial point value is as follows:
21 (1) Any moving violation of a state
22 law or county or municipal or federal traffic
23 ordinance or regulation not listed in this
24 section, other than a violation of vehicle
25 equipment provisions or a court-ordered
26 supervision as provided in section 302.303 . . . 2 points
27 (except any violation of municipal stop
28 sign ordinance where no accident is involved . 1 point
29 (2) Speeding
30 In violation of a state law 3 points
31 In violation of a county or municipal
32 ordinance 2 points
33 (3) Leaving the scene of an accident
34 in violation of section 577.060, RSMo 12 points
35 In violation of any county or municipal
36 ordinance. 6 points
37 (4) Careless and imprudent driving in
38 violation of subsection 4 of section 304.016,
39 RSMo 4 points

1 In violation of a county or municipal
2 ordinance 2 points
3 (5) Operating without a valid license in
4 violation of subdivision (1) or (2) of
5 subsection 1 of section 302.020:
6 (a) For the first conviction 2 points
7 (b) For the second conviction 4 points
8 (c) For the third conviction 6 points
9 (6) Operating with a suspended or
10 revoked license prior to restoration of
11 operating privileges 12 points
12 (7) Obtaining a license by
13 misrepresentation 12 points
14 (8) For the first conviction of driving
15 while in an intoxicated condition or under
16 the influence of controlled substances or
17 drugs 8 points
18 (9) For the second or subsequent
19 conviction of any of the following offenses
20 however combined: driving while in an
21 intoxicated condition, driving under the
22 influence of controlled substances or drugs
23 or driving with a blood alcohol content of
24 eight-hundredths of one percent or more by
25 weight 12 points
26 (10) For the first conviction for
27 driving with blood alcohol content eight-
28 hundredths of one percent or more by weight
29 In violation of state law 8 points
30 In violation of a county or municipal ordinance
31 or federal law or regulation 8 points
32 (11) Any felony involving the use of a
33 motor vehicle 12 points
34 (12) Knowingly permitting unlicensed
35 operator to operate a motor vehicle 4 points
36 (13) For a conviction for failure to
37 maintain financial responsibility pursuant to
38 county or municipal ordinance or pursuant to
39 section 303.025, RSMo 4 points
40 2. The director shall, as provided in subdivision
41 (5) of subsection 1 of this section, assess an operator
42 points for a conviction pursuant to subdivision (1) or
43 (2) of subsection 1 of section 302.020, when the
44 director issues such operator a license or permit
45 pursuant to the provisions of sections 302.010 to
46 302.340.
47 3. An additional two points shall be assessed
48 when personal injury or property damage results from
49 any violation listed in subsection 1 of this section
50 and if found to be warranted and certified by the
51 reporting court.

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

13 5. The director of revenue shall put into effect
14 a system for staying the assessment of points against
15 an operator. The system shall provide that the
16 satisfactory completion of a driver-improvement program
17 or, in the case of violations committed while operating
18 a motorcycle, a motorcycle-rider training course
19 approved by the director of the department of public
20 safety, by an operator, when so ordered and verified by
21 any court having jurisdiction over any law of this
22 state or county or municipal ordinance, regulating
23 motor vehicles, other than a violation committed in a
24 commercial motor vehicle as defined in section 302.700,
25 shall be accepted by the director in lieu of the
26 assessment of points for a violation pursuant to
27 subdivision (1), (2) or (4) of subsection 1 of this
28 section or pursuant to subsection 3 of this section.
29 For the purposes of this subsection, the
30 driver-improvement program shall meet or exceed the
31 standards of the National Safety Council's eight-hour
32 "Defensive Driving Course" or, in the case of a
33 violation which occurred during the operation of a
34 motorcycle, the program shall meet the standards
35 established by the director of the department of public
36 safety pursuant to sections 302.133 to 302.138. The
37 completion of a driver-improvement program or a
38 motorcycle-rider training course shall not be accepted
39 in lieu of points more than one time in any
40 thirty-six-month period and shall be completed within
41 sixty days of the date of conviction in order to be
42 accepted in lieu of the assessment of points. Every
43 court having jurisdiction pursuant to the provisions of
44 this subsection shall, within fifteen days after
45 completion of the driver-improvement program or
46 motorcycle-rider training course by an operator,
47 forward a record of the completion to the director, all
48 other provisions of the law to the contrary
49 notwithstanding. The director shall establish
50 procedures for record keeping and the administration of
51 this subsection.]

1
2 302.510. 1. Except as provided in subsection 3 of this
3 section, a law enforcement officer who arrests any person for a
4 violation of any state statute related to driving while
5 intoxicated or for a violation of a county or municipal ordinance
6 prohibiting driving while intoxicated or a county or municipal
7 alcohol-related traffic offense, and in which the alcohol
8 concentration in the person's blood, breath, or urine was
9 eight-hundredths of one percent or more by weight or
10 two-hundredths of one percent or more by weight for anyone less
11 than twenty-one years of age, shall forward to the department a
12 [verified] certified report of all information relevant to the
13 enforcement action, including information which adequately
14 identifies the arrested person, a statement of the officer's
15 grounds for belief that the person violated any state statute
16 related to driving while intoxicated or was less than twenty-one
17 years of age and was driving with two-hundredths of one percent
18 or more by weight of alcohol in the person's blood, or a county
19 or municipal ordinance prohibiting driving while intoxicated or a
20 county or municipal alcohol-related traffic offense, a report of
21 the results of any chemical tests which were conducted, and a
22 copy of the citation and complaint filed with the court.

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

27 3. A county or municipal ordinance prohibiting driving
28 while intoxicated or a county or municipal alcohol-related
29 traffic offense may not be the basis for suspension or revocation

1 of a driver's license pursuant to sections 302.500 to 302.540,
2 unless the arresting law enforcement officer, other than an
3 elected peace officer or official, has been [certified] licensed
4 by the director of the department of public safety pursuant to
5 the provisions of [sections 590.100 to 590.180] chapter 590,
6 RSMo.

7 302.530. 1. Any person who has received a notice of
8 suspension or revocation may make a request within fifteen days
9 of receipt of the notice for a review of the department's
10 determination at a hearing. If the person's driver's license has
11 not been previously surrendered, it [shall] may be surrendered at
12 the time the request for a hearing is made.

13 2. At the time the request for a hearing is made, if it
14 appears from the record that the person is the holder of a valid
15 driver's license issued by this state, and that the driver's
16 license has been surrendered [as required], the department shall
17 issue a temporary permit which shall be valid until the scheduled
18 date for the hearing. The department may later issue an
19 additional temporary permit or permits in order to stay the
20 effective date of the suspension or revocation until the final
21 order is issued following the hearing, as required by section
22 302.520.

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

1 4. The sole issue at the hearing shall be whether by a
2 preponderance of the evidence the person was driving a vehicle
3 pursuant to the circumstances set out in section 302.505. The
4 burden of proof shall be on the state to adduce such evidence.
5 If the department finds the affirmative of this issue, the
6 suspension or revocation order shall be sustained. If the
7 department finds the negative of the issue, the suspension or
8 revocation order shall be rescinded.

