

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 487
AN ACT

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

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

1 Section A. Sections 8.177, 43.530, 136.055, 144.025,
2 168.133, 260.218, 300.330, 301.010, 301.020, 301.025, 301.129,
3 301.190, 301.215, 301.290, 301.300, 301.301, 302.177, 302.510,
4 302.530, 302.735, 304.022, 304.155, 307.180, 577.041, RSMo,
5 section 301.130 as enacted by house substitute for senate
6 substitute for senate committee substitute for senate bill nos.
7 1233, 840 & 1043, ninety-second general assembly, second regular
8 session, section 301.130 as enacted by senate committee
9 substitute for house bill no. 491, ninety-second general
10 assembly, first regular session, section 302.272 as enacted by
11 conference committee substitute for senate substitute for senate
12 committee substitute for house substitute for house committee
13 substitute for house bill no. 1453 merged with conference
14 committee substitute for house substitute for house committee
15 substitute for senate substitute for senate committee substitute
16 for senate bill no. 968 and senate substitute for senate bill no.
17 969 merged with house substitute for senate substitute for senate
18 committee substitute for senate bill nos. 1233, 840 & 1043,
19 ninety-second general assembly, second regular session, section
20 302.272 as enacted by conference committee substitute for senate
21 substitute for senate committee substitute for house substitute
22 for house committee substitute for house bill no. 1453 merged
23 with conference committee substitute for house substitute for
24 house committee substitute for senate substitute for senate
25 committee substitute for senate bill no. 968 and senate
26 substitute for senate bill no. 969, ninety-second general
27 assembly, second regular session, are repealed and thirty-six new
28 sections enacted in lieu thereof, to be known as sections 8.177,

43.530, 67.1809, 136.055, 144.025, 168.133, 227.363, 300.330,
300.411, 301.010, 301.020, 301.025, 301.129, 301.130, 301.190,
301.215, 301.290, 301.300, 301.301, 301.302, 301.894, 302.177,
302.272, 302.510, 302.530, 302.735, 304.022, 304.155, 304.184,
304.678, 307.180, 307.191, 307.192, 577.041, 1, and 2, to read as
follows:

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

2. The director of the department of public safety shall
appoint a sufficient number of Missouri capitol police officers,
with available appropriations, as appropriated specifically for
the purpose designated in this subsection, so that the capitol
grounds may be patrolled at all times, and that traffic and
parking upon the capitol grounds and the grounds of other state
buildings owned or leased within the capital city and the county
which contains the seat of government may be properly controlled.
Missouri capitol police officers may make arrests for the

1 violation of parking and traffic regulations promulgated by the
2 office of administration.

3 3. Missouri capitol police officers shall be authorized to
4 arrest a person anywhere in the county that contains the seat of
5 government, when there is probable cause to believe the person
6 committed a crime within capitol police jurisdiction or when a
7 person commits a crime in the presence of an on-duty capitol
8 police officer.

9 43.530. [1.] For each request requiring the payment of a
10 fee received by the central repository, the requesting entity
11 shall pay a fee of not more than five dollars per request for
12 criminal history record information not based on a fingerprint
13 search when the requesting entity is required to obtain such
14 information by any provision of state or federal law and pay a
15 fee of not more than fourteen dollars per request for criminal
16 history record information based on a fingerprint search when the
17 requesting entity is required to obtain such information by any
18 provision of state or federal law; provided that, when the
19 requesting entity is not required to obtain such information by
20 law, the requesting entity shall pay a fee of not more than ten
21 dollars per request for criminal history record information not
22 based on a fingerprint search and pay a fee of not more than
23 twenty dollars per request for criminal history record
24 information based on a fingerprint search. Each such request
25 shall be limited to check and search on one individual. Each
26 request shall be accompanied by a check, warrant, voucher, money
27 order, or electronic payment payable to the state of
28 Missouri-criminal record system or payment shall be made in a

1 manner approved by the highway patrol. The highway patrol may
2 establish procedures for receiving requests for criminal history
3 record information for classification and search for
4 fingerprints, from courts and other entities, and for the payment
5 of such requests. There is hereby established by the treasurer
6 of the state of Missouri a fund to be entitled as the "Criminal
7 Record System Fund". Notwithstanding the provisions of section
8 33.080, RSMo, to the contrary, if the moneys collected and
9 deposited into this fund are not totally expended annually for
10 the purposes set forth in sections 43.500 to 43.543, the
11 unexpended moneys in such fund shall remain in the fund and the
12 balance shall be kept in the fund to accumulate from year to
13 year.

14 [2. For purposes of obtaining criminal records prior to
15 issuance of a school bus operator's permit pursuant to section
16 302.272, RSMo, and for determining eligibility for such permit,
17 the applicant for such permit shall submit two sets of
18 fingerprints to the director of revenue when applying for the
19 permit. The fingerprints shall be collected in a manner approved
20 by the superintendent of the highway patrol. The school bus
21 permit applicant shall pay the appropriate fee described in this
22 section and pay the appropriate fee determined by the Federal
23 Bureau of Investigation for the federal criminal history record
24 when he or she applies for the school bus permit. Collections
25 for records described in this subsection shall be deposited in
26 the criminal record system fund.]

27 67.1809. 1. The regional taxicab commission established
28 under section 67.1804 may license, supervise, and regulate any

person who engages in the business of transporting passengers in commerce, wholly within the regional taxicab district established in section 67.1802, in any motor vehicle designed or used to transport not more than eight passengers, including the driver.

The powers granted to the regional taxicab commission under this section shall apply to the motor vehicles described in this subsection and to the persons owning or operating those vehicles:

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

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

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

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

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

1 Federal Transit Administration, or both;

2 (3) Such vehicles transport one or more passengers on the
3 public highways in a continuous journey from a place of origin
4 within the regional taxicab district to a destination outside the
5 district, or from a place of origin outside the district to a
6 destination within the district, either with or without a return
7 trip to the point of origin. Such continuous transportation of
8 passengers between points within and without the district is
9 subject to regulation by the state highways and transportation
10 commission, even if the journey includes temporary stops at one
11 or more intermediate destinations within the boundaries of the
12 district.

13 3. The provisions of subdivision (3) of subsection 2 of
14 this section shall not limit the powers of the regional taxicab
15 commission under this section to license, supervise, and regulate
16 the transportation of any passenger whose journey by motor
17 vehicle takes place wholly within the regional taxicab district,
18 even if transported on the same vehicle with other passengers
19 whose transportation, both within and without the boundaries of
20 the district, is subject to the exclusive powers of the state
21 highways and transportation commission. A motor carrier or
22 driver who transports passengers subject to the powers of the
23 regional taxicab commission, under subsection 1 of this section,
24 on the same vehicle with passengers whose transportation is
25 subject to the powers of the state highways and transportation
26 commission, under subsection 2 of this section, shall comply with
27 all applicable requirements of the regional taxicab commission
28 and with all applicable requirements of the state highways and

1 transportation commission.

2 4. No provision within this chapter shall be interpreted or
3 construed as limiting the powers of the state highways and
4 transportation commission and its enforcement personnel, the
5 state highway patrol and its officers and personnel, or any other
6 law enforcement officers or peace officers to enforce any safety
7 requirements or hazardous materials regulations made applicable
8 by law to the motor vehicles, drivers, or persons that own or
9 operate any motor vehicles described in this section.

10 5. Every individual person, partnership, or corporation
11 subject to licensing, regulation, and supervision by the regional
12 taxicab commission under this section, with reference to any
13 transportation of passengers by a motor vehicle previously
14 authorized by a certificate or permit issued by the state
15 highways and transportation commission under sections 390.051 or
16 390.061, RSMo, which certificate or permit was in active status
17 and not suspended or revoked on August 27, 2005, according to the
18 records of the state highways and transportation commission, is
19 hereby deemed to be licensed, permitted, and authorized by the
20 regional taxicab commission, and the vehicles and drivers used by
21 such motor carriers are hereby deemed to be licensed, permitted,
22 and authorized by the regional taxicab commission to operate and
23 engage in the transportation of passengers within the regional
24 taxicab district, to the same extent as they formerly were
25 licensed, permitted, and authorized by the highways and
26 transportation commission on August 27, 2005. Such motor
27 carriers, drivers, and vehicles shall be exempted from applying
28 for any license, certificate, permit, or other credential issued

1 or required by the regional taxicab commission under sections
2 67.1800 to 67.1822, except that the regional taxicab commission
3 may, after December 31, 2005, require such motor carriers and
4 drivers to apply and pay the regular fees for annual renewals of
5 such licenses, permits, certificates, or other credentials under
6 uniform requirements applicable to all motor carriers, vehicles,
7 and drivers operating within the regional taxicab district.

8 136.055. 1. Any person who is selected or appointed by the
9 state director of revenue to act as an agent of the department of
10 revenue, whose duties shall be the sale of motor vehicle licenses
11 and the collection of motor vehicle sales and use taxes under the
12 provisions of section 144.440, RSMo, and who receives no salary
13 from the department of revenue, shall be authorized to collect
14 from the party requiring such services additional fees as
15 compensation in full and for all services rendered on the
16 following basis:

17 (1) For each motor vehicle or trailer license sold, renewed
18 or transferred--two dollars and fifty cents beginning January 1,
19 1998; and four dollars beginning July 1, 2000; and five dollars
20 beginning August 28, 2002, for those licenses biennially renewed
21 pursuant to section 301.147, RSMo. Beginning July 1, 2003, for
22 each motor vehicle or trailer license sold, renewed or
23 transferred--three dollars and fifty cents and seven dollars for
24 those licenses sold or biennially renewed pursuant to section
25 301.147, RSMo;

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

28 (3) For each instruction permit, nondriver license,

1 chauffeur's, operator's or driver's license issued for a period
2 of three years or less--two dollars and fifty cents [beginning
3 January 1, 1998; and four dollars beginning July 1, 2000;] and
4 five dollars [beginning July 1, 2003,] for [six-year] licenses or
5 instruction permits issued or renewed for a period exceeding
6 three years;

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

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

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

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

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

26 The increased fees approved by the
27 Missouri Legislature and charged by
28 this fee office were requested by the

1 fee agents.

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

1 department of revenue at the time of licensing. A copy of the
2 bill of sale shall be left with the licensing office. Where the
3 subsequent motor vehicle, trailer, boat, or outboard motor is
4 titled more than one hundred eighty days after the sale of the
5 original motor vehicle, trailer, boat, or outboard motor, the
6 allowance pursuant to this section shall be made if the person
7 titling such article establishes that the purchase or contract to
8 purchase was finalized prior to the expiration of the one hundred
9 eighty-day period.

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

13 3. As used in this section, the term "motor vehicle"
14 includes motor vehicles as defined in section 301.010, RSMo,
15 recreational vehicles as defined in section 700.010, RSMo, or a
16 combination of a truck as defined in section 301.010, RSMo, and a
17 trailer as defined in section 301.010, RSMo.

18 4. The provisions of subsection 1 of this section shall not
19 apply to retail sales of manufactured homes in which the
20 purchaser receives a document known as the "Manufacturer's
21 Statement of Origin" for purposes of obtaining a title to the
22 manufactured home from the department of revenue of this state or
23 from the appropriate agency or officer of any other state.

24 5. Any purchaser of a motor vehicle or trailer used for
25 agricultural use by the purchaser shall be allowed to use as an
26 allowance to offset the sales and use tax liability towards the
27 purchase of the motor vehicle or trailer any grain or livestock
28 produced or raised by the purchaser. The director of revenue may

1 prescribe forms for compliance with this subsection.

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

18 2. In order to facilitate the criminal history background
19 check on any person employed after January 1, 2005, the applicant
20 shall submit two sets of fingerprints collected pursuant to
21 standards determined by the Missouri highway patrol. One set of
22 fingerprints shall be used by the highway patrol to search the
23 criminal history repository and the family care safety registry
24 pursuant to sections 210.900 to 210.936, RSMo, and the second set
25 shall be forwarded to the Federal Bureau of Investigation for
26 searching the federal criminal history files.

27 3. The applicant shall pay the fee for the state criminal
28 history record information pursuant to section 43.530, RSMo, and

1 sections 210.900 to 210.936, RSMo, and pay the appropriate fee
2 determined by the Federal Bureau of Investigation for the federal
3 criminal history record when he or she applies for a position
4 authorized to have contact with pupils pursuant to this section.
5 The department shall distribute the fees collected for the state
6 and federal criminal histories to the Missouri highway patrol.