9 5. The procedure at such hearing shall be conducted in
10 accordance with chapter 536, RSMo, [not otherwise in conflict]
11 with sections 302.500 to 302.540. A report certified under
12 subsection 2 of section 302.510 shall be admissible in a like
13 manner as a verified report as evidence of the facts stated
14 therein and any provision of chapter 536, RSMo, to the contrary
15 shall not apply.

16 6. The department shall promptly notify[, by certified
17 letter,] the person of its decision including the reasons for
18 that decision. Such notification shall include a notice advising
19 the person that the department's decision shall be final within
20 fifteen days from the date [of certification of the letter] such
21 notice was mailed unless the person challenges the department's
22 decision within that time period by filing an appeal in the
23 circuit court in the county where the arrest occurred.

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

28 8. The director may adopt any rules and regulations

1 necessary to carry out the provisions of this section.

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

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

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

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

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

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

21 3. It is unlawful to drive any vehicle upon any highway or
22 road which has been divided into two or more roadways by means of
23 a physical barrier or by means of a dividing section or
24 delineated by curbs, lines or other markings on the roadway,
25 except to the right of such barrier or dividing section, or to
26 make any left turn or semicircular or U-turn on any such divided
27 highway, except at an intersection or interchange or at any
28 signed location designated by the state highways and

1 transportation commission or the department of transportation.
2 The provisions of this subsection shall not apply to emergency
3 vehicles, law enforcement vehicles or to vehicles owned by the
4 commission or the department.

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

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

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

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

28 (3) Upon all highways any vehicle proceeding at less than

1 the normal speed of traffic thereon shall be driven in the
2 right-hand lane for traffic or as close as practicable to the
3 right-hand edge or curb, except as otherwise provided in sections
4 304.014 to 304.026;

5 (4) Official signs may be erected by the highways and
6 transportation commission or the highway patrol may place
7 temporary signs directing slow-moving traffic to use a designated
8 lane or allocating specified lanes to traffic moving in the same
9 direction and drivers of vehicles shall obey the directions of
10 every such sign;

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

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

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

27 (1) It is reasonably necessary for the operator of the
28 truck to respond to emergency conditions;

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

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

7 (4) The right half of a roadway is closed to traffic while
8 under construction or repair.

9 8. Violation of this section shall be deemed an infraction
10 unless such violation causes an immediate threat of an accident,
11 in which case such violation shall be deemed a class C
12 misdemeanor, or unless an accident results from such violation,
13 in which case such violation shall be deemed a class A
14 misdemeanor.

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

21 304.016. 1. The following rules shall govern the
22 overtaking and passing of vehicles proceeding in the same
23 direction, subject to the limitations and exceptions hereinafter
24 stated:

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

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

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

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

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

13 (3) Upon a one-way street;

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

24 3. Except when a roadway has been divided into three
25 traffic lanes, no vehicle shall be driven to the left side of the
26 center line of a highway or public road in overtaking and passing
27 another vehicle proceeding in the same direction unless such left
28 side is clearly visible and is free of oncoming traffic for a

1 sufficient distance ahead to permit such overtaking and passing
2 to be completely made without interfering with the safe operation
3 of any vehicle approaching from the opposite direction or any
4 vehicle overtaken.

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

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

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

15 (3) When the roadway is clearly marked with a solid yellow
16 center stripe indicating a no passing zone or an unsafe location
17 to overtake or drive to the left side of the roadway, except that
18 the provisions of this subdivision shall not apply when:

19 (a) Executing a lawful turn; or

20 (b) Overtaking a vehicle, as defined in section 307.020,
21 RSMo, that is traveling at a speed of less than twenty-five miles
22 per hour, or when avoiding debris in the roadway, so long as such
23 action does not create a hazard, as specified in subdivision (1)
24 of subsection 4 of this section.

25 5. Violation of this section shall be deemed a class C
26 misdemeanor.

27 304.155. 1. Any law enforcement officer within the
28 officer's jurisdiction, or an officer of a government agency

1 where that agency's real property is concerned, may authorize a
2 towing company to remove to a place of safety:

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

4 (a) Any interstate highway or freeway in an urbanized area,
5 left unattended for ten hours, or [after four hours] immediately
6 if a law enforcement officer determines that the abandoned
7 property is a serious hazard to other motorists, provided that
8 commercial motor vehicles not hauling materials designated as
9 hazardous under 49 U.S.C. 5103(a) may only be removed under this
10 subdivision to a place of safety until the owner or owner's
11 representative has had a reasonable opportunity to contact a
12 towing company of choice;

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

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

25 (d) Any state highway other than an interstate highway or
26 freeway outside of an urbanized area, left unattended for more
27 than forty-eight hours; provided that commercial motor vehicles
28 not hauling waste designated as hazardous under 49 U.S.C. 5103(a)

1 may only be removed under this subdivision to a place of safety
2 until the owner or owner's representative has had a reasonable
3 opportunity to contact a towing company of choice;

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

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

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

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

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

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

26 (8) Any abandoned property illegally left standing on the
27 waters of this state as defined in section 306.010, RSMo, where
28 the abandoned property is obstructing the normal movement of

1 traffic, or where the abandoned property has been unattended for
2 more than ten hours or is floating loose on the water.

3 2. The state transportation department may immediately
4 remove any abandoned, unattended, wrecked, burned or partially
5 dismantled property, spilled cargo or other personal property
6 from the roadway of any state highway if the abandoned property,
7 cargo or personal property is creating a traffic hazard because
8 of its position in relation to the state highway. In the event
9 the property creating a traffic hazard is a commercial motor
10 vehicle, as defined in section 302.700, RSMo, the department's
11 authority under this subsection shall be limited to authorizing a
12 towing company to remove the commercial motor vehicle to a place
13 of safety, except that the owner of the commercial motor vehicle
14 or the owner's designated representative shall have a reasonable
15 opportunity to contact a towing company of choice. The
16 provisions of this subsection shall not apply to vehicles
17 transporting any material which has been designated as hazardous
18 under Section 5103(a) of Title 49, U.S.C.

19 3. Any law enforcement agency authorizing a tow pursuant to
20 this section in which the abandoned property is moved from the
21 immediate vicinity shall complete a crime inquiry and inspection
22 report. Any state or federal government agency other than a law
23 enforcement agency authorizing a tow pursuant to this section in
24 which the abandoned property is moved away from the immediate
25 vicinity in which it was abandoned shall report the towing to the
26 state highway patrol or water patrol within two hours of the tow
27 along with a crime inquiry and inspection report as required in
28 this section. Any local government agency, other than a law

1 enforcement agency, authorizing a tow pursuant to this section
2 where property is towed away from the immediate vicinity shall
3 report the tow to the local law enforcement agency within two
4 hours along with a crime inquiry and inspection report.

5 4. Neither the law enforcement officer, government agency
6 official nor anyone having custody of abandoned property under
7 his direction shall be liable for any damage to such abandoned
8 property occasioned by a removal authorized by this section or by
9 ordinance of a county or municipality licensing and regulating
10 the sale of abandoned property by the municipality, other than
11 damages occasioned by negligence or by willful or wanton acts or
12 omissions.

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

17 6. Upon the towing of any abandoned property pursuant to
18 this section or under authority of a law enforcement officer or
19 local government agency pursuant to section 304.157, the law
20 enforcement agency that authorized such towing or was properly
21 notified by another government agency of such towing shall
22 promptly make an inquiry with the national crime information
23 center and any statewide Missouri law enforcement computer system
24 to determine if the abandoned property has been reported as
25 stolen and shall enter the information pertaining to the towed
26 property into the statewide law enforcement computer system. If
27 the abandoned property is not claimed within ten working days of
28 the towing, the tower who has online access to the department of

1 revenue's records shall make an inquiry to determine the
2 abandoned property owner and lienholder, if any, of record. In
3 the event that the records of the department of revenue fail to
4 disclose the name of the owner or any lienholder of record, the
5 tower shall comply with the requirements of subsection 3 of
6 section 304.156. If the tower does not have online access, the
7 law enforcement agency shall submit a crime inquiry and
8 inspection report to the director of revenue. A towing company
9 that does not have online access to the department's records and
10 that is in possession of abandoned property after ten working
11 days shall report such fact to the law enforcement agency with
12 which the crime inquiry and inspection report was filed. The
13 crime inquiry and inspection report shall be designed by the
14 director of revenue and shall include the following:

- 15 (1) The year, model, make and property identification
16 number of the property and the owner and any lienholders, if
17 known;
- 18 (2) A description of any damage to the property noted by
19 the officer authorizing the tow;
- 20 (3) The license plate or registration number and the state
21 of issuance, if available;
- 22 (4) The storage location of the towed property;
- 23 (5) The name, telephone number and address of the towing
24 company;
- 25 (6) The date, place and reason for the towing of the
26 abandoned property;
- 27 (7) The date of the inquiry of the national crime
28 information center, any statewide Missouri law enforcement

1 computer system and any other similar system which has titling
2 and registration information to determine if the abandoned
3 property had been stolen. This information shall be entered only
4 by the law enforcement agency making the inquiry;

5 (8) The signature and printed name of the officer
6 authorizing the tow; and

7 (9) The name of the towing company, the signature and
8 printed name of the towing operator, and an indicator disclosing
9 whether the tower has online access to the department's records;

10 (10) Any additional information the director of revenue
11 deems appropriate.

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

18 8. The owner of such abandoned property, or the holder of a
19 valid security interest of record, may reclaim it from the towing
20 company upon proof of ownership or valid security interest of
21 record and payment of all reasonable charges for the towing and
22 storage of the abandoned property.

23 9. Any person who removes abandoned property at the
24 direction of a law enforcement officer or an officer of a
25 government agency where that agency's real property is concerned
26 as provided in this section shall have a lien for all reasonable
27 charges for the towing and storage of the abandoned property
28 until possession of the abandoned property is voluntarily

1 relinquished to the owner of the abandoned property or to the
2 holder of a valid security interest of record. Any personal
3 property within the abandoned property need not be released to
4 the owner thereof until the reasonable or agreed charges for such
5 recovery, transportation or safekeeping have been paid or
6 satisfactory arrangements for payment have been made, except that
7 any medication prescribed by a physician shall be released to the
8 owner thereof upon request. The company holding or storing the
9 abandoned property shall either release the personal property to
10 the owner of the abandoned property or allow the owner to inspect
11 the property and provide an itemized receipt for the contents.
12 The company holding or storing the property shall be strictly
13 liable for the condition and safe return of the personal
14 property. Such lien shall be enforced in the manner provided
15 under section 304.156.

16 10. Towing companies shall keep a record for three years on
17 any abandoned property towed and not reclaimed by the owner of
18 the abandoned property. Such record shall contain information
19 regarding the authorization to tow, copies of all correspondence
20 with the department of revenue concerning the abandoned property,
21 including copies of any online records of the towing company
22 accessed and information concerning the final disposition of the
23 possession of the abandoned property.

24 11. If a lienholder repossesses any motor vehicle, trailer,
25 all-terrain vehicle, outboard motor or vessel without the
26 knowledge or cooperation of the owner, then the reposessor shall
27 notify the local law enforcement agency where the repossession
28 occurred within two hours of the repossession and shall further

1 provide the local law enforcement agency with any additional
2 information the agency deems appropriate. The local law
3 enforcement agency shall make an inquiry with the national crime
4 information center and the Missouri statewide law enforcement
5 computer system and shall enter the repossessed vehicle into the
6 statewide law enforcement computer system.

7 12. Notwithstanding the provisions of section 301.227,
8 RSMo, any towing company who has complied with the notification
9 provisions in section 304.156, including notice that any property
10 remaining unredeemed after thirty days may be sold as scrap
11 property may then dispose of such property as provided in this
12 subsection. Such sale shall only occur if at least thirty days
13 has passed since the date of such notification, the abandoned
14 property remains unredeemed with no satisfactory arrangements
15 made with the towing company for continued storage, and the owner
16 or holder of a security agreement has not requested a hearing as
17 provided in section 304.156. The towing company may dispose of
18 such abandoned property by selling the property on a bill of sale
19 as prescribed by the director of revenue to a scrap metal
20 operator or licensed salvage dealer for destruction purposes
21 only. The towing company shall forward a copy of the bill of
22 sale provided by the scrap metal operator or licensed salvage
23 dealer to the director of revenue within two weeks of the date of
24 such sale. The towing company shall keep a record of each such
25 vehicle sold for destruction for three years that shall be
26 available for inspection by law enforcement and authorized
27 department of revenue officials. The record shall contain the
28 year, make, identification number of the property, date of sale,

1 and name of the purchasing scrap metal operator or licensed
2 salvage dealer and copies of all notifications issued by the
3 towing company as required in this chapter. Scrap metal
4 operators or licensed salvage dealers shall keep a record of the
5 purchase of such property as provided in section 301.227, RSMo.
6 Scrap metal operators and licensed salvage dealers may obtain a
7 junk certificate as provided in section 301.227, RSMo, on
8 vehicles purchased on a bill of sale pursuant to this section.

9 304.281. 1. Whenever traffic is controlled by traffic
10 control signals exhibiting different colored lights, or colored
11 lighted arrows, successively one at a time or in combination,
12 only the colors green, red and yellow shall be used, except for
13 special pedestrian signals carrying a word legend, and said
14 lights shall indicate and apply to drivers of vehicles and
15 pedestrians as follows:

16 (1) Green indication

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

24 (b) Vehicular traffic facing a green arrow signal, shown
25 alone or in combination with another indication, may cautiously
26 enter the intersection only to make the movement indicated by
27 such arrow, or such other movement as is permitted by other
28 indications shown at the same time. Such vehicular traffic shall

1 yield the right-of-way to pedestrians lawfully within an adjacent
2 crosswalk and to other traffic lawfully using the intersection;

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

8 (2) Steady yellow indication

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

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

19 (3) Steady red indication

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

26 (b) The driver of a vehicle which is stopped as close as
27 practicable at the entrance to the crosswalk on the near side of
28 the intersection or, if none, then at the entrance to the

1 intersection in obedience to a red signal, may cautiously enter
2 the intersection to make a right turn but shall yield the
3 right-of-way to pedestrians and other traffic proceeding as
4 directed by the signal at the intersection, except that the state
5 highways and transportation commission with reference to an
6 intersection involving a state highway, and local authorities
7 with reference to an intersection involving other highways under
8 their jurisdiction, may prohibit any such right turn against a
9 red signal at any intersection where safety conditions so
10 require, said prohibition shall be effective when a sign is
11 erected at such intersection giving notice thereof;

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

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

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

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

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

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

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

8 (4) No motor vehicle or person is approaching on the
9 street or highway to be crossed or entered or is so far away
10 from the intersection that it does not constitute an immediate
11 hazard.