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

11 5. If, as a result of the criminal history background check
12 mandated by this section, it is determined that the holder of a
13 certificate issued pursuant to section 168.021 has pled guilty or
14 nolo contendere to, or been found guilty of a crime or offense
15 listed in section 168.071, RSMo, or a similar crime or offense
16 committed in another state, the United States, or any other
17 country, regardless of imposition of sentence, such information
18 shall be reported to the department of elementary and secondary
19 education.

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

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

26 8. The state board of education may promulgate rules for
27 criminal history background checks made pursuant to this section.
28 Any rule or portion of a rule, as that term is defined in section

1 536.010, RSMo, that is created under the authority delegated in
2 this section shall become effective only if it complies with and
3 is subject to all of the provisions of chapter 536, RSMo, and, if
4 applicable, section 536.028, RSMo. This section and chapter 536,
5 RSMo, are nonseverable and if any of the powers vested with the
6 general assembly pursuant to chapter 536, RSMo, to review, to
7 delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after January 1, 2005,
10 shall be invalid and void.

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

13 227.363. The portion of state route H in Clay County from
14 the intersection of state route H and Richfield Road north to the
15 intersection of state route H and state route B shall be
16 designated the "Richard L. Harriman Highway". Costs for such
17 designation shall be paid by private donations.

18 300.330. The driver of a motor vehicle shall not drive
19 within any sidewalk area except as a permanent or temporary
20 driveway. A designated bicycle lane shall not be obstructed by a
21 parked or standing motor vehicle or other stationary object. A
22 motor vehicle may be driven in a designated bicycle lane only for
23 the purpose of a lawful maneuver to cross the lane or provide for
24 safe travel. In making an otherwise lawful maneuver that
25 requires traveling in or crossing a designated bicycle lane, the
26 driver of a motor vehicle shall yield to any bicycle in the lane.
27 As used in this section, the term "designated bicycle lane" shall
28 mean a portion of the roadway or highway which has been

1 designated by the governing body having jurisdiction over such
2 roadway or highway by striping with signing or striping with
3 pavement markings for the preferential or exclusive use of
4 bicycles.

5 300.411. The operator of a motor vehicle overtaking a
6 bicycle proceeding in the same direction on the roadway, as
7 defined in section 300.010, RSmo, shall leave a safe distance
8 when passing the bicycle, and shall maintain clearance until
9 safely past the overtaken bicycle.

10 301.010. As used in this chapter and sections 304.010 to
11 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to
12 307.175, RSMo, the following terms mean:

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

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

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

27 (4) "Boat transporter", any vehicle combination designed
28 and used specifically to transport assembled boats and boat

1 hulls;

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

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

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

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

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

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

21 (11) "Driveaway operation":

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

27 (b) The movement of any vehicle or vehicles, not owned by
28 the transporter, constituting the commodity being transported, by

1 a person engaged in the business of furnishing drivers and
2 operators for the purpose of transporting vehicles in transit
3 from one place to another by the driveaway or towaway methods; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) An area that extends not more than a radius of fifty
28 miles from its home base of operations when transporting its

1 owner's machinery, equipment, or auxiliary supplies to or from
2 projects not involving soil and water conservation. Nothing in
3 this subdivision shall be construed to prevent any motor vehicle
4 from being registered as a commercial motor vehicle or local
5 commercial motor vehicle;

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

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

1 cutting, felling, trimming, delimbing, debarking, chipping,
2 skidding, loading, unloading, and stacking may be transported on
3 a local log truck. A local log truck may not exceed the limits
4 required by law, however, if the truck does exceed such limits as
5 determined by the inspecting officer, then notwithstanding any
6 other provisions of law to the contrary, such truck shall be
7 subject to the weight limits required by such sections as
8 licensed for eighty thousand pounds;

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

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

1 public transportation system within such municipal corporation
2 and such municipal corporation and adjacent commercial zone;

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

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

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

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

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

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

26 (35) "Motor vehicle primarily for business use", any
27 vehicle other than a recreational motor vehicle, motorcycle,
28 motortricycle, or any commercial motor vehicle licensed for over

1 twelve thousand pounds:

2 (a) Offered for hire or lease; or

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

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

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

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

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

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

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

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

26 (43) "Owner", any person, firm, corporation or association,
27 who holds the legal title to a vehicle or in the event a vehicle
28 is the subject of an agreement for the conditional sale or lease

1 thereof with the right of purchase upon performance of the
2 conditions stated in the agreement and with an immediate right of
3 possession vested in the conditional vendee or lessee, or in the
4 event a mortgagor of a vehicle is entitled to possession, then
5 such conditional vendee or lessee or mortgagor shall be deemed
6 the owner for the purpose of this law;

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

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

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

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

28 (48) "Rollback or car carrier", any vehicle specifically

1 designed to transport wrecked, disabled or otherwise inoperable
2 vehicles, when the transportation is directly connected to a
3 wrecker or towing service;

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

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

17 (51) "Salvage vehicle", a motor vehicle, semitrailer, or
18 house trailer which:

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

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

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

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

4 (e) Is abandoned property which is titled pursuant to
5 section 304.155, RSMo, or section 304.157, RSMo, and designated
6 with the words "salvage/abandoned property".
7

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

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

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

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

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

27 (53) "Shuttle bus", a motor vehicle used or maintained by
28 any person, firm, or corporation as an incidental service to

1 transport patrons or customers of the regular business of such
2 person, firm, or corporation to and from the place of business of
3 the person, firm, or corporation providing the service at no fee
4 or charge. Shuttle buses shall not be registered as buses or as
5 commercial motor vehicles;

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

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

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

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

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

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

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

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

28 (62) "Truck-trailer boat transporter combination", a boat

1 transporter combination consisting of a straight truck towing a
2 trailer using typically a ball and socket connection with the
3 trailer axle located substantially at the trailer center of
4 gravity rather than the rear of the trailer but so as to maintain
5 a downward force on the trailer tongue;

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

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

25 (65) "Vehicle", any mechanical device on wheels, designed
26 primarily for use, or used, on highways, except motorized
27 bicycles, vehicles propelled or drawn by horses or human power,
28 or vehicles used exclusively on fixed rails or tracks, or cotton

1 trailers or motorized wheelchairs operated by handicapped
2 persons;

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

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

14 301.020. 1. Every owner of a motor vehicle or trailer,
15 which shall be operated or driven upon the highways of this
16 state, except as herein otherwise expressly provided, shall
17 annually file, by mail or otherwise, in the office of the
18 director of revenue, an application for registration on a blank
19 to be furnished by the director of revenue for that purpose
20 containing:

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

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

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

3 2. If the vehicle is a motor vehicle primarily for business
4 use as defined in section 301.010 and if such vehicle is five
5 years of age or less, the director of revenue shall retain the
6 odometer information provided in the vehicle inspection report,
7 and provide for prompt access to such information, together with
8 the vehicle identification number for the motor vehicle to which
9 such information pertains, for a period of five years after the
10 receipt of such information. This section shall not apply
11 unless:

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

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

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

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

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

3 4. If the vehicle qualifies as a reconstructed motor
4 vehicle, motor change vehicle, specially constructed motor
5 vehicle, non-USA-std motor vehicle, as defined in section
6 301.010, or prior salvage as referenced in section 301.573, the
7 owner or lienholder shall surrender the certificate of ownership.
8 The owner shall make an application for a new certificate of
9 ownership, pay the required title fee, and obtain the vehicle
10 examination certificate required pursuant to subsection 9 of
11 section 301.190. If an insurance company which pays a claim on a
12 salvage vehicle as defined in section 301.010 and the insured is
13 retaining ownership of the vehicle, as prior salvage, the vehicle
14 shall only be required to meet the examination requirements
15 pursuant to subsection 10 of section 301.190. Notarized bills of
16 sale along with a copy of the front and back of the certificate
17 of ownership for all major component parts installed on the
18 vehicle and invoices for all essential parts which are not
19 defined as major component parts shall accompany the application
20 for a new certificate of ownership. If the vehicle is a
21 specially constructed motor vehicle, as defined in section
22 301.010, two pictures of the vehicle shall be submitted with the
23 application. If the vehicle is a kit vehicle, the applicant
24 shall submit the invoice and the manufacturer's statement of
25 origin on the kit. If the vehicle requires the issuance of a
26 special number by the director of revenue or a replacement
27 vehicle identification number, the applicant shall submit the
28 required application and application fee. All applications

1 required under this subsection shall be submitted with any
2 applicable taxes which may be due on the purchase of the vehicle
3 or parts. The director of revenue shall appropriately designate
4 "Reconstructed Motor Vehicle", "Motor Change Vehicle",
5 "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor
6 Vehicle" on the current and all subsequent issues of the
7 certificate of ownership of such vehicle.

8 5. Every insurance company which pays a claim for repair of
9 a motor vehicle which as the result of such repairs becomes a
10 reconstructed motor vehicle as defined in section 301.010 or
11 which pays a claim on a salvage vehicle as defined in section
12 301.010 and the insured is retaining ownership of the vehicle,
13 shall in writing notify the claimant, if he is the owner of the
14 vehicle, and the lienholder if a lien is in effect, that he is
15 required to surrender the certificate of ownership, and the
16 documents and fees required pursuant to subsection 4 of this
17 section to obtain a [reconstructed] prior salvage motor vehicle
18 certificate of ownership or documents and fees as otherwise
19 required by law to obtain a salvage certificate of ownership,
20 from the director of revenue. The insurance company shall within
21 thirty days of the payment of such claims report to the director
22 of revenue the name and address of such claimant, the year, make,
23 model, vehicle identification number, and license plate number of
24 the vehicle, and the date of loss and payment.

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

27 7. An applicant for registration may make a donation of one
28 dollar to promote a blindness education, screening and treatment

1 program. The director of revenue shall collect the donations and
2 deposit all such donations in the state treasury to the credit of
3 the blindness education, screening and treatment program fund
4 established in section 192.935, RSMo. Moneys in the blindness
5 education, screening and treatment program fund shall be used
6 solely for the purposes established in section 192.935, RSMo,
7 except that the department of revenue shall retain no more than
8 one percent for its administrative costs. The donation
9 prescribed in this subsection is voluntary and may be refused by
10 the applicant for registration at the time of issuance or
11 renewal. The director shall inquire of each applicant at the
12 time the applicant presents the completed application to the
13 director whether the applicant is interested in making the
14 one-dollar donation prescribed in this subsection.

15 8. An applicant for registration may make a donation of one
16 dollar to promote an organ donor program. The director of
17 revenue shall collect the donations and deposit all such
18 donations in the state treasury to the credit of the organ donor
19 program fund as established in sections 194.297 to 194.304, RSMo.
20 Moneys in the organ donor fund shall be used solely for the
21 purposes established in sections 194.297 to 194.304, RSMo, except
22 that the department of revenue shall retain no more than one
23 percent for its administrative costs. The donation prescribed in
24 this subsection is voluntary and may be refused by the applicant
25 for registration at the time of issuance or renewal. The
26 director shall inquire of each applicant at the time the
27 applicant presents the completed application to the director
28 whether the applicant is interested in making the one-dollar

1 donation prescribed in this subsection.