12
13 The affirmative defense in this subsection applies only to a
14 violation for entering or crossing an intersection controlled by
15 a traffic-control signal against a red light and does not
16 provide a defense to any other civil or criminal action.

17 304.351. 1. The driver of a vehicle approaching an
18 intersection shall yield the right-of-way to a vehicle which has
19 entered the intersection from a different highway, provided,
20 however, there is no form of traffic control at such
21 intersection.

22 2. When two vehicles enter an intersection from different
23 highways at approximately the same time, the driver of the
24 vehicle on the left shall yield the right-of-way to the driver
25 of the vehicle on the right. This subsection shall not apply to
26 vehicles approaching each other from opposite directions when
27 the driver of one of such vehicles is attempting to or is making
28 a left turn.

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

6 4. (1) The state highways and transportation commission
7 with reference to state highways and local authorities with
8 reference to other highways under their jurisdiction may
9 designate through highways and erect stop signs or yield signs
10 at specified entrances thereto, or may designate any
11 intersection as a stop intersection or as a yield intersection
12 and erect stop signs or yield signs at one or more entrances to
13 such intersection.

14 **[(1)]** (2) Preferential right-of-way at an intersection may
15 be indicated by stop signs or yield signs as authorized in this
16 section:

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

1 across or within the intersection.

2 (b) The driver of a vehicle approaching a yield sign shall
3 in obedience to the sign slow down to a speed reasonable to the
4 existing conditions and, if required for safety to stop, shall
5 stop at a clearly marked stop line, but if none, then at the
6 point nearest the intersecting roadway where the driver has a
7 view of approaching traffic on the intersecting roadway. After
8 slowing or stopping the driver shall yield the right-of-way to
9 any vehicle in the intersection or approaching on another
10 highway so closely as to constitute an immediate hazard during
11 the time such traffic is moving across or within the
12 intersection.

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

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

22 7. The state highways and transportation commission or
23 local authorities with respect to roads under their respective
24 jurisdictions, on any section where construction or major
25 maintenance operations are being effected, may fix a speed limit
26 in such areas by posting of appropriate signs, and the operation
27 of a motor vehicle in excess of such speed limit in the area so
28 posted shall be deemed prima facie evidence of careless and

1 imprudent driving and a violation of section 304.010.

2 8. Notwithstanding the provisions of section 304.361,
3 violation of this section shall be deemed a class C misdemeanor
4 unless such violation causes serious physical injury, in which
5 case such violation shall be deemed a class B misdemeanor as
6 provided for in subsection 10 of this section, or unless such
7 violation causes death in which case such violation shall be
8 deemed a class A misdemeanor as provided for in subsection 11 of
9 this section.

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

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

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

25 12. As used in subsections 9 and 10 of this section, the
26 terms "physical injury" and "serious physical injury" shall have
27 the meanings ascribed to them in section 556.061, RSMo.

28 304.580. [1.] As used in [this section] sections 304.582,

1 and 304.585, the term "construction zone" or "work zone" means
2 any area upon or around any highway as defined in section
3 302.010, RSMo, which is visibly marked by the department of
4 transportation or a contractor or subcontractor performing work
5 for the department of transportation as an area where
6 construction, maintenance, incident removal or other work is
7 temporarily occurring. The term "work zone" or "construction
8 zone" also includes the lanes of highway leading up to the area
9 upon which an activity described in this subsection is being
10 performed, beginning at the point where appropriate signs
11 [directing motor vehicles to merge from one lane into another
12 lane] or traffic control devices are posted or placed. The
13 terms "worker" or "highway worker" as used in sections 304.582
14 and 304.585 shall mean any person that is working in a
15 "construction zone" or "work zone", or any employee of the
16 department of transportation that is performing duties pursuant
17 to the department's motorist assist program on a state highway
18 or the right-of-way of a state highway.

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

25 3. Upon a conviction or plea of guilty by any person for a
26 speeding violation pursuant to either section 304.009 or
27 304.010, or a passing violation pursuant to subsection 6 of this
28 section, the court shall assess a fine of two hundred fifty

1 dollars in addition to any other fine authorized by law, if the
2 offense occurred within a construction zone or a work zone and
3 at the time the speeding or passing violation occurred there was
4 any person in such zone who was there to perform duties related
5 to the reason for which the area was designated a construction
6 zone or work zone. However, no person assessed an additional
7 fine pursuant to this subsection shall also be assessed an
8 additional fine pursuant to subsection 2 of this section, and no
9 person shall be assessed an additional fine pursuant to this
10 subsection if no signs have been posted pursuant to subsection 4
11 of this section.

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

19 5. During any day in which no person is present in a
20 construction zone or work zone established pursuant to
21 subsection 3 of this section to perform duties related to the
22 purpose of the zone, the sign warning of additional penalties
23 shall not be visible to motorists. During any period of two
24 hours or more in which no person is present in such zone on a
25 day in which persons have been or will be present to perform
26 duties related to the reason for which the area was designated
27 as a construction zone or work zone, the sign warning of
28 additional penalties shall not be visible to motorists. The

1 department of transportation or contractor performing work for
2 the department of transportation shall be responsible for
3 compliance with provisions of this subsection. Nothing in this
4 subsection shall prohibit warning or traffic control signs
5 necessary for public safety in the construction or work zone
6 being visible to motorists at all times.

7 6. The driver of a motor vehicle may not overtake or pass
8 another motor vehicle within a work zone or construction zone.
9 This subsection applies to a construction zone or work zone
10 located upon a highway divided into two or more marked lanes for
11 traffic moving in the same direction and for which motor
12 vehicles are instructed to merge from one lane into another lane
13 by an appropriate sign erected by the department of
14 transportation or a contractor performing work for the
15 department of transportation. Violation of this subsection is a
16 class C misdemeanor.

17 7. This section shall not be construed to enhance the
18 assessment of court costs or the assessment of points pursuant
19 to section 302.302, RSMo.]

20 304.582. 1. Upon the first conviction or plea of guilty
21 by any person for a moving violation as defined in section
22 302.010, RSMo, or any offense listed in section 302.302, RSMo,
23 the court shall assess a fine of thirty-five dollars in addition
24 to any other fine authorized to be imposed by law, if the
25 offense occurred within a construction zone or a work zone. A
26 second or subsequent violation of this subsection shall result
27 in the court assessing a fine of seventy-five dollars in
28 addition to any other fine authorized to be imposed by law.

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

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

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

1 (1) This subdivision applies to a construction zone or
2 work zone located upon a highway divided into two or more marked
3 lanes for traffic moving in the same direction and for which
4 motor vehicles are instructed to merge from one lane into
5 another lane and not pass by appropriate signs or traffic
6 control devices erected by the department of transportation or a
7 contractor or subcontractor performing work for the department
8 of transportation.

9 (2) This subdivision also prohibits the operator of a
10 motor vehicle from passing or attempting to pass another motor
11 vehicle in a work zone or construction zone located upon a two-
12 lane highway when highway workers or equipment are working and
13 when appropriate signs or traffic control devices have been
14 erected by the department of transportation or a contractor or
15 subcontractor performing work for the department of
16 transportation.

17 5. The additional fines imposed by subsection 4 of this
18 section shall not be construed to enhance the assessment of
19 court costs or the assessment of points pursuant to section
20 302.302, RSMo.

21 304.585. 1. A person shall be deemed to commit the
22 offense of "endangerment of a highway worker" upon conviction
23 for any of the following when the offense occurs within a
24 "construction zone" or "work zone", as defined in section
25 304.580:

26 (1) Exceeding the posted speed limit by twenty-five miles
27 per hour or more;

28 (2) Passing in violation of subsection 4 of section

1 304.582, resulting in injury or death to a highway worker;

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

6 (4) Physically assaulting, or attempting to assault, or
7 threatening to assault a highway worker in a construction zone
8 or work zone, with a motor vehicle or other instrument;

9 (5) Intentionally striking, moving, or altering barrels,
10 barriers, signs, or other devices erected to control the flow of
11 traffic to protect workers and motorists in the work zone for a
12 reason other than avoidance of an obstacle, an emergency, or to
13 protect the health and safety of an occupant of the motor
14 vehicle or of another person; or

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

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

19 (b) Careless and imprudent driving in violation of
20 subsection 4 of section 304.016;

21 (c) Operating without a valid license in violation of
22 subdivision (1) or (2) of subsection 1 of section 302.020, RSMo,

23 (d) Operating with a suspended or revoked license;

24 (e) Obtaining a license by misrepresentation;

25 (f) Driving while in an intoxicated condition or under the
26 influence of controlled substances or drugs or driving with an
27 excessive blood alcohol content;

28 (g) Any felony involving the use of a motor vehicle; or

1 (h) Knowingly permitting an unlicensed operator to operate
2 a motor vehicle.

3 2. Upon conviction or a plea of guilty for committing the
4 offense of "endangerment of a highway worker" pursuant to
5 subsection 1 of this section if no injury or death to a highway
6 worker resulted from the offense, in addition to any other
7 penalty authorized by law, the person shall, upon conviction or
8 plea of guilty, be guilty of a class A misdemeanor and shall
9 have their driver's license suspended under section 302.304,
10 RSMo.

11 3. A person shall be deemed to commit the offense of
12 "aggravated endangerment of a highway worker" upon conviction or
13 a plea of guilty for any offense pursuant to subsection 1 of
14 this section which results in the injury or death of a highway
15 worker. Any person who is convicted of the offense of
16 aggravated endangerment of a highway worker in which a highway
17 worker is injured shall, upon conviction or plea of guilty,
18 shall be guilty of a class D felony, and shall have his or her
19 driver's license revoked under section 302.304, RSMo. Any
20 person who is convicted of the offense of aggravated
21 endangerment of a highway worker in which the death of a highway
22 worker occurs shall, upon conviction or plea of guilty, be
23 guilty of a class C felony and have his or her driver's license
24 revoked under section 302.304.

25 4. Except for the offense established under subdivision
26 (6) of subsection 1 of this section, no person shall be deemed
27 to commit the offense of endangerment of a highway worker except
28 when the act or omission constituting the offense occurred when

1 one or more highway workers were in the construction zone or
2 work zone.

3 5. No person shall be cited or convicted for endangerment
4 of a highway worker or aggravated endangerment of a highway
5 worker, for any act or omission otherwise constituting an
6 offense under subsection 1 of this section, if such act or
7 omission resulted in whole or in part from mechanical failure of
8 the person's vehicle or from the negligence of another person or
9 a highway worker.

10 307.156. Any person, firm, or corporation that owns or
11 operates a business engaged in whole or in part in servicing
12 motor vehicles and installs or purports to install an airbag in
13 a motor vehicle and either:

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

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

22 307.178. 1. As used in this section, the term "passenger
23 car" means every motor vehicle designed for carrying ten persons
24 or less and used for the transportation of persons; except that,
25 the term "passenger car" shall not include motorcycles,
26 motorized bicycles, motor tricycles and trucks with a licensed
27 gross weight of twelve thousand pounds or more.

28 2. Each driver, except persons employed by the United

1 States Postal Service while performing duties for that federal
2 agency which require the operator to service postal boxes from
3 their vehicles, or which require frequent entry into and exit
4 from their vehicles, and front seat passenger of a passenger car
5 manufactured after January 1, 1968, operated on a street or
6 highway in this state, and persons less than eighteen years of
7 age operating or riding in a truck, as defined in section
8 301.010, RSMo, on a street or highway of this state shall wear a
9 properly adjusted and fastened safety belt that meets federal
10 National Highway, Transportation and Safety Act requirements;
11 except that, a child less than ~~[four]~~ sixteen years of age shall
12 be protected as required in section ~~[210.104, RSMo]~~ 307.179. No
13 person shall be stopped, inspected, or detained solely to
14 determine compliance with this subsection; however, nothing
15 shall prohibit a law enforcement officer from enforcing the
16 provisions of this section if the violation is clearly visible
17 to the officer without stopping the vehicle. The provisions of
18 this section shall not be applicable to persons who have a
19 medical reason for failing to have a seat belt fastened about
20 their body, nor shall the provisions of this section be
21 applicable to persons while operating or riding a motor vehicle
22 being used in agricultural work-related activities.
23 Noncompliance with this subsection shall not constitute probable
24 cause for violation of any other provision of law or for a
25 search of the driver, passenger, or vehicle.

26 3. Each driver of a motor vehicle transporting a child
27 ~~[four years of age or more, but]~~ less than sixteen years of age,
28 shall secure the child in a properly adjusted and fastened

1 [safety belt] restraint under section 307.179.

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

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

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

19 5. Each [driver] person who violates the provisions of
20 subsection 2 [or 3] of this section is guilty of an infraction
21 for which a fine not to exceed ten dollars may be imposed. All
22 other provisions of law and court rules to the contrary
23 notwithstanding, no court costs shall be imposed on any person
24 due to a violation of this section. In no case shall points be
25 assessed against any person, pursuant to section 302.302, RSMo,
26 for a violation of this section.