2 301.025. 1. No state registration license to operate any
3 motor vehicle in this state shall be issued unless the
4 application for license of a motor vehicle or trailer is
5 accompanied by a tax receipt for the tax year which immediately
6 precedes the year in which the vehicle's or trailer's
7 registration is due and which reflects that all taxes, including
8 delinquent taxes from prior years, have been paid, or a statement
9 certified by the county or township collector of the county or
10 township in which the applicant's property was assessed showing
11 that the state and county tangible personal property taxes for
12 such previous tax year and all delinquent taxes due have been
13 paid by the applicant, or a statement certified by the county or
14 township collector for such previous year that no such taxes were
15 assessed or due and, the applicant has not unpaid taxes on the
16 collector's tax roll for any subsequent year or, if the applicant
17 is not a resident of this state and serving in the armed forces
18 of the United States, the application is accompanied by a leave
19 and earnings statement from such person verifying such status or,
20 if the applicant is an organization described pursuant to
21 subdivision (5) of section 137.100, RSMo, or subsection 1 of
22 section 137.101, RSMo, the application is accompanied by a
23 document, in a form approved by the director, verifying that the
24 organization is registered with the department of revenue or is
25 determined by the internal revenue service to be a tax- exempt
26 entity. If the director of the department of revenue has been
27 notified by the assessor pursuant to subsection 2 of section
28 137.101, RSMo, that the applicant's personal property is not tax

1 exempt, then the organization's application shall be accompanied
2 by a statement certified by the county or township collector of
3 the county or township in which the organization's property was
4 assessed showing that the state and county tangible personal
5 property taxes for such previous tax year and all delinquent
6 taxes due have been paid by the organization. In the event the
7 registration is a renewal of a registration made two or three
8 years previously, the application shall be accompanied by proof
9 that taxes were not due or have been paid for the two or three
10 years which immediately precede the year in which the motor
11 vehicle's or trailer's registration is due. The county or
12 township collector shall not be required to issue a receipt or
13 certified statement that taxes were not assessed or due for the
14 immediately preceding tax year until all personal property taxes,
15 including all current and delinquent taxes [currently due], are
16 paid. If the applicant was a resident of another county of this
17 state in the applicable preceding years, he or she must submit to
18 the collector in the county or township of residence proof that
19 the personal property tax was paid in the applicable tax years.
20 Every county and township collector shall give each person a tax
21 receipt or a certified statement of tangible personal property
22 taxes paid. The receipt issued by the county collector in any
23 county of the first classification with a charter form of
24 government which contains part of a city with a population of at
25 least three hundred fifty thousand inhabitants which is located
26 in more than one county, any county of the first classification
27 without a charter form of government with a population of at
28 least one hundred fifty thousand inhabitants which contains part

1 of a city with a population of at least three hundred fifty
2 thousand inhabitants which is located in more than one county and
3 any county of the first classification without a charter form of
4 government with a population of at least one hundred ten thousand
5 but less than one hundred fifty thousand inhabitants shall be
6 determined null and void if the person paying tangible personal
7 property taxes issues or passes a check or other similar sight
8 order which is returned to the collector because the account upon
9 which the check or order was drawn was closed or did not have
10 sufficient funds at the time of presentation for payment by the
11 collector to meet the face amount of the check or order. The
12 collector may assess and collect in addition to any other penalty
13 or interest that may be owed, a penalty of ten dollars or five
14 percent of the total amount of the returned check or order
15 whichever amount is greater to be deposited in the county general
16 revenue fund, but in no event shall such penalty imposed exceed
17 one hundred dollars. The collector may refuse to accept any
18 check or other similar sight order in payment of any tax
19 currently owed plus penalty or interest from a person who
20 previously attempted to pay such amount with a check or order
21 that was returned to the collector unless the remittance is in
22 the form of a cashier's check, certified check or money order.
23 If a person does not comply with the provisions of this section,
24 a tax receipt issued pursuant to this section is null and void
25 and no state registration license shall be issued or renewed.
26 Where no such taxes are due each such collector shall, upon
27 request, certify such fact and transmit such statement to the
28 person making the request. Each receipt or statement shall

1 describe by type the total number of motor vehicles on which
2 personal property taxes were paid, and no renewal of any state
3 registration license shall be issued to any person for a number
4 greater than that shown on his or her tax receipt or statement
5 except for a vehicle which was purchased without another vehicle
6 being traded therefor, or for a vehicle previously registered in
7 another state, provided the application for title or other
8 evidence shows that the date the vehicle was purchased or was
9 first registered in this state was such that no personal property
10 tax was owed on such vehicle as of the date of the last tax
11 receipt or certified statement prior to the renewal. The
12 director of revenue shall make necessary rules and regulations
13 for the enforcement of this section, and shall design all
14 necessary forms. If electronic data is not available, residents
15 of counties with a township form of government and with township
16 collectors shall present personal property tax receipts which
17 have been paid for the preceding two years when registering under
18 this section.

19 2. Every county collector in counties with a population of
20 over six hundred thousand and less than nine hundred thousand
21 shall give priority to issuing tax receipts or certified
22 statements pursuant to this section for any person whose motor
23 vehicle registration expires in January. Such collector shall
24 send tax receipts or certified statements for personal property
25 taxes for the previous year within three days to any person who
26 pays the person's personal property tax in person, and within
27 twenty working days, if the payment is made by mail. Any person
28 wishing to have priority pursuant to this subsection shall notify

1 the collector at the time of payment of the property taxes that a
2 motor vehicle registration expires in January. Any person
3 purchasing a new vehicle in December and licensing such vehicle
4 in January of the following year may use the personal property
5 tax receipt of the prior year as proof of payment.

6 3. In addition to all other requirements, the director of
7 revenue shall not register any vehicle subject to the heavy
8 vehicle use tax imposed by Section 4481 of the Internal Revenue
9 Code of 1954 unless the applicant presents proof of payment, or
10 that such tax is not owing, in such form as may be prescribed by
11 the United States Secretary of the Treasury. No proof of payment
12 of such tax shall be required by the director until the form for
13 proof of payment has been prescribed by the Secretary of the
14 Treasury.

15 4. Beginning July 1, 2000, a county or township collector
16 may notify, by ordinary mail, any owner of a motor vehicle for
17 which personal property taxes have not been paid that if full
18 payment is not received within thirty days the collector may
19 notify the director of revenue to suspend the motor vehicle
20 registration for such vehicle. Any notification returned to the
21 collector by the post office shall not result in the notification
22 to the director of revenue for suspension of a motor vehicle
23 registration. Thereafter, if the owner fails to timely pay such
24 taxes the collector may notify the director of revenue of such
25 failure. Such notification shall be on forms designed and
26 provided by the department of revenue and shall list the motor
27 vehicle owner's full name, including middle initial, the owner's
28 address, and the year, make, model and vehicle identification

1 number of such motor vehicle. Upon receipt of this notification
2 the director of revenue may provide notice of suspension of motor
3 vehicle registration to the owner at the owner's last address
4 shown on the records of the department of revenue. Any
5 suspension imposed may remain in effect until the department of
6 revenue receives notification from a county or township collector
7 that the personal property taxes have been paid in full. Upon
8 the owner furnishing proof of payment of such taxes and paying a
9 twenty dollar reinstatement fee to the director of revenue the
10 motor vehicle or vehicles registration shall be reinstated. In
11 the event a motor vehicle registration is suspended for
12 nonpayment of personal property tax the owner so aggrieved may
13 appeal to the circuit court of the county of his or her residence
14 for review of such suspension at any time within thirty days
15 after notice of motor vehicle registration suspension. Upon such
16 appeal the cause shall be heard de novo in the manner provided by
17 chapter 536, RSMo, for the review of administrative decisions.
18 The circuit court may order the director to reinstate such
19 registration, sustain the suspension of registration by the
20 director or set aside or modify such suspension. Appeals from
21 the judgment of the circuit court may be taken as in civil cases.
22 The prosecuting attorney of the county where such appeal is taken
23 shall appear in behalf of the director, and prosecute or defend,
24 as the case may require.

25 5. Beginning July 1, 2005, a city not within a county or
26 any home rule city with more than four hundred thousand
27 inhabitants and located in more than one county may notify, by
28 ordinary mail, any owner of a motor vehicle who is delinquent in

1 payment of vehicle-related fees and fines that if full payment is
2 not received within thirty days, the city not within a county or
3 any home rule city with more than four hundred thousand
4 inhabitants and located in more than one county may notify the
5 director of revenue to suspend the motor vehicle registration for
6 such vehicle. Any notification returned to the city not within a
7 county or any home rule city with more than four hundred thousand
8 inhabitants and located in more than one county by the post
9 office shall not result in the notification to the director of
10 revenue for suspension of a motor vehicle registration. If the
11 vehicle-related fees and fines are assessed against a car that is
12 registered in the name of a rental or leasing company and the
13 vehicle is rented or leased to another person at the time the
14 fees or fines are assessed, the rental or leasing company may
15 rebut the presumption by providing the city not within a county
16 or any home rule city with more than four hundred thousand
17 inhabitants and located in more than one county with a copy of
18 the rental or lease agreement in effect at the time the fees or
19 fines were assessed. A rental or leasing company shall not be
20 charged for fees or fines under this subsection, nor shall the
21 registration of a vehicle be suspended, unless prior written
22 notice of the fees or fines has been given to that rental or
23 leasing company by ordinary mail at the address appearing on the
24 registration and the rental or leasing company has failed to
25 provide the rental or lease agreement copy within fifteen days of
26 receipt of such notice. Any notification to a rental or leasing
27 company that is returned to the city not within a county or any
28 home rule city with more than four hundred thousand inhabitants

1 and located in more than one county by the post office shall not
2 result in the notification to the director of revenue for
3 suspension of a motor vehicle registration. For the purpose of
4 this section, "vehicle-related fees and fines" includes, but is
5 not limited to, traffic violation fines, parking violation fines,
6 vehicle towing, storage and immobilization fees, and any late
7 payment penalties, other fees, and court costs associated with
8 the adjudication or collection of those fines.

9 6. If after notification under subsection 5 of this section
10 the vehicle owner fails to pay such vehicle-related fees and
11 fines to the city not within a county or any home rule city with
12 more than four hundred thousand inhabitants and located in more
13 than one county within thirty days from the date of such notice,
14 the city not within a county or any home rule city with more than
15 four hundred thousand inhabitants and located in more than one
16 county may notify the director of revenue of such failure. Such
17 notification shall be on forms or in an electronic format
18 approved by the department of revenue and shall list the vehicle
19 owner's full name and address, and the year, make, model, and
20 vehicle identification number of such motor vehicle and such
21 other information as the director shall require.

22 7. Upon receipt of notification under subsection 5 of this
23 section, the director of revenue may provide notice of suspension
24 of motor vehicle registration to the owner at the owner's last
25 address shown on the records of the department of revenue. Any
26 suspension imposed may remain in effect until the department of
27 revenue receives notification from a city not within a county or
28 any home rule city with more than four hundred thousand

1 inhabitants and located in more than one county that the
2 vehicle-related fees or fines have been paid in full. Upon the
3 owner furnishing proof of payment of such fees and fines and
4 paying a twenty dollar reinstatement fee to the director of
5 revenue the motor vehicle registration shall be reinstated. In
6 the event a motor vehicle registration is suspended for
7 nonpayment of vehicle-related fees or fines the owner so
8 aggrieved may appeal to the circuit court of the county where the
9 violation occurred for review of such suspension at any time
10 within thirty days after notice of motor vehicle registration
11 suspension. Upon such appeal the cause shall be heard de novo in
12 the manner provided by chapter 536, RSMo, for the review of
13 administrative decisions. The circuit court may order the
14 director to reinstate such registration, sustain the suspension
15 of registration by the director or set aside or modify such
16 suspension. Appeals from the judgment of the circuit court may
17 be taken as in civil cases. The prosecuting attorney of the
18 county where such appeal is taken shall appear in behalf of the
19 director, and prosecute or defend, as the case may require.

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

25 9. Any rule or portion of a rule, as that term is defined
26 in section 536.010, RSMo, that is created under the authority
27 delegated in this section shall become effective only if it
28 complies with and is subject to all of the provisions of chapter

1 536, RSMo, and, if applicable, section 536.028, RSMo. This
2 section and chapter 536, RSMo, are nonseverable and if any of the
3 powers vested with the general assembly pursuant to chapter 536,
4 RSMo, to review, to delay the effective date or to disapprove and
5 annul a rule are subsequently held unconstitutional, then the
6 grant of rulemaking authority and any rule proposed or adopted
7 after August 28, 2000, shall be invalid and void.

8 301.129. There is established in this section an advisory
9 committee for the department of revenue, which shall exist solely
10 to develop uniform designs and common colors for motor vehicle
11 license plates issued under this chapter and to determine
12 appropriate license plate parameters for all license plates
13 issued under this chapter. The advisory committee may adopt more
14 than one type of design and color scheme for license plates
15 issued under this chapter; however, each license plate of a
16 distinct type shall be uniform in design and color scheme with
17 all other license plates of that distinct type. The
18 specifications for the fully reflective material used for the
19 plates, as required by section 301.130, shall be determined by
20 the committee. Such plates shall meet any specific requirements
21 prescribed in this chapter. The advisory committee shall consist
22 of the director of revenue, the superintendent of the highway
23 patrol, the correctional enterprises administrator, and the
24 respective chairpersons of both the senate and house of
25 representatives transportation committees. Notwithstanding
26 section 226.200, RSMo, to the contrary, the general assembly may
27 appropriate state highways and transportation department funds
28 for the requirements of section 301.130 and this section. Prior

1 to [April 1, 2006] January 1, 2007, the committee shall meet,
2 select a chairman from among their members, and develop uniform
3 design and license plate parameters for the motor vehicle license
4 plates issued under this chapter. Prior to determining the final
5 design of the plates, the committee shall hold at least three
6 public meetings in different areas of the state to invite public
7 input on the final design. Members of the committee shall be
8 reimbursed for their actual and necessary expenses incurred in
9 the performance of their duties under this section out of funds
10 appropriated for that purpose. The committee shall direct the
11 director of revenue to implement its final design of the uniform
12 motor vehicle license plates and any specific parameters for all
13 license plates developed by the committee not later than [April
14 1, 2006] January 1, 2007. The committee shall be dissolved upon
15 completion of its duties under this section.