27 6. The [department of public safety] state highways and
28 transportation commission shall initiate and develop a program

1 of public information to develop understanding of, and ensure
2 compliance with, the provisions of this section. The
3 [department of public safety] commission shall evaluate the
4 effectiveness of this section and shall include a report of its
5 findings in the annual evaluation report on its highway safety
6 plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C.
7 402.

8 7. If there are more persons than there are seat belts in
9 the enclosed area of a motor vehicle, then the [driver and]
10 passengers [are not in violation of this section] who are unable
11 to wear seat belts, shall sit in the area behind the front seat
12 of the motor vehicle unless the motor vehicle is designed only
13 for a front-seated area. This subsection shall not apply to
14 passengers who are accompanying a driver of a motor vehicle who
15 is licensed pursuant to section 302.178, RSMo.

16 307.179. 1. As used in this section, the following terms
17 shall mean:

18 (1) "Child booster seat", a seating system which meets the
19 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.
20 571.213, as amended, that is designed to elevate a child to
21 properly sit in a federally approved safety belt system;

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

27 2. Every person transporting a child under the age of
28 sixteen years shall be responsible, when transporting such child

1 in a motor vehicle operated by that person on the streets or
2 highways of this state, for providing for the protection of such
3 child as follows:

4 (1) Children less than four years of age shall be properly
5 secured in a child passenger restraint system appropriate for
6 that child, according to the child passenger restraint system
7 and the vehicle manufacturer's instructions;

8 (2) Children four through five years of age shall be
9 properly secured in a child passenger restraint system or a
10 child booster seat appropriate for that child, according to the
11 child passenger restraint system and the vehicle manufacturer's
12 instructions;

13 (3) Children six years of age or older shall be secured by
14 a vehicle safety belt, child passenger restraint system, or
15 booster seat appropriate for that child, according to the child
16 passenger restraint system and the vehicle manufacturer's
17 instructions;

18 (4) A child, who would otherwise be required to be secured
19 in a booster seat, may be transported in the back seat of a
20 motor vehicle while wearing only a lap belt if the back seat of
21 the motor vehicle is not equipped with a combination lap and
22 shoulder belt for booster seat installation.

23 3. Any person who violates this section is guilty of an
24 infraction and, upon conviction, may be punished by a fine of
25 not more than twenty-five dollars. No court costs shall be
26 charged for a violation of this section. In no case shall
27 points be assessed against any person, pursuant to section
28 302.302, RSMo, for violation of this section. If a person

1 receives a citation for violating this section, the charges
2 shall be dismissed or withdrawn if the person prior to or at his
3 or her hearing provides evidence of acquisition of a child
4 passenger restraint system or child booster seat which is
5 satisfactory to the court or the party responsible for
6 prosecuting the person's citation.

7 4. The provisions of this section shall not apply to any
8 public carrier for hire. The provisions of this section shall
9 not apply to students four years of age or older who are
10 passengers on a school bus as defined in section 301.010, RSMo.

11 5. In no event shall failure to employ a child passenger
12 restraint system required by this section provide the basis for
13 a claim of civil liability or negligence or contributory
14 negligence of any person in any action for damages by reason of
15 injury sustained by a child. Nor shall such failure to employ
16 such child passenger restraint system be admissible as evidence
17 in the trial of any civil action.

18 6. The state highways and transportation commission shall
19 initiate and develop a program of public information to develop
20 understanding of, and ensure compliance with the provisions of
21 this section. The commission may promulgate rules and
22 regulations for the enforcement of this section. Any rule or
23 portion of a rule, as that term is defined in section 536.010,
24 RSMo, that is created under the authority delegated in this
25 section shall become effective only if it complies with and is
26 subject to all of the provisions of chapter 536, RSMo, and, if
27 applicable, section 536.028, RSMo. This section and chapter
28 536, RSMo, are nonseverable and if any of the powers vested with

1 the general assembly pursuant to chapter 536, RSMo, to review,
2 to delay the effective date, or to disapprove and annul a rule
3 are subsequently held unconstitutional, then the grant of
4 rulemaking authority and any rule proposed or adopted after
5 August 28, 2005, shall be invalid and void.

6 476.385. 1. The judges of the supreme court may appoint a
7 committee consisting of at least seven associate circuit judges,
8 who shall meet en banc and establish and maintain a schedule of
9 fines to be paid for violations of sections [210.104,]
10 577.070[,] and 577.073, RSMo, and chapters 252, 301, 302, 304,
11 306, 307 and 390, RSMo, with such fines increasing in proportion
12 to the severity of the violation. The associate circuit judges
13 of each county may meet en banc and adopt the schedule of fines
14 and participation in the centralized bureau pursuant to this
15 section. Notice of such adoption and participation shall be
16 given in the manner provided by supreme court rule. Upon order
17 of the supreme court, the associate circuit judges of each
18 county may meet en banc and establish and maintain a schedule of
19 fines to be paid for violations of municipal ordinances for
20 cities, towns and villages electing to have violations of its
21 municipal ordinances heard by associate circuit judges, pursuant
22 to section 479.040, RSMo; and for traffic court divisions
23 established pursuant to section 479.500, RSMo. The schedule of
24 fines adopted for violations of municipal ordinances may be
25 modified from time to time as the associate circuit judges of
26 each county en banc deem advisable. No fine established
27 pursuant to this subsection may exceed the maximum amount
28 specified by statute or ordinance for such violation.

1 2. In no event shall any schedule of fines adopted
2 pursuant to this section include offenses involving the
3 following:

4 (1) Any violation resulting in personal injury or property
5 damage to another person;

6 (2) Operating a motor vehicle while intoxicated or under
7 the influence of intoxicants or drugs;

8 (3) Operating a vehicle with a counterfeited, altered,
9 suspended or revoked license;

10 (4) Fleeing or attempting to elude an officer.

11 3. There shall be a centralized bureau to be established
12 by supreme court rule in order to accept pleas of not guilty or
13 guilty and payments of fines and court costs for violations of
14 the laws and ordinances described in subsection 1 of this
15 section, made pursuant to a schedule of fines established
16 pursuant to this section. The centralized bureau shall collect,
17 with any plea of guilty and payment of a fine, all court costs
18 which would have been collected by the court of the jurisdiction
19 from which the violation originated.

20 4. If a person elects not to contest the alleged
21 violation, the person shall send payment in the amount of the
22 fine and any court costs established for the violation to the
23 centralized bureau. Such payment shall be payable to the
24 "central violations bureau", shall be made by mail or in any
25 other manner established by the centralized bureau, and shall
26 constitute a plea of guilty, waiver of trial and a conviction
27 for purposes of section 302.302, RSMo, and for purposes of
28 imposing any collateral consequence of a criminal conviction

1 provided by law. Notwithstanding any provision of law to the
2 contrary, the prosecutor shall not be required to sign any
3 information, ticket or indictment if disposition is made
4 pursuant to this subsection. In the event that any payment is
5 made pursuant to this section by credit card or similar method,
6 the centralized bureau may charge an additional fee in order to
7 reflect any transaction cost, surcharge or fee imposed on the
8 recipient of the credit card payment by the credit card company.