16 301.130. 1. The director of revenue, upon receipt of a
17 proper application for registration, required fees and any other
18 information which may be required by law, shall issue to the
19 applicant a certificate of registration in such manner and form
20 as the director of revenue may prescribe and a set of license
21 plates, or other evidence of registration, as provided by this
22 section. Each set of license plates shall bear the name or
23 abbreviated name of this state, the words "SHOW-ME STATE", the
24 month and year in which the registration shall expire, and an
25 arrangement of numbers or letters, or both, as shall be assigned
26 from year to year by the director of revenue. The plates shall
27 also contain fully reflective material with a common color scheme
28 and design for each type of license plate issued pursuant to this

chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

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

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

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

6 5. No motor vehicle or trailer shall be operated on any
7 highway of this state unless it shall have displayed thereon the
8 license plate or set of license plates issued by the director of
9 revenue or the state highways and transportation commission and
10 authorized by section 301.140. Each such plate shall be securely
11 fastened to the motor vehicle in a manner so that all parts
12 thereof shall be plainly visible and reasonably clean so that the
13 reflective qualities thereof are not impaired. License plates
14 shall be fastened to all motor vehicles except trucks, tractors,
15 truck tractors or truck-tractors licensed in excess of twelve
16 thousand pounds on the front and rear of such vehicles not less
17 than eight nor more than forty-eight inches above the ground,
18 with the letters and numbers thereon right side up. The license
19 plates on trailers, motorcycles, motortricycles and motorscooters
20 shall be displayed on the rear of such vehicles, with the letters
21 and numbers thereon right side up. The license plate on buses,
22 other than school buses, and on trucks, tractors, truck tractors
23 or truck-tractors licensed in excess of twelve thousand pounds
24 shall be displayed on the front of such vehicles not less than
25 eight nor more than forty-eight inches above the ground, with the
26 letters and numbers thereon right side up or if two plates are
27 issued for the vehicle pursuant to subsection 3 of this section,
28 displayed in the same manner on the front and rear of such

1 vehicles. The license plate or plates authorized by section
2 301.140, when properly attached, shall be prima facie evidence
3 that the required fees have been paid.

4 6. (1) The director of revenue shall issue annually or
5 biennially a tab or set of tabs as provided by law as evidence of
6 the annual payment of registration fees and the current
7 registration of a vehicle in lieu of the set of plates.

8 Beginning January 1, [2009] 2010, the [numbers] director may
9 prescribe any additional information recorded on the tab or tabs
10 [must be the same numbers that appear on] to ensure that the tab
11 or tabs positively correlate with the license plate or plates
12 issued by the department of revenue [that are displayed on the]
13 for such vehicle. Such tabs shall be produced in each license
14 bureau office.

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

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

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

25 (5) For those commercial motor vehicles and trailers
26 registered pursuant to section 301.041, the plate issued by the
27 highways and transportation commission shall be a permanent
28 nonexpiring license plate for which no tabs shall be issued.

1 Nothing in this section shall relieve the owner of any vehicle
2 permanently registered pursuant to this section from the
3 obligation to pay the annual registration fee due for the
4 vehicle. The permanent nonexpiring license plate shall be
5 returned to the highways and transportation commission upon the
6 sale or disposal of the vehicle by the owner to whom the
7 permanent nonexpiring license plate is issued, or the plate may
8 be transferred to a replacement commercial motor vehicle when the
9 owner files a supplemental application with the Missouri highways
10 and transportation commission for the registration of such
11 replacement commercial motor vehicle. Upon payment of the annual
12 registration fee, the highways and transportation commission
13 shall issue a certificate of registration or other suitable
14 evidence of payment of the annual fee, and such evidence of
15 payment shall be carried at all times in the vehicle for which it
16 is issued.

17 (6) Upon the sale or disposal of any vehicle permanently
18 registered under this section, or upon the termination of a lease
19 of any such vehicle, the permanent nonexpiring plate issued for
20 such vehicle shall be returned to the highways and transportation
21 commission and shall not be valid for operation of such vehicle,
22 or the plate may be transferred to a replacement vehicle when the
23 owner files a supplemental application with the Missouri highways
24 and transportation commission for the registration of such
25 replacement vehicle. If a vehicle which is permanently
26 registered under this section is sold, wrecked or otherwise
27 disposed of, or the lease terminated, the registrant shall be
28 given credit for any unused portion of the annual registration

1 fee when the vehicle is replaced by the purchase or lease of
2 another vehicle during the registration year.

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

9 8. Notwithstanding the provisions of any other law to the
10 contrary, owners of motor vehicles other than apportioned motor
11 vehicles or commercial motor vehicles licensed in excess of
12 eighteen thousand pounds gross weight may apply for special
13 personalized license plates. Vehicles licensed for eighteen
14 thousand pounds that display special personalized license plates
15 shall be subject to the provisions of subsections 1 and 2 of
16 section 301.030.

17 9. Commencing January 1, [2007] 2009, the director of
18 revenue shall cause to be reissued new license plates of such
19 design as directed by the director consistent with the terms,
20 conditions, and provisions of this section and this chapter.
21 Except as otherwise provided in this section, in addition to all
22 other fees required by law, applicants for registration of
23 vehicles with license plates that expire between January 1,
24 [2007] 2009, and December 31, [2009] 2011, applicants for
25 registration of trailers or semitrailers with license plates that
26 expire between January 1, [2007] 2009, and December 31, [2009]
27 2011, and applicants for registration of vehicles that are to be
28 issued new license plates shall pay an additional fee [of up to

1 two dollars and fifty cents], based on the actual cost of the
2 reissuance, to cover the cost of the newly reissued plates
3 required by this subsection. [The additional fee, based on the
4 actual cost, prescribed by this subsection shall only be one
5 dollar and twenty-five cents for issuance of one new plate for
6 vehicles requiring only one license plate pursuant to this
7 section.] The additional fee [of two dollars and fifty cents]
8 prescribed in this subsection shall not be charged to persons
9 receiving special license plates issued under section 301.073 or
10 301.443. Historic motor vehicle license plates registered
11 pursuant to section 301.131 and specialized license plates are
12 exempt from the provisions of this subsection.

13 [301.130. 1. The director of revenue, upon
14 receipt of a proper application for registration,
15 required fees and any other information which may be
16 required by law, shall issue to the applicant a
17 certificate of registration in such manner and form as
18 the director of revenue may prescribe and a set of
19 license plates, or other evidence of registration, as
20 provided by this section. Each set of license plates
21 shall bear the name or abbreviated name of this state,
22 the words "SHOW-ME STATE", the month and year in which
23 the registration shall expire, and an arrangement of
24 numbers or letters, or both, as shall be assigned from
25 year to year by the director of revenue. The plates
26 shall also contain fully reflective material with a
27 common color scheme and design for each type of license
28 plate issued pursuant to this chapter. The plates
29 shall be clearly visible at night, and shall be
30 aesthetically attractive. Special plates for qualified
31 disabled veterans will have the "DISABLED VETERAN"
32 wording on the license plates in preference to the
33 words "SHOW-ME STATE" and special plates for members of
34 the national guard will have the "NATIONAL GUARD"
35 wording in preference to the words "SHOW-ME STATE".

36 2. The arrangement of letters and numbers of
37 license plates shall be uniform throughout each
38 classification of registration. The director may
39 provide for the arrangement of the numbers in groups or
40 otherwise, and for other distinguishing marks on the
41 plates.

1 3. All property-carrying commercial motor
2 vehicles to be registered at a gross weight in excess
3 of twelve thousand pounds, all passenger-carrying
4 commercial motor vehicles, local transit buses, school
5 buses, trailers, semitrailers, motorcycles,
6 motortricycles, motorscooters and driveaway vehicles
7 shall be registered with the director of revenue as
8 provided for in subsection 3 of section 301.030, but
9 only one license plate shall be issued for each such
10 vehicle except as provided in this subsection. The
11 applicant for registration of any property-carrying
12 commercial motor vehicle may request and be issued two
13 license plates for such vehicle, and if such plates are
14 issued the director of revenue may assess and collect
15 an additional charge from the applicant in an amount
16 not to exceed the fee prescribed for personalized
17 license plates in subsection 1 of section 301.144.

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

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

1 paid.

2 6. (1) The director of revenue shall issue
3 annually a tab or set of tabs as evidence of the annual
4 payment of registration fees and the current
5 registration of a vehicle in lieu of the set of plates.
6

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

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

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

18 (5) For those commercial motor vehicles and
19 trailers registered pursuant to section 301.041, the
20 plate issued by the director of revenue shall be a
21 permanent nonexpiring license plate for which no tabs
22 shall be issued. Nothing in this section shall relieve
23 the owner of any vehicle permanently registered
24 pursuant to this section from the obligation to pay the
25 annual registration fee due for the vehicle. The
26 permanent nonexpiring license plate shall be returned
27 to the director of revenue upon the sale or disposal of
28 the vehicle by the owner to whom the permanent
29 nonexpiring license plate is issued, or the plate may
30 be transferred to a replacement commercial motor
31 vehicle when the owner files a supplemental application
32 with the Missouri highway reciprocity commission for
33 the registration of such replacement commercial motor
34 vehicle. Upon payment of the annual registration fee,
35 the director of revenue shall issue a certificate of
36 registration or other suitable evidence of payment of
37 the annual fee, and such evidence of payment shall be
38 carried at all times in the vehicle for which it is
39 issued.

40 (6) Upon the sale or disposal of any vehicle
41 permanently registered under this section, or upon the
42 termination of a lease of any such vehicle, the
43 permanent nonexpiring plate issued for such vehicle
44 shall be returned to the director and shall not be
45 valid for operation of such vehicle, or the plate may
46 be transferred to a replacement vehicle when the owner
47 files a supplemental application with the Missouri
48 highway reciprocity commission for the registration of
49 such replacement vehicle. If a vehicle which is
50 permanently registered under this section is sold,
51 wrecked or otherwise disposed of, or the lease

1 terminated, the registrant shall be given credit for
2 any unused portion of the annual registration fee when
3 the vehicle is replaced by the purchase or lease of
4 another vehicle during the registration year.

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

11 8. Notwithstanding the provisions of any other
12 law to the contrary, owners of motor vehicles other
13 than apportioned motor vehicles or commercial motor
14 vehicles licensed in excess of eighteen thousand pounds
15 gross weight may apply for special personalized license
16 plates. Vehicles licensed for eighteen thousand pounds
17 that display special personalized license plates shall
18 be subject to the provisions of subsections 1 and 2 of
19 section 301.030.]

20 301.190. 1. No certificate of registration of any motor
21 vehicle or trailer, or number plate therefor, shall be issued by
22 the director of revenue unless the applicant therefor shall make
23 application for and be granted a certificate of ownership of such
24 motor vehicle or trailer, or shall present satisfactory evidence
25 that such certificate has been previously issued to the applicant
26 for such motor vehicle or trailer. Application shall be made
27 within thirty days after the applicant acquires the motor vehicle
28 or trailer upon a blank form furnished by the director of revenue
29 and shall contain the applicant's identification number, a full
30 description of the motor vehicle or trailer, the vehicle
31 identification number, and the mileage registered on the odometer
32 at the time of transfer of ownership, as required by section
33 407.536, RSMo, together with a statement of the applicant's
34 source of title and of any liens or encumbrances on the motor
35 vehicle or trailer, provided that for good cause shown the
36 director of revenue may extend the period of time for making such

1 application.

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

25 3. The director of revenue shall appropriately designate on
26 the current and all subsequent issues of the certificate the
27 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
28 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor

Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

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

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

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee

1 of twenty-five dollars for the first thirty days of delinquency
2 and twenty-five dollars for each thirty days of delinquency
3 thereafter, not to exceed a total of one hundred dollars before
4 November 1, 2003, and not to exceed a total of two hundred
5 dollars on or after November 1, 2003, shall be imposed, but such
6 penalty may be waived by the director for a good cause shown. If
7 the director of revenue learns that any person has failed to
8 obtain a certificate within thirty days after acquiring a motor
9 vehicle or trailer or has sold a vehicle without obtaining a
10 certificate, he shall cancel the registration of all vehicles
11 registered in the name of the person, either as sole owner or as
12 a co-owner, and shall notify the person that the cancellation
13 will remain in force until the person pays the delinquency
14 penalty fee provided in this section, together with all fees,
15 charges and payments which he should have paid in connection with
16 the certificate of ownership and registration of the vehicle.
17 The certificate shall be good for the life of the motor vehicle
18 or trailer so long as the same is owned or held by the original
19 holder of the certificate and shall not have to be renewed
20 annually.