9 5. If a person elects to plead not guilty, such person
10 shall send the plea of not guilty to the centralized bureau.
11 The bureau shall send such plea and request for trial to the
12 prosecutor having original jurisdiction over the offense. Any
13 trial shall be conducted at the location designated by the
14 court. The clerk of the court in which the case is to be heard
15 shall notify in writing such person of the date certain for the
16 disposition of such charges. The prosecutor shall not be
17 required to sign any information, ticket or indictment until the
18 commencement of any proceeding by the prosecutor with respect to
19 the notice of violation.

20 6. In courts adopting a schedule of fines pursuant to this
21 section, any person receiving a notice of violation pursuant to
22 this section shall also receive written notification of the
23 following:

24 (1) The fine and court costs established pursuant to this
25 section for the violation or information regarding how the
26 person may obtain the amount of the fine and court costs for the
27 violation;

28 (2) That the person must respond to the notice of

1 violation by paying the prescribed fine and court costs, or
2 pleading not guilty and appearing at trial, and that other legal
3 penalties prescribed by law may attach for failure to appear and
4 dispose of the violation. The supreme court may modify the
5 suggested forms for uniform complaint and summons for use in
6 courts adopting the procedures provided by this section, in
7 order to accommodate such required written notifications.

8 7. Any moneys received in payment of fines and court costs
9 pursuant to this section shall not be considered to be state
10 funds, but shall be held in trust by the centralized bureau for
11 benefit of those persons or entities entitled to receive such
12 funds pursuant to this subsection. All amounts paid to the
13 centralized bureau shall be maintained by the centralized
14 bureau, invested in the manner required of the state treasurer
15 for state funds by sections 30.240, 30.250, 30.260 and 30.270,
16 RSMo, and disbursed as provided by the constitution and laws of
17 this state. Any interest earned on such fund shall be payable
18 to the director of the department of revenue for deposit into a
19 revolving fund to be established pursuant to this subsection.
20 The state treasurer shall be the custodian of the revolving
21 fund, and shall make disbursements, as allowed by lawful
22 appropriations, only to the judicial branch of state government
23 for goods and services related to the administration of the
24 judicial system.

25 8. Any person who receives a notice of violation subject
26 to this section who fails to dispose of such violation as
27 provided by this section shall be guilty of failure to appear
28 provided by section 544.665, RSMo; and may be subject to

1 suspension of driving privileges in the manner provided by
2 section 302.341, RSMo. The centralized bureau shall notify the
3 appropriate prosecutor of any person who fails to either pay the
4 prescribed fine and court costs, or plead not guilty and request
5 a trial within the time allotted by this section, for purposes
6 of application of section 544.665, RSMo. The centralized bureau
7 shall also notify the department of revenue of any failure to
8 appear subject to section 302.341, RSMo, and the department
9 shall thereupon suspend the license of the driver in the manner
10 provided by section 302.341, RSMo, as if notified by the court.

11 9. In addition to the remedies provided by subsection 8 of
12 this section, the centralized bureau and the courts may use the
13 remedies provided by sections 488.010 to 488.020, RSMo, for the
14 collection of court costs payable to courts, in order to collect
15 fines and court costs for violations subject to this section.

16 577.023. 1. For purposes of this section, unless the
17 context clearly indicates otherwise:

18 (1) An "intoxication-related traffic offense" is driving
19 while intoxicated, driving with excessive blood alcohol content,
20 involuntary manslaughter pursuant to subdivision (2) of
21 subsection 1 of section 565.024, RSMo, assault in the second
22 degree pursuant to subdivision (4) of subsection 1 of section
23 565.060, RSMo, assault of a law enforcement officer in the
24 second degree pursuant to subdivision (3) of subsection 1 of
25 section 565.082, RSMo, or driving under the influence of alcohol
26 or drugs in violation of state law or a county or municipal
27 ordinance, where the judge in such case was an attorney and the
28 defendant was represented by or waived the right to an attorney

1 in writing;

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

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

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

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

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

24 3. Any person who pleads guilty to or is found guilty of a
25 violation of section 577.010 or 577.012 who is alleged and
26 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

1 imposition of sentence as to a prior or persistent offender
2 under this section nor sentence such person to pay a fine in
3 lieu of a term of imprisonment, section 557.011, RSMo, to the
4 contrary notwithstanding. No prior offender shall be eligible
5 for parole or probation until he has served a minimum of five
6 days imprisonment, unless as a condition of such parole or
7 probation such person performs at least thirty days of community
8 service under the supervision of the court in those
9 jurisdictions which have a recognized program for community
10 service. No persistent offender shall be eligible for parole or
11 probation until he or she has served a minimum of ten days
12 imprisonment, unless as a condition of such parole or probation
13 such person performs at least sixty days of community service
14 under the supervision of the court.

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

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

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

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

27 6. In a jury trial, the facts shall be pleaded,
28 established and found prior to submission to the jury outside of

1 its hearing.

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

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

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

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

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

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

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

20 14. Evidence of prior convictions shall be heard and
21 determined by the trial court out of the hearing of the jury
22 prior to the submission of the case to the jury, and shall
23 include but not be limited to evidence of convictions received
24 by a search of the records of the Missouri uniform law
25 enforcement system maintained by the Missouri state highway
26 patrol. After hearing the evidence, the court shall enter its
27 findings thereon. A conviction of a violation of a municipal or
28 county ordinance in a county or municipal court for driving

1 while intoxicated or a conviction or a plea of guilty or a
2 finding of guilty followed by a suspended imposition of
3 sentence, suspended execution of sentence, probation or parole
4 or any combination thereof in a state court shall be treated as
5 a prior conviction.

6 577.041. 1. If a person under arrest, or who has been
7 stopped pursuant to subdivision (2) or (3) of subsection 1 of
8 section 577.020, refuses upon the request of the officer to
9 submit to any test allowed pursuant to section 577.020, then
10 none shall be given and evidence of the refusal shall be
11 admissible in a proceeding pursuant to section 565.024 or
12 565.060, RSMo, or section 577.010 or 577.012. The request of
13 the officer shall include the reasons of the officer for
14 requesting the person to submit to a test and also shall inform
15 the person that evidence of refusal to take the test may be used
16 against such person and that the person's license shall be
17 immediately revoked upon refusal to take the test. If a person
18 when requested to submit to any test allowed pursuant to section
19 577.020 requests to speak to an attorney, the person shall be
20 granted twenty minutes in which to attempt to contact an
21 attorney. If upon the completion of the twenty-minute period
22 the person continues to refuse to submit to any test, it shall
23 be deemed a refusal. In this event, the officer shall, on
24 behalf of the director of revenue, serve the notice of license
25 revocation personally upon the person and shall take possession
26 of any license to operate a motor vehicle issued by this state
27 which is held by that person. The officer shall issue a
28 temporary permit, on behalf of the director of revenue, which is

1 valid for fifteen days and shall also give the person a notice
2 of such person's right to file a petition for review to contest
3 the license revocation.