21 6. Any applicant for a certificate of ownership requesting
22 the department of revenue to process an application for a
23 certificate of ownership in an expeditious manner requiring
24 special handling shall pay a fee of five dollars in addition to
25 the regular certificate of ownership fee.

26 7. It is unlawful for any person to operate in this state a
27 motor vehicle or trailer required to be registered under the
28 provisions of the law unless a certificate of ownership has been

1 issued as herein provided.

2 8. Before an original Missouri certificate of ownership is
3 issued, an inspection of the vehicle and a verification of
4 vehicle identification numbers shall be made by the Missouri
5 state highway patrol on vehicles for which there is a current
6 title issued by another state if a Missouri salvage certificate
7 of title has been issued for the same vehicle but no prior
8 inspection and verification has been made in this state, except
9 that if such vehicle has been inspected in another state by a law
10 enforcement officer in a manner comparable to the inspection
11 process in this state and the vehicle identification numbers have
12 been so verified, the applicant shall not be liable for the
13 twenty-five dollar inspection fee if such applicant submits proof
14 of inspection and vehicle identification number verification to
15 the director of revenue at the time of the application. The
16 applicant, who has such a title for a vehicle on which no prior
17 inspection and verification have been made, shall pay a fee of
18 twenty-five dollars for such verification and inspection, payable
19 to the director of revenue at the time of the request for the
20 application, which shall be deposited in the state treasury to
21 the credit of the state highways and transportation department
22 fund.

23 9. Each application for an original Missouri certificate of
24 ownership for a vehicle which is classified as a reconstructed
25 motor vehicle, specially constructed motor vehicle, kit vehicle,
26 motor change vehicle, non-USA-std motor vehicle, or other vehicle
27 as required by the director of revenue shall be accompanied by a
28 vehicle examination certificate issued by the Missouri state

1 highway patrol, or other law enforcement agency as authorized by
2 the director of revenue. The vehicle examination shall include a
3 verification of vehicle identification numbers and a
4 determination of the classification of the vehicle. The owner of
5 a vehicle which requires a vehicle examination certificate shall
6 present the vehicle for examination and obtain a completed
7 vehicle examination certificate prior to submitting an
8 application for a certificate of ownership to the director of
9 revenue. The fee for the vehicle examination application shall
10 be twenty-five dollars and shall be collected by the director of
11 revenue at the time of the request for the application and shall
12 be deposited in the state treasury to the credit of the state
13 highways and transportation department fund.

14 10. When an application is made for an original Missouri
15 certificate of ownership for a motor vehicle previously
16 registered or titled in a state other than Missouri or as
17 required by section 301.020, it shall be accompanied by a current
18 inspection form certified by a duly authorized official
19 inspection station as described in chapter 307, RSMo. The
20 completed form shall certify that the manufacturer's
21 identification number for the vehicle has been inspected, that it
22 is correctly displayed on the vehicle and shall certify the
23 reading shown on the odometer at the time of inspection. The
24 inspection station shall collect the same fee as authorized in
25 section 307.365, RSMo, for making the inspection, and the fee
26 shall be deposited in the same manner as provided in section
27 307.365, RSMo. If the vehicle is also to be registered in
28 Missouri, the safety and emissions inspections required in

chapter 307, RSMo, shall be completed and only the fees required by sections 307.365 and 307.366, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

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

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

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the

1 issuing state as non-USA-std motor vehicle, the director of
2 revenue shall appropriately designate on the current Missouri and
3 all subsequent issues of the certificate of ownership the words
4 "Non-USA-Std Motor Vehicle".

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

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

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

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

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

23 (4) An inspection certificate, other than a motor vehicle
24 examination certificate required under subsection 9 of this
25 section, completed and issued by the Missouri state highway
26 patrol, or other law enforcement agency as authorized by the
27 director of revenue. The inspection performed by the highway
28 patrol or other authorized local law enforcement agency shall

1 include a check for stolen vehicles.

2
3 The department of revenue shall issue the owner a certificate of
4 ownership designated with the words "Reconstructed Motor Vehicle"
5 and deliver such certificate of ownership in accordance with the
6 provisions of this chapter. Notwithstanding subsection 9 of this
7 section, no owner of a reconstructed motor vehicle described in
8 this subsection shall be required to obtain a vehicle examination
9 certificate issued by the Missouri state highway patrol.

10 301.215. 1. When the holder of any indebtedness secured by
11 a security agreement or other contract for security covering a
12 motor vehicle or trailer repossesses the motor vehicle or trailer
13 either by legal process or in accordance with the terms of a
14 contract authorizing the repossession of the vehicle without
15 legal process, the holder may obtain a certificate of ownership
16 from the director of revenue upon presentation of [(1)] an
17 application which shall be upon a blank form furnished by the
18 director of revenue and shall contain a full description of the
19 motor vehicle or trailer and the manufacturer's or other
20 identifying number[; (2)] and an affidavit of the holder,
21 certified under penalties of perjury for making a false statement
22 to a public official, that the debtor defaulted in payment of the
23 debt, and that the holder repossessed the motor vehicle or
24 trailer either by legal process or in accordance with the terms
25 of the contract, and the specific address where the vehicle or
26 trailer is held[; and (3) the original or a conformed or
27 photostatic copy of the original of the security agreement or
28 other contract for security and the instrument or instruments

1 evidencing the indebtedness secured by the security agreement or
2 other contract for security. The director may by regulation
3 prescribe for the inclusion in either or both the application or
4 affidavit any other information that he from time to time deems
5 necessary or advisable and may prescribe that the affidavit be
6 part of the application]. Such affidavit shall also state that
7 the lienholder has the written consent from all owners or
8 lienholders of record to repossess the vehicle or has provided
9 all the owners or lienholders with written notice of the
10 repossession. The lienholder shall first give ten days' written
11 notice by first class United States mail postage prepaid to each
12 of the owners and other lienholders, if any, of the motor vehicle
13 or trailer at each of their last mailing addresses as shown by
14 the last prior certificate of ownership, if any issued on the
15 motor vehicle or trailer, that an application for a repossessed
16 title will be made.

17 2. Upon the holder's presentation of the papers and payment
18 of a fee of ten dollars, the director of revenue, if he is
19 satisfied with the genuineness of the papers, shall issue and
20 deliver to the holder a certificate of ownership which shall be
21 in its usual form except it shall be clearly captioned
22 "Reposessed Title"[]; provided, however, that unless the
23 application is accompanied by the written consent, acknowledged
24 before an officer authorized to take acknowledgments, of the
25 owners and other lienholders, if any, of the motor vehicle or
26 trailer as shown by the last prior certificate of ownership, if
27 any, issued on the motor vehicle or trailer, for the issuance of
28 a reposessed title to the applicant, no such reposessed title

1 may be issued by the director of revenue unless the director
2 shall first give ten days' written notice by first class United
3 States mail postage prepaid to each of the owners and other
4 lienholders, if any, of the motor vehicle or trailer at each of
5 their last mailing addresses as shown by the last prior
6 certificate of ownership, if any, issued on the motor vehicle or
7 trailer, that an application for a repossessed title has been
8 made and the date the repossessed title will be issued, and the
9 notice shall be accompanied by a copy, photostatic or otherwise,
10 of each the application and affidavit. The application for
11 repossessed title may be withdrawn by the applicant at any time
12 before the granting thereof]. Each repossessed title so issued
13 shall for all purposes be treated as an original certificate of
14 ownership and shall supersede the outstanding certificate of
15 ownership, if any, and duplicates thereof, if any, on the motor
16 vehicle or trailer, all of which shall become null and void.

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

23 4. The director of revenue may prescribe rules and
24 regulations for the effective administration of this section.
25 Any rule or portion of a rule, as that term is defined in section
26 536.010, RSMo, that is created under the authority delegated in
27 this section shall become effective only if it complies with and
28 is subject to all of the provisions of chapter 536, RSMo, and, if

1 applicable, section 536.028, RSMo. This section and chapter 536,
2 RSMo, are nonseverable and if any of the powers vested with the
3 general assembly pursuant to chapter 536, RSMo, to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2005,
7 shall be invalid and void.

8 301.290. 1. Correctional enterprises of the department of
9 corrections shall purchase, erect and maintain all of the
10 machinery and equipment necessary for the manufacture of the
11 license plates and tabs issued by the director of revenue, and of
12 signs used by the state transportation department. Beginning on
13 January 1, [2009] 2010, correctional enterprises shall no longer
14 erect and maintain tabs for the department of revenue.

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

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

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

1 301.300. 1. In event of the loss, theft, mutilation or
2 destruction of any certificate of ownership, number plate, tab or
3 set of tabs issued by the director of revenue, the lawful holder
4 thereof shall, within five days, file with the director of
5 revenue, an affidavit showing such fact, and shall, on the
6 payment of a fee of eight dollars and fifty cents, obtain a
7 duplicate or replacement of such plate, certificate, tab or set
8 of tabs. Any duplicate certificate issued for any "motor vehicle
9 primarily for business use", as defined in section 301.010, shall
10 be issued only to the owner of record.

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

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

19 4. Notwithstanding subsection 1 of this section, a new or
20 used motor vehicle dealer may obtain a duplicate or replacement
21 title in the owner's name if the owner's title has been lost,
22 stolen, mutilated, or destroyed and is not available for
23 assignment. In order to obtain the duplicate or replacement
24 title from the department of revenue, the licensed dealer shall
25 procure a power of attorney from the owner authorizing the dealer
26 to obtain a duplicate or replacement title in the owner's name
27 and sign any title assignments on the owner's behalf. The
28 application to the department of revenue for the duplicate or

1 replacement title shall be accompanied by the executed power of
2 attorney, or a copy thereof, and the application shall contain
3 the appropriate mailing address of the dealer. The director of
4 the department of revenue is authorized to make all necessary
5 rules and regulations for the administration of this subsection,
6 and shall design all necessary forms required by this subsection.
7 No rule or portion of a rule promulgated pursuant to the
8 authority of this section shall become effective unless it has
9 been promulgated pursuant to the provisions of chapter 536, RSMo.
10 Any rule or portion of a rule, as that term is defined in section
11 536.010, RSMo, that is created under the authority delegated in
12 this section shall become effective only if it complies with and
13 is subject to all of the provisions of chapter 536, RSMo, and, if
14 applicable, section 536.028, RSMo. This section and chapter 536,
15 RSMo, are nonseverable and if any of the powers vested with the
16 general assembly pursuant to chapter 536, RSMo, to review, to
17 delay the effective date, or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of rulemaking
19 authority and any rule proposed or adopted after August 28, 2005,
20 shall be invalid and void.

21 _____301.301. Any person replacing a stolen license plate tab
22 may receive at no cost up to two sets of two license plate tabs
23 per year when the application for the replacement tab is
24 accompanied with a police report that is corresponding with the
25 stolen license plate tab.

26 _____301.302. A citation shall not be issued to any person
27 stopped by law enforcement for a missing license plate tab or
28 tabs if such person indicates that the tab or tabs have been

1 stolen and a check on such person's vehicle registration reveals
2 that the vehicle is properly registered. A law enforcement
3 officer may issue a warning under these circumstances. In the
4 event a citation is improperly issued to a person for missing
5 tabs when the requirements of this section are met, any court
6 costs shall be waived.

7 301.894. 1. Notwithstanding the provisions of sections
8 301.200 and 301.210, any person licensed as a motor vehicle
9 dealer under sections 301.550 to 301.573 shall be authorized to
10 purchase or accept in trade any motor vehicle for which there has
11 been issued a certificate of title, and to receive such vehicle
12 subject to any existing liens thereon created and perfected under
13 sections 301.600 to 301.660 provided the licensed dealer receives
14 the following:

15 (1) A signed written contract between the licensed dealer
16 and the owner of the vehicle; and

17 (2) Physical delivery of the vehicle to the licensed
18 dealer; and

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

24 2. If the dealer complies with the requirements of
25 subsection 1 of this section, the sale or trade of the vehicle to
26 the dealer shall be considered final.