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

9 (1) That the officer has:

10 (a) Reasonable grounds to believe that the arrested person
11 was driving a motor vehicle while in an intoxicated or drugged
12 condition; or

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

17 (c) Reasonable grounds to believe that the person stopped,
18 being under the age of twenty-one years, was committing a
19 violation of the traffic laws of the state, or political
20 subdivision of the state, and such officer has reasonable
21 grounds to believe, after making such stop, that the person had
22 a blood alcohol content of two-hundredths of one percent or
23 greater;

24 (2) That the person refused to submit to a chemical test;

25 (3) Whether the officer secured the license to operate a
26 motor vehicle of the person;

27 (4) Whether the officer issued a fifteen-day temporary
28 permit;

1 (5) Copies of the notice of revocation, the fifteen-day
2 temporary permit and the notice of the right to file a petition
3 for review, which notices and permit may be combined in one
4 document; and

5 (6) Any license to operate a motor vehicle which the
6 officer has taken into possession.

7 3. Upon receipt of the officer's report, the director
8 shall revoke the license of the person refusing to take the test
9 for a period of one year; or if the person is a nonresident,
10 such person's operating permit or privilege shall be revoked for
11 one year; or if the person is a resident without a license or
12 permit to operate a motor vehicle in this state, an order shall
13 be issued denying the person the issuance of a license or permit
14 for a period of one year.

15 4. If a person's license has been revoked because of the
16 person's refusal to submit to a chemical test, such person may
17 petition for a hearing before a circuit or associate circuit
18 court in the county in which the arrest or stop occurred. The
19 person may request such court to issue an order staying the
20 revocation until such time as the petition for review can be
21 heard. If the court, in its discretion, grants such stay, it
22 shall enter the order upon a form prescribed by the director of
23 revenue and shall send a copy of such order to the director.
24 Such order shall serve as proof of the privilege to operate a
25 motor vehicle in this state and the director shall maintain
26 possession of the person's license to operate a motor vehicle
27 until termination of any revocation pursuant to this section.
28 Upon the person's request the clerk of the court shall notify

1 the prosecuting attorney of the county and the prosecutor shall
2 appear at the hearing on behalf of the director of revenue. At
3 the hearing the court shall determine only:

4 (1) Whether or not the person was arrested or stopped;

5 (2) Whether or not the officer had:

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

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

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

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

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

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

27 7. No person who has had a license to operate a motor
28 vehicle suspended or revoked pursuant to the provisions of this

1 section shall have that license reinstated until such person has
2 participated in and successfully completed a substance abuse
3 traffic offender program defined in section 577.001, or a
4 program determined to be comparable by the department of mental
5 health or the court. Assignment recommendations, based upon the
6 needs assessment as described in subdivision (22) of section
7 302.010, RSMo, shall be delivered in writing to the person with
8 written notice that the person is entitled to have such
9 assignment recommendations reviewed by the court if the person
10 objects to the recommendations. The person may file a motion in
11 the associate division of the circuit court of the county in
12 which such assignment was given, on a printed form provided by
13 the state courts administrator, to have the court hear and
14 determine such motion pursuant to the provisions of chapter 517,
15 RSMo. The motion shall name the person or entity making the
16 needs assessment as the respondent and a copy of the motion
17 shall be served upon the respondent in any manner allowed by
18 law. Upon hearing the motion, the court may modify or waive any
19 assignment recommendation that the court determines to be
20 unwarranted based upon a review of the needs assessment, the
21 person's driving record, the circumstances surrounding the
22 offense, and the likelihood of the person committing a like
23 offense in the future, except that the court may modify but may
24 not waive the assignment to an education or rehabilitation
25 program of a person determined to be a prior or persistent
26 offender as defined in section 577.023, or of a person
27 determined to have operated a motor vehicle with
28 fifteen-hundredths of one percent or more by weight in such

1 person's blood. Compliance with the court determination of the
2 motion shall satisfy the provisions of this section for the
3 purpose of reinstating such person's license to operate a motor
4 vehicle. The respondent's personal appearance at any hearing
5 conducted pursuant to this subsection shall not be necessary
6 unless directed by the court.

7 8. The fees for the substance abuse traffic offender
8 program, or a portion thereof to be determined by the division
9 of alcohol and drug abuse of the department of mental health,
10 shall be paid by the person enrolled in the program. Any person
11 who is enrolled in the program shall pay, in addition to any fee
12 charged for the program, a supplemental fee to be determined by
13 the department of mental health for the purposes of funding the
14 substance abuse traffic offender program defined in section
15 302.010, RSMo, and section 577.001. The administrator of the
16 program shall remit to the division of alcohol and drug abuse of
17 the department of mental health on or before the fifteenth day
18 of each month the supplemental fee for all persons enrolled in
19 the program, less two percent for administrative costs.

20 Interest shall be charged on any unpaid balance of the
21 supplemental fees due the division of alcohol and drug abuse
22 pursuant to this section and shall accrue at a rate not to
23 exceed the annual rates established pursuant to the provisions
24 of section 32.065, RSMo, plus three percentage points. The
25 supplemental fees and any interest received by the department of
26 mental health pursuant to this section shall be deposited in the
27 mental health earnings fund which is created in section 630.053,
28 RSMo.

1 9. Any administrator who fails to remit to the division of
2 alcohol and drug abuse of the department of mental health the
3 supplemental fees and interest for all persons enrolled in the
4 program pursuant to this section shall be subject to a penalty
5 equal to the amount of interest accrued on the supplemental fees
6 due the division pursuant to this section. If the supplemental
7 fees, interest, and penalties are not remitted to the division
8 of alcohol and drug abuse of the department of mental health
9 within six months of the due date, the attorney general of the
10 state of Missouri shall initiate appropriate action of the
11 collection of said fees and interest accrued. The court shall
12 assess attorney fees and court costs against any delinquent
13 program.

14 [210.104. 1. Every person transporting a child
15 under the age of four years shall be responsible, when
16 transporting such child in a motor vehicle operated by
17 that person on the streets or highways of this state,
18 for providing for the protection of such child. Such
19 child shall be protected by a child passenger
20 restraint system approved by the department of public
21 safety.

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

26 3. The provisions of sections 210.104 to 210.107
27 shall not apply to any public carrier for hire.]
28

29 [210.106. In no event shall failure to employ a
30 child passenger restraint system required by section
31 210.104 provide the basis for a claim of civil
32 liability or negligence or contributory negligence of
33 any person in any action for damages by reason of
34 injury sustained by a child; nor shall such failure to
35 employ such child passenger restraint system be
36 admissible as evidence in the trial of any civil
37 action.]
38

39 [210.107. The department of public safety shall
40 initiate and develop a program of public information

1 to develop understanding of, and ensure compliance
2 with the provisions of sections 210.104 to 210.107.
3 The department of public safety shall, within thirty
4 days of September 28, 1983, promulgate standards for
5 the performance, design, and installation of passenger
6 restraint systems for children under four years of age
7 in accordance with federal motor vehicle safety
8 standards and shall approve those systems which meet
9 such standards. No rule or portion of a rule
10 promulgated under the authority of sections 210.104 to
11 210.107 shall become effective unless it has been
12 promulgated pursuant to the provisions of section
13 536.024, RSMo.]
14

15