27 3. If a licensed dealer complies with the requirements of
28 subsection 1 of this section, the licensed dealer may sell such

1 vehicle prior to receiving and assigning to the purchaser the
2 certificate of title. The sale of the vehicle to the purchaser
3 shall be considered final if:

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

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

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

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

23 4. Following a sale or other transaction in which a
24 certificate of title has not been assigned from the owner to the
25 dealer, a licensed dealer shall, within five business days, apply
26 for a duplicate or replacement title. Upon receipt of a
27 duplicate or replacement title applied for pursuant to subsection
28 4 of section 301.300, the dealer shall assign and deliver said

1 certificate of title to the purchaser of the vehicle within five
2 business days. The dealer shall maintain proof of the assignment
3 and delivery of the certificate of title to the purchaser. For
4 purposes of this subsection, a dealer shall be deemed to have
5 delivered the certificate of title to the purchaser upon either:

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

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

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

16 6. If a dealer fails to comply with subsection 4 of this
17 section, and the purchaser of the vehicle is thereby damaged,
18 then the dealer shall be liable to the purchaser of the vehicle
19 for actual damages, plus court costs and reasonable attorney
20 fees. If the dealer cannot be found by the purchaser after
21 making reasonable attempts, and thereby fails to assign and
22 deliver the duplicate or replacement certificate of title to the
23 purchaser, as required by subsection 4 of this section, then the
24 purchaser may deliver to the director a copy of the contract for
25 sale of the vehicle, a copy of the application for duplicate
26 title provided by the dealer to the purchaser, a copy of the
27 secure power of attorney allowing the dealer to assign the
28 duplicate title, and the proof or other evidence obtained by the

purchaser from the dealer under subsection 3 of this section.
Thereafter, the director shall mail by certified mail, return
receipt requested, a notice to the dealer at the last address
given to the department by that dealer. That notice shall inform
the dealer that the director intends to cancel any prior
certificate of title issued to the dealer on the vehicle and
issue to the purchaser a certificate of title in the name of the
purchaser, subject to any liens incurred by the purchaser in
connection with the purchase of the vehicle, unless the dealer,
within ten business days from the date of the director's notice,
files with the director a written objection to the director
taking such action. If the dealer does file a timely, written
objection with the director, then the director shall not take any
further action without an order from a court of competent
jurisdiction. However, if the dealer does not file a timely,
written objection with the director, then the director shall
cancel the prior certificate of title issued to the dealer on the
vehicle and issue a certificate of title to the purchaser of the
vehicle, subject to any liens incurred by the purchaser in
connection with the purchase of the vehicle and subject to the
purchaser satisfying all applicable taxes and fees associated
with registering the vehicle.

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

8. When a lienholder is damaged as a result of acts or

omissions by the dealer to the lienholder or any party covered by subsections 5, 6, and 7 of this section, or by any combination of claims under this subsection, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

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

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

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

302.177. 1. [To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of thirty dollars; except that, no license shall be issued if an applicant's license is currently suspended, taken up, canceled, revoked, or deposited in lieu of bail.

2. To all applicants for a license or renewal who are between twenty-one and sixty-nine years of age, and who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of fifteen dollars; except

1 that, no license shall be issued if an applicant's license is
2 currently suspended, taken up, canceled, revoked, or deposited in
3 lieu of bail.

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

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

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

1 issued pursuant to section 302.272, shall expire on the
2 applicant's birthday in the third year after issuance.

3 6.] To all applicants for a license or renewal to transport
4 persons or property classified in section 302.015 who are at
5 least twenty-one years of age and under the age of seventy, and
6 who submit a satisfactory application and meet the requirements
7 of sections 302.010 to 302.605, the director shall issue or renew
8 such license; except that no license shall be issued if an
9 applicant's license is currently suspended, canceled, revoked,
10 disqualified, or deposited in lieu of bail. Such license shall
11 expire on the applicant's birthday in the sixth year of issuance,
12 unless the license must be issued for a shorter period due to
13 other requirements of law or for transition or staggering of work
14 as determined by the director. The license must be renewed on or
15 before the date of expiration, which date shall be shown on the
16 license.

17 2. To all applicants for a license or renewal to transport
18 persons or property classified in section 302.015 who are less
19 than twenty-one years of age or greater than sixty-nine years of
20 age, and who submit a satisfactory application and meet the
21 requirements of sections 302.010 to 302.605, the director shall
22 issue or renew such license; except that no license shall be
23 issued if an applicant's license is currently suspended,
24 canceled, revoked, disqualified, or deposited in lieu of bail.
25 Such license shall expire on the applicant's birthday in the
26 third year of issuance, unless the license must be issued for a
27 shorter period due to other requirements of law or for transition
28 or staggering of work as determined by the director. The license

1 must be renewed on or before the date of expiration, which date
2 shall be shown on the license. A license issued under this
3 section to an applicant who is over the age of sixty-nine and
4 contains a school bus endorsement shall not be issued for a
5 period that exceeds one year.

6 3. To all other applicants for a license or renewal of a
7 license who are at least twenty-one years of age and under the
8 age of seventy, and who submit a satisfactory application and
9 meet the requirements of sections 302.010 to 302.605, the
10 director shall issue or renew such license; except that no
11 license shall be issued if an applicant's license is currently
12 suspended, canceled, revoked, disqualified, or deposited in lieu
13 of bail. Such license shall expire on the applicant's birthday
14 in the sixth year of issuance, unless the license must be issued
15 for a shorter period due to other requirements of law or for
16 transition or staggering of work as determined by the director.
17 The license must be renewed on or before the date of expiration,
18 which date shall be shown on the license.

19 4. To all other applicants for a license or renewal of a
20 license who are less than twenty-one years of age or greater than
21 sixty-nine years of age, and who submit a satisfactory
22 application and meet the requirements of sections 302.010 to
23 302.605, the director shall issue or renew such license; except
24 that no license shall be issued if an applicant's license is
25 currently suspended, canceled, revoked, disqualified, or
26 deposited in lieu of bail. Such license shall expire on the
27 applicant's birthday in the third year of issuance, unless the
28 license must be issued for a shorter period due to other

1 requirements of law or for transition or staggering of work as
2 determined by the director. The license must be renewed on or
3 before the date of expiration, which date shall be shown on the
4 license.

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

8 6. The fee for a license issued for a period of three years
9 or less under subsection 2 of this section shall be fifteen
10 dollars, except that the fee for a license issued for one year or
11 less which contains a school bus endorsement shall be five
12 dollars.

13 7. The fee for a license issued for a period which exceeds
14 three years under subsection 3 of this section shall be fifteen
15 dollars.

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

19 9. Beginning July 1, 2005, the director shall not issue a
20 driver's license for a period that exceeds an applicant's lawful
21 presence in the United States. The director may establish
22 procedures to verify the lawful presence of the applicant and
23 establish the duration of any driver's license issued under this
24 section.

25 [7.] 10. The director of revenue may adopt any rules and
26 regulations necessary to carry out the provisions of this
27 section. No rule or portion of a rule promulgated pursuant to
28 the authority of this section shall become effective unless it

1 has been promulgated pursuant to the provisions of chapter 536,
2 RSMo.

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

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

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

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

21 (4)] The applicant has successfully passed an examination
22 for the operation of a school bus as prescribed by the director
23 of revenue. The examination shall include[, but need not be
24 limited to, a written skills examination of applicable laws,
25 rules and procedures, including] any examinations prescribed by
26 the secretary of the United States Department of Transportation,
27 and a driving test in the type of vehicle to be operated. The
28 test shall be completed in the appropriate class of vehicle to be

1 driven. For purposes of this section classes of school buses
2 shall comply with the Commercial Motor Vehicle Safety Act of 1986
3 (Title XII of Pub. Law 99-570). For drivers who are at least
4 seventy years of age, such examination shall be completed
5 annually.

6 2. [Except as otherwise provided in this section, a school
7 bus endorsement shall be renewed every three years and shall
8 require the applicant to provide a medical examination as
9 specified in subdivision (3) of subsection 1 of this section and
10 to successfully pass a written skills examination as prescribed
11 by the director of revenue in consultation with the department of
12 elementary and secondary education. If the applicant is at least
13 seventy years of age, the school bus endorsement shall be renewed
14 annually, and the applicant shall successfully pass the
15 examination prescribed in subdivision (4) of subsection 1 of this
16 section prior to receiving the renewed endorsement, provided that
17 the background check, as contemplated by subsections 5 and 6 of
18 this section, shall continue to be conducted on a renewing
19 applicant's previously established three-year renewal schedule.
20 The director may waive the written skills examination on renewal
21 of a school bus endorsement upon verification of the applicant's
22 successful completion within the preceding twelve months of a
23 training program which has been approved by the director in
24 consultation with the department of elementary and secondary
25 education and which is at least eight hours in duration with
26 special instruction in school bus driving.

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

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

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

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

13 (2) Who has pled guilty to or been found guilty of any
14 felony or misdemeanor for violation of drug regulations as
15 defined in chapter 195, RSMo; of any felony for an offense
16 against the person as defined by chapter 565, RSMo, or any other
17 offense against the person involving child abuse or the
18 endangerment of a child as prescribed by law; of any misdemeanor
19 or felony for a sexual offense as defined by chapter 566, RSMo;
20 of any misdemeanor or felony for prostitution as defined by
21 chapter 567, RSMo; of any misdemeanor or felony for an offense
22 against the family as defined in chapter 568, RSMo; of any felony
23 or misdemeanor for a weapons offense as defined by chapter 571,
24 RSMo; of any misdemeanor or felony for pornography or related
25 offense as defined by chapter 573, RSMo; or of any similar crime
26 in any federal, state, municipal or other court of similar
27 jurisdiction of which the director has knowledge;

28 (3) Who has pled guilty to or been found guilty of any

1 felony involving robbery, arson, burglary or a related offense as
2 defined by chapter 569, RSMo; or any similar crime in any
3 federal, state, municipal or other court of similar jurisdiction
4 within the preceding ten years of which the director has
5 knowledge;

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

7 6. The Missouri highway patrol shall provide a record of
8 clearance or denial of clearance for any applicant for a school
9 bus endorsement for the offenses specified in subdivisions (2)
10 and (3) of subsection 5 of this section. The Missouri highway
11 patrol in providing the record of clearance or denial of
12 clearance for any such applicant is authorized to obtain from the
13 Federal Bureau of Investigation any information which might aid
14 the Missouri highway patrol in providing such record of clearance
15 or denial of clearance. The Missouri highway patrol shall
16 provide the record of clearance or denial of clearance within
17 thirty days of the date requested, relying on information
18 available at that time, except that the Missouri highway patrol
19 shall provide any information subsequently discovered to the
20 department of revenue.

21 7. For purposes of obtaining the record of clearance or
22 denial for convictions specified in subdivisions (2) and (3) of
23 subsection 5 of this section, the applicant for a school bus
24 endorsement shall submit two sets of fingerprints. Beginning
25 January 1, 2005, the director shall request that the department
26 of social services determine whether the applicant is listed on
27 the child abuse and neglect registry and shall require the
28 applicant to submit two sets of fingerprints. One set of

1 fingerprints shall be used by the highway patrol in order to
2 search the criminal history repository and the second set shall
3 be forwarded to the Federal Bureau of Investigation for searching
4 the federal criminal history files.

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

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

22 [10.] 3. The director may adopt any rules and regulations
23 necessary to carry out the provisions of this section. Any rule
24 or portion of a rule, as that term is defined in section 536.010,
25 RSMo, that is created under the authority delegated in this
26 section shall become effective only if it complies with and is
27 subject to all of the provisions of chapter 536, RSMo, and, if
28 applicable, section 536.028, RSMo. This section and chapter 536,

1 RSMo, are nonseverable and if any of the powers vested with the
2 general assembly pursuant to chapter 536, RSMo, to review, to
3 delay the effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking
5 authority and any rule proposed or adopted after August 28, 2004,
6 shall be invalid and void.

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

8 4. Notwithstanding the requirements of this section, an
9 applicant who resides in another state and possesses a valid
10 driver's license from [another] his or her state of residence
11 with a valid school bus endorsement [and who is otherwise
12 qualified to receive a school bus endorsement in this state shall
13 be issued a school bus permit. The requirements to obtain and
14 retain such permit shall be identical to those requirements for a
15 school bus endorsement issued pursuant to this section] for the
16 type of vehicle being operated shall not be required to obtain a
17 Missouri driver's license with a school bus endorsement.

18 [302.272. 1. No person shall operate any school
19 bus owned by or under contract with a public school or
20 the state board of education unless such driver has
21 qualified for a school bus permit under this section
22 and complied with the pertinent rules and regulations
23 of the department of revenue. A school bus permit
24 shall be issued to any applicant who meets the
25 following qualifications:

26 (1) The applicant has a valid state license
27 issued under this chapter or has a license valid in any
28 other state;

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

31 (3) The applicant has passed a medical
32 examination, including vision and hearing tests, as
33 prescribed by the director of revenue and, if the
34 applicant is at least seventy years of age, the
35 applicant shall pass the medical examination annually
36 to maintain or renew the permit; and

37 (4) The applicant has successfully passed an

1 examination for the operation of a school bus as
2 prescribed by the director of revenue. The examination
3 shall include, but need not be limited to, a written
4 skills examination of applicable laws, rules and
5 procedures, and a driving test in the type of vehicle
6 to be operated. The test shall be completed in the
7 appropriate class of vehicle to be driven. For
8 purposes of this section classes of school buses shall
9 comply with the Commercial Motor Vehicle Safety Act of
10 1986 (Title XII of Pub. Law 99-570).

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

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

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

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

48 (1) Whose driving record shows that such
49 applicant's privilege to operate a motor vehicle has
50 been suspended, revoked or disqualified or whose
51 driving record shows a history of moving vehicle

1 violations;

2 (2) Who has pled guilty to or been found guilty
3 of any felony or misdemeanor for violation of drug
4 regulations as defined in chapter 195, RSMo; of any
5 felony for an offense against the person as defined by
6 chapter 565, RSMo, or any other offense against the
7 person involving child abuse or the endangerment of a
8 child as prescribed by law; of any misdemeanor or
9 felony for a sexual offense as defined by chapter 566,
10 RSMo; of any misdemeanor or felony for prostitution as
11 defined by chapter 567, RSMo; of any misdemeanor or
12 felony for an offense against the family as defined in
13 chapter 568, RSMo; of any felony or misdemeanor for a
14 weapons offense as defined by chapter 571, RSMo; of any
15 misdemeanor or felony for pornography or related
16 offense as defined by chapter 573, RSMo; or of any
17 similar crime in any federal, state, municipal or other
18 court of similar jurisdiction of which the director has
19 knowledge;

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

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

28 6. The Missouri highway patrol shall provide a
29 record of clearance or denial of clearance for any
30 applicant for a school bus permit for the offenses
31 specified in subdivisions (2) and (3) of subsection 5
32 of this section. The Missouri highway patrol in
33 providing the record of clearance or denial of
34 clearance for any such applicant is authorized to
35 obtain from the Federal Bureau of Investigation any
36 information which might aid the Missouri highway patrol
37 in providing such record of clearance or denial of
38 clearance. The Missouri highway patrol shall provide
39 the record of clearance or denial of clearance within
40 thirty days of the date requested, relying on
41 information available at that time, except that the
42 Missouri highway patrol shall provide any information
43 subsequently discovered to the department of revenue.

44 7. Beginning January 1, 2005, the director shall
45 request that the department of social services
46 determine whether the applicant is listed on the child
47 abuse and neglect registry and shall require the
48 applicant to submit two sets of fingerprints. One set
49 of fingerprints shall be used by the highway patrol in
50 order to search the criminal history repository and the
51 second set shall be forwarded to the Federal Bureau of

1 Investigation for searching the federal criminal
2 history files.

3 8. The applicant shall pay the fee for the state
4 criminal history information pursuant to section
5 43.530, RSMo, and pay the appropriate fee determined by
6 the Federal Bureau of Investigation for the federal
7 criminal history record when he or she applies for the
8 school bus permit pursuant to this section. The
9 director shall distribute the fees collected for the
10 state and federal criminal histories to the highway
11 patrol.

12 9. If, as a result of the criminal history
13 background check and the check of the child abuse and
14 neglect registry required by this section, it is
15 determined that an applicant has pled guilty or nolo
16 contendere to, or been found guilty of an offense
17 listed in subdivisions (2) and (3) of subsection 5 of
18 this section, or a similar offense if committed in any
19 other state, the United States, or any other country,
20 regardless of imposition of sentence, or the
21 applicant's name appears on the child abuse and neglect
22 registry the director of revenue shall not issue or
23 renew a school bus permit to such applicant.

24 10. The director may adopt any rules and
25 regulations necessary to carry out the provisions of
26 this section. Any rule or portion of a rule, as that
27 term is defined in section 536.010, RSMo, that is
28 created under the authority delegated in this section
29 shall become effective only if it complies with and is
30 subject to all of the provisions of chapter 536, RSMo,
31 and, if applicable, section 536.028, RSMo. This
32 section and chapter 536, RSMo, are nonseverable and if
33 any of the powers vested with the general assembly
34 pursuant to chapter 536, RSMo, to review, to delay the
35 effective date, or to disapprove and annul a rule are
36 subsequently held unconstitutional, then the grant of
37 rulemaking authority and any rule proposed or adopted
38 after August 28, 2004, shall be invalid and void.】

39
40 302.510. 1. Except as provided in subsection 3 of this
41 section, a law enforcement officer who arrests any person for a
42 violation of any state statute related to driving while
43 intoxicated or for a violation of a county or municipal ordinance
44 prohibiting driving while intoxicated or a county or municipal
45 alcohol-related traffic offense, and in which the alcohol
46 concentration in the person's blood, breath, or urine was

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

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

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

28 302.530. 1. Any person who has received a notice of

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

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

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

22 4. The sole issue at the hearing shall be whether by a
23 preponderance of the evidence the person was driving a vehicle
24 pursuant to the circumstances set out in section 302.505. The
25 burden of proof shall be on the state to adduce such evidence.
26 If the department finds the affirmative of this issue, the
27 suspension or revocation order shall be sustained. If the
28 department finds the negative of the issue, the suspension or

1 revocation order shall be rescinded.

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

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

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

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

23 302.735. 1. An application shall not be taken from a
24 nonresident after September 30, 2005. The application for a
25 commercial driver's license shall include, but not be limited to,
26 the applicant's legal name, mailing and residence address, if
27 different, a physical description of the person, including sex,
28 height, weight and eye color, the person's Social Security

1 number, date of birth and any other information deemed
2 appropriate by the director. The application shall also require,
3 beginning September 30, 2005, the applicant to provide the names
4 of all states where the applicant has been previously licensed to
5 drive any type of motor vehicle during the preceding ten years.

6 2. [The application for a commercial driver's license or
7 renewal shall be accompanied by the payment of a fee of forty
8 dollars. The fee for a duplicate commercial driver's license
9 shall be twenty dollars.] A commercial driver's license shall
10 expire on the applicant's birthday in the sixth year after
11 issuance, unless the license must be issued for a shorter period
12 due to other requirements of law or for transition or staggering
13 of work as determined by the director, and must be renewed on or
14 before the date of expiration. [The director shall have the
15 authority to stagger the issuance or renewal of commercial
16 driver's license applicants over a six-year period.] When a
17 person changes such person's name an application for a duplicate
18 license shall be made to the director of revenue. When a person
19 changes such person's mailing address or residence the applicant
20 shall notify the director of revenue of said change, however, no
21 application for a duplicate license is required. [To all
22 applicants for a commercial license or renewal who are between
23 eighteen and twenty-one years of age and seventy years of age and
24 older, the application shall be accompanied by a fee of twenty
25 dollars.] A commercial license issued pursuant to this section
26 to an applicant less than twenty-one years of age and seventy
27 years of age and older [or, beginning September 30, 2005, to an
28 applicant for a commercial driver's license containing a school

1 bus or hazardous materials endorsement] shall expire on the
2 applicant's birthday in the third year after issuance, unless the
3 license must be issued for a shorter period as determined by the
4 director.

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

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

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

24 6. The fee for a commercial driver's license or renewal
25 commercial driver's license issued for a period greater than
26 three years shall be forty dollars.

27 7. The fee for a commercial driver's license or renewal
28 commercial driver's license issued for a period of three years or

1 less shall be twenty dollars.

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

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

13 [3.] 10. Within thirty days after moving to this state, the
14 holder of a commercial driver's license shall apply for a
15 commercial driver's license in this state. The applicant shall
16 meet all other requirements of sections 302.700 to 302.780,
17 except that the director may waive the driving test for a
18 commercial driver's license as required in section 302.720 if the
19 applicant for a commercial driver's license has a valid
20 commercial driver's license from a state which has requirements
21 for issuance of such license comparable to those in this state.

22 [4.] 11. Any person who falsifies any information in an
23 application or test for a commercial driver's license shall not
24 be licensed to operate a commercial motor vehicle, or the
25 person's commercial driver's license shall be canceled, for a
26 period of one year after the director discovers such
27 falsification.

28 [5.] 12. Beginning July 1, 2005, the director shall not

1 issue a commercial driver's license under this section unless the
2 director verifies that the applicant is lawfully present in the
3 United States before accepting the application. If lawful
4 presence is granted for a temporary period, no commercial
5 driver's license shall be issued. The director may, by rule or
6 regulation, establish procedures to verify the lawful presence of
7 the applicant and establish the duration of any commercial
8 driver's license issued under this section. No rule or portion
9 of a rule promulgated pursuant to the authority of this section
10 shall become effective unless it has been promulgated pursuant to
11 chapter 536, RSMo.

12 13. (1) Effective December 19, 2005, notwithstanding any
13 provisions of subsections 1 and 5 of this section to the
14 contrary, the director may issue a nonresident commercial
15 driver's license to a resident of a foreign jurisdiction if the
16 United States Secretary of Transportation has determined that the
17 commercial motor vehicle testing and licensing standards in the
18 foreign jurisdiction do not meet the testing standards
19 established in 49 C.F.R. Part 383.

20 _____ (2) Any applicant for a nonresident commercial driver's
21 license must present evidence satisfactory to the director that
22 the applicant currently has employment with an employer in this
23 state. The nonresident applicant must meet the same testing,
24 driver record requirements, conditions, and is subject to the
25 same disqualification and conviction reporting requirements
26 applicable to resident commercial drivers.

27 _____ (3) The nonresident commercial driver's license will expire
28 on the same date that the documents establishing lawful presence

1 for employment expire. The word "nonresident" shall appear on
2 the face of the nonresident commercial driver's license. Any
3 applicant for a Missouri nonresident commercial driver's license
4 must first surrender any nonresident commercial driver's license
5 issued by another state.

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

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

13 304.022. 1. Upon the immediate approach of an emergency
14 vehicle giving audible signal by siren or while having at least
15 one lighted lamp exhibiting red light visible under normal
16 atmospheric conditions from a distance of five hundred feet to
17 the front of such vehicle or a flashing blue light authorized by
18 section 307.175, RSMo, the driver of every other vehicle shall
19 yield the right-of-way and shall immediately drive to a position
20 parallel to, and as far as possible to the right of, the traveled
21 portion of the highway and thereupon stop and remain in such
22 position until such emergency vehicle has passed, except when
23 otherwise directed by a police or traffic officer.

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

27 (1) Proceed with caution and yield the right-of-way, if
28 possible with due regard to safety and traffic conditions, by

1 making a lane change into a lane not adjacent to that of the
2 stationary vehicle, if on a roadway having at least four lanes
3 with not less than two lanes proceeding in the same direction as
4 the approaching vehicle; or

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

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

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

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

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

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

28 (4) Any wrecker, or tow truck or a vehicle owned and

1 operated by a public utility or public service corporation while
2 performing emergency service;

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

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

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

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

19 5. (1) The driver of any vehicle referred to in subsection
20 4 of this section shall not sound the siren thereon or have the
21 front red lights or blue lights on except when such vehicle is
22 responding to an emergency call or when in pursuit of an actual
23 or suspected law violator, or when responding to, but not upon
24 returning from, a fire.

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

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

28 (b) Proceed past a red or stop signal or stop sign, but

1 only after slowing down as may be necessary for safe operation;

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

4 (d) Disregard regulations governing direction of movement
5 or turning in specified directions.

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

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

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

20 304.155. 1. Any law enforcement officer within the
21 officer's jurisdiction, or an officer of a government agency
22 where that agency's real property is concerned, may authorize a
23 towing company to remove to a place of safety:

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

25 (a) Any interstate highway or freeway in an urbanized area,
26 left unattended for ten hours, or [after four hours] immediately
27 if a law enforcement officer determines that the abandoned
28 property is a serious hazard to other motorists, provided that

1 commercial motor vehicles not hauling materials designated as
2 hazardous under 49 U.S.C. 5103(a) may only be removed under this
3 subdivision to a place of safety until the owner or owner's
4 representative has had a reasonable opportunity to contact a
5 towing company of choice;

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

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

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

25 (2) Any unattended abandoned property illegally left
26 standing upon any highway or bridge if the abandoned property is
27 left in a position or under such circumstances as to obstruct the
28 normal movement of traffic where there is no reasonable

1 indication that the person in control of the property is
2 arranging for its immediate control or removal;

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

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

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

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

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

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

24 2. The state transportation department may immediately
25 remove any abandoned, unattended, wrecked, burned or partially
26 dismantled property, spilled cargo or other personal property
27 from the roadway of any state highway if the abandoned property,
28 cargo or personal property is creating a traffic hazard because

1 of its position in relation to the state highway. In the event
2 the property creating a traffic hazard is a commercial motor
3 vehicle, as defined in section 302.700, RSMo, the department's
4 authority under this subsection shall be limited to authorizing a
5 towing company to remove the commercial motor vehicle to a place
6 of safety, except that the owner of the commercial motor vehicle
7 or the owner's designated representative shall have a reasonable
8 opportunity to contact a towing company of choice. The
9 provisions of this subsection shall not apply to vehicles
10 transporting any material which has been designated as hazardous
11 under Section 5103(a) of Title 49, U.S.C.

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

26 4. Neither the law enforcement officer, government agency
27 official nor anyone having custody of abandoned property under
28 his direction shall be liable for any damage to such abandoned

1 property occasioned by a removal authorized by this section or by
2 ordinance of a county or municipality licensing and regulating
3 the sale of abandoned property by the municipality, other than
4 damages occasioned by negligence or by willful or wanton acts or
5 omissions.

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

10 6. Upon the towing of any abandoned property pursuant to
11 this section or under authority of a law enforcement officer or
12 local government agency pursuant to section 304.157, the law
13 enforcement agency that authorized such towing or was properly
14 notified by another government agency of such towing shall
15 promptly make an inquiry with the national crime information
16 center and any statewide Missouri law enforcement computer system
17 to determine if the abandoned property has been reported as
18 stolen and shall enter the information pertaining to the towed
19 property into the statewide law enforcement computer system. If
20 the abandoned property is not claimed within ten working days of
21 the towing, the tower who has online access to the department of
22 revenue's records shall make an inquiry to determine the
23 abandoned property owner and lienholder, if any, of record. In
24 the event that the records of the department of revenue fail to
25 disclose the name of the owner or any lienholder of record, the
26 tower shall comply with the requirements of subsection 3 of
27 section 304.156. If the tower does not have online access, the
28 law enforcement agency shall submit a crime inquiry and

1 inspection report to the director of revenue. A towing company
2 that does not have online access to the department's records and
3 that is in possession of abandoned property after ten working
4 days shall report such fact to the law enforcement agency with
5 which the crime inquiry and inspection report was filed. The
6 crime inquiry and inspection report shall be designed by the
7 director of revenue and shall include the following:

8 (1) The year, model, make and property identification
9 number of the property and the owner and any lienholders, if
10 known;

11 (2) A description of any damage to the property noted by
12 the officer authorizing the tow;

13 (3) The license plate or registration number and the state
14 of issuance, if available;

15 (4) The storage location of the towed property;

16 (5) The name, telephone number and address of the towing
17 company;

18 (6) The date, place and reason for the towing of the
19 abandoned property;

20 (7) The date of the inquiry of the national crime
21 information center, any statewide Missouri law enforcement
22 computer system and any other similar system which has titling
23 and registration information to determine if the abandoned
24 property had been stolen. This information shall be entered only
25 by the law enforcement agency making the inquiry;

26 (8) The signature and printed name of the officer
27 authorizing the tow; and

28 (9) The name of the towing company, the signature and

1 printed name of the towing operator, and an indicator disclosing
2 whether the tower has online access to the department's records;

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

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

11 8. The owner of such abandoned property, or the holder of a
12 valid security interest of record, may reclaim it from the towing
13 company upon proof of ownership or valid security interest of
14 record and payment of all reasonable charges for the towing and
15 storage of the abandoned property.

16 9. Any person who removes abandoned property at the
17 direction of a law enforcement officer or an officer of a
18 government agency where that agency's real property is concerned
19 as provided in this section shall have a lien for all reasonable
20 charges for the towing and storage of the abandoned property
21 until possession of the abandoned property is voluntarily
22 relinquished to the owner of the abandoned property or to the
23 holder of a valid security interest of record. Any personal
24 property within the abandoned property need not be released to
25 the owner thereof until the reasonable or agreed charges for such
26 recovery, transportation or safekeeping have been paid or
27 satisfactory arrangements for payment have been made, except that
28 any medication prescribed by a physician shall be released to the

owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

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

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

12. Notwithstanding the provisions of section 301.227,

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

1 vehicles purchased on a bill of sale pursuant to this section.

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

16 304.678. 1. The operator of a motor vehicle overtaking a
17 bicycle proceeding in the same direction on the roadway, as
18 defined in section 300.010, RSMo, shall leave a safe distance,
19 when passing the bicycle, and shall maintain clearance until
20 safely past the overtaken bicycle.

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

24 307.180. As used in sections 307.180 to 307.193:

25 (1) The word "bicycle" shall mean every vehicle propelled
26 solely by human power upon which any person may ride, having two
27 tandem wheels, or two parallel wheels and one or two forward or
28 rear wheels, all of which are more than fourteen inches in

1 diameter, except scooters and similar devices;

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

10 307.191. 1. A person operating a bicycle at less than the
11 posted speed or slower than the flow of traffic upon a street or
12 highway may operate as described in section 307.190, or may
13 operate on the shoulder adjacent to the roadway.

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

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

20 307.192. The operator of a bicycle shall signal as required
21 in section 304.019, RSMo, except that a signal by the hand and
22 arm need not be given continuously if the hand is needed to
23 control or operate the bicycle. An operator of a bicycle
24 intending to turn the bicycle to the right shall signal as
25 indicated in section 304.019, RSMo, or by extending such
26 operator's right arm in a horizontal position so that the same
27 may be seen in front and in rear of the vehicle.

28 577.041. 1. If a person under arrest, or who has been

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

25 2. The officer shall make a [sworn] certified report [to
26 the director of revenue, which] under penalties of perjury for
27 making a false statement to a public official. The report shall
28 be forwarded to the director of revenue and shall include the

1 following:

2 (1) That the officer has:

3 (a) Reasonable grounds to believe that the arrested person
4 was driving a motor vehicle while in an intoxicated or drugged
5 condition; or

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

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

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

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

19 (4) Whether the officer issued a fifteen-day temporary
20 permit;

21 (5) Copies of the notice of revocation, the fifteen-day
22 temporary permit and the notice of the right to file a petition
23 for review, which notices and permit may be combined in one
24 document; and

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

27 3. Upon receipt of the officer's report, the director shall
28 revoke the license of the person refusing to take the test for a

1 period of one year; or if the person is a nonresident, such
2 person's operating permit or privilege shall be revoked for one
3 year; or if the person is a resident without a license or permit
4 to operate a motor vehicle in this state, an order shall be
5 issued denying the person the issuance of a license or permit for
6 a period of one year.

7 4. If a person's license has been revoked because of the
8 person's refusal to submit to a chemical test, such person may
9 petition for a hearing before a circuit or associate circuit
10 court in the county in which the arrest or stop occurred. The
11 person may request such court to issue an order staying the
12 revocation until such time as the petition for review can be
13 heard. If the court, in its discretion, grants such stay, it
14 shall enter the order upon a form prescribed by the director of
15 revenue and shall send a copy of such order to the director.
16 Such order shall serve as proof of the privilege to operate a
17 motor vehicle in this state and the director shall maintain
18 possession of the person's license to operate a motor vehicle
19 until termination of any revocation pursuant to this section.
20 Upon the person's request the clerk of the court shall notify the
21 prosecuting attorney of the county and the prosecutor shall
22 appear at the hearing on behalf of the director of revenue. At
23 the hearing the court shall determine only:

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

25 (2) Whether or not the officer had:

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

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

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

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

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

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

18 7. No person who has had a license to operate a motor
19 vehicle suspended or revoked pursuant to the provisions of this
20 section shall have that license reinstated until such person has
21 participated in and successfully completed a substance abuse
22 traffic offender program defined in section 577.001, or a program
23 determined to be comparable by the department of mental health or
24 the court. Assignment recommendations, based upon the needs
25 assessment as described in subdivision (22) of section 302.010,
26 RSMo, shall be delivered in writing to the person with written
27 notice that the person is entitled to have such assignment
28 recommendations reviewed by the court if the person objects to

1 the recommendations. The person may file a motion in the
2 associate division of the circuit court of the county in which
3 such assignment was given, on a printed form provided by the
4 state courts administrator, to have the court hear and determine
5 such motion pursuant to the provisions of chapter 517, RSMo. The
6 motion shall name the person or entity making the needs
7 assessment as the respondent and a copy of the motion shall be
8 served upon the respondent in any manner allowed by law. Upon
9 hearing the motion, the court may modify or waive any assignment
10 recommendation that the court determines to be unwarranted based
11 upon a review of the needs assessment, the person's driving
12 record, the circumstances surrounding the offense, and the
13 likelihood of the person committing a like offense in the future,
14 except that the court may modify but may not waive the assignment
15 to an education or rehabilitation program of a person determined
16 to be a prior or persistent offender as defined in section
17 577.023, or of a person determined to have operated a motor
18 vehicle with fifteen-hundredths of one percent or more by weight
19 in such person's blood. Compliance with the court determination
20 of the motion shall satisfy the provisions of this section for
21 the purpose of reinstating such person's license to operate a
22 motor vehicle. The respondent's personal appearance at any
23 hearing conducted pursuant to this subsection shall not be
24 necessary unless directed by the court.

25 8. The fees for the substance abuse traffic offender
26 program, or a portion thereof to be determined by the division of
27 alcohol and drug abuse of the department of mental health, shall
28 be paid by the person enrolled in the program. Any person who is

1 enrolled in the program shall pay, in addition to any fee charged
2 for the program, a supplemental fee to be determined by the
3 department of mental health for the purposes of funding the
4 substance abuse traffic offender program defined in section
5 302.010, RSMo, and section 577.001. The administrator of the
6 program shall remit to the division of alcohol and drug abuse of
7 the department of mental health on or before the fifteenth day of
8 each month the supplemental fee for all persons enrolled in the
9 program, less two percent for administrative costs. Interest
10 shall be charged on any unpaid balance of the supplemental fees
11 due the division of alcohol and drug abuse pursuant to this
12 section and shall accrue at a rate not to exceed the annual rates
13 established pursuant to the provisions of section 32.065, RSMo,
14 plus three percentage points. The supplemental fees and any
15 interest received by the department of mental health pursuant to
16 this section shall be deposited in the mental health earnings
17 fund which is created in section 630.053, RSMo.

18 9. Any administrator who fails to remit to the division of
19 alcohol and drug abuse of the department of mental health the
20 supplemental fees and interest for all persons enrolled in the
21 program pursuant to this section shall be subject to a penalty
22 equal to the amount of interest accrued on the supplemental fees
23 due the division pursuant to this section. If the supplemental
24 fees, interest, and penalties are not remitted to the division of
25 alcohol and drug abuse of the department of mental health within
26 six months of the due date, the attorney general of the state of
27 Missouri shall initiate appropriate action of the collection of
28 said fees and interest accrued. The court shall assess attorney

1 fees and court costs against any delinquent program.

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

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

18 [260.218. Notwithstanding any other provision of law
19 to the contrary, any truck, tractor-trailer or other
20 combination engaged in transporting solid waste, as
21 defined by section 260.200, between any city and a
22 solid waste disposal area or solid waste processing
23 facility approved by the department of natural
24 resources or department of health and senior services,
25 may operate with a weight not to exceed twenty-two
26 thousand four hundred pounds on one axle or a weight
27 not to exceed forty-four thousand eight hundred pounds
28 on any tandem axle; but nothing in this section shall
29 be construed to permit the operation of any motor
30 vehicle on the interstate highway system in excess of
31 the weight limits imposed by federal statute; and no
32 such truck, tractor-trailer or other combination shall
33 exceed the width and length limitations provided in
34 section 304.190, RSMo.]

35
36 Section B. Because immediate action is necessary to ensure

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

1 bill no. 1453 merged with conference committee substitute for
2 house substitute for house committee substitute for senate
3 substitute for senate committee substitute for senate bill no.
4 968 and senate substitute for senate bill no. 969 merged with
5 house substitute for senate substitute for senate committee
6 substitute for senate bill nos. 1233, 840 & 1043, ninety-second
7 general assembly, second regular session, the repeal and
8 reenactment of sections 43.530, 136.055, 168.133, 302.177,
9 302.735, RSMo, and section 302.272 as enacted by conference
10 committee substitute for senate substitute for senate committee
11 substitute for house substitute for house committee substitute
12 for house bill no. 1453 merged with conference committee
13 substitute for house substitute for house committee substitute
14 for senate substitute for senate committee substitute for senate
15 bill no. 968 and senate substitute for senate bill no. 969,
16 ninety-second general assembly, second regular session, and the
17 enactment of section 1 of this act, shall be in full force and
18 effect upon its passage and approval.