

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 293
95TH GENERAL ASSEMBLY

1687L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.795, 136.055, 142.800, 226.030, 301.032, 301.130, 301.131, 301.140, 301.143, 301.150, 301.160, 301.190, 301.218, 301.290, 301.300, 301.301, 301.302, 301.310, 301.420, 301.440, 301.700, 301.716, 301.2998, 302.132, 302.302, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 304.582, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof eighty-five new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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

Section A. Sections 21.795, 136.055, 142.800, 226.030, 301.032, 301.130, 301.131, 301.140, 301.143, 301.150, 301.160, 301.190, 301.218, 301.290, 301.300, 301.301, 301.302, 301.310, 301.420, 301.440, 301.700, 301.716, 301.2998, 302.132, 302.302, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 304.582, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, are repealed and eighty-five new sections enacted in lieu thereof, to be known as sections 21.795, 23.156, 136.055, 142.800, 226.030, 226.222, 227.310, 227.311, 227.313, 227.368, 227.402, 227.407, 227.409, 227.410, 300.349, 301.032, 301.130, 301.131, 301.140, 301.143, 301.150, 301.160, 301.165, 301.190, 301.218, 301.290, 301.300, 301.301, 301.302, 301.310, 301.420, 301.440, 301.571, 301.700, 301.716, 301.2998, 301.3155, 301.3158, 301.4005, 301.4006, 301.4010, 301.4016, 301.4018, 302.132, 302.182, 302.302, 302.545, 302.700, 302.735, 302.755, 302.775,

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

13 304.155, 304.161, 304.170, 304.260, 304.582, 304.870, 307.010, 307.015, 307.090, 307.120,
14 307.125, 307.128, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390,
15 307.400, 311.326, 407.584, 476.385, 488.006, 556.021, 565.081, 565.082, 565.083, 1, 2, 3, 4,
16 and 5, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to
2 be known as the "Joint Committee on Transportation Oversight" to be composed of seven
3 members of the standing transportation committees of both the senate and the house of
4 representatives and three nonvoting ex officio members. Of the fourteen members to be
5 appointed to the joint committee, the seven senate members of the joint committee shall be
6 appointed by the president pro tem of the senate and minority leader of the senate and the seven
7 house members shall be appointed by the speaker of the house of representatives and the
8 minority floor leader of the house of representatives. No major party shall be represented by
9 more than four members from the house of representatives nor more than four members from the
10 senate. The ex officio members shall be the state auditor, the director of the oversight division
11 of the committee on legislative research, and the commissioner of the office of administration
12 or the designee of such auditor, director or commissioner. The joint committee shall be chaired
13 jointly by both chairs of the senate and house transportation committees. A majority of the
14 committee shall constitute a quorum, but the concurrence of a majority of the members, other
15 than the ex officio members, shall be required for the determination of any matter within the
16 committee's duties.

2. [The transportation inspector general shall be appointed by majority vote of a group
18 consisting of the speaker of the house of representatives, the minority floor leader of the house
19 of representatives, the president pro tempore of the senate, and the minority floor leader of the
20 senate. It shall be the duty of the inspector general to serve as the executive director of the joint
21 committee on transportation oversight. The compensation of the inspector general and other
22 personnel shall be paid from the joint contingent fund or jointly from the senate and house
23 contingent funds until an appropriation is made therefor. No funds from highway user fees or
24 other funds allocated for the operation of the department of transportation shall be used for the
25 compensation of the inspector general and his or her staff. The joint committee inspector general
26 initially appointed pursuant to this section shall take office January 1, 2004, for a term ending
27 June 30, 2005. Subsequent joint committee on transportation oversight directors shall be
28 appointed for five-year terms, beginning July 1, 2005. Any joint committee on transportation
29 oversight inspector general whose term is expiring shall be eligible for reappointment. The
30 inspector general of the joint committee on transportation oversight shall:

31 (1) Be qualified by training or experience in transportation policy, management of
32 transportation organizations, accounting, auditing, financial analysis, law, management analysis,
33 or public administration;

34 (2) Report to and be under the general supervision of the joint committee. The joint
35 committee on transportation oversight shall, by a majority vote, direct the inspector general to
36 perform specific investigations, reviews, audits, or other studies of the state department of
37 transportation, in which instance the director shall report the findings and recommendations
38 directly to the joint committee on transportation oversight. All investigations, reviews, audits,
39 or other studies performed by the director shall be conducted so that the general assembly can
40 procure information to assist it in formulating transportation legislation and policy for this state;

41 (3) Receive and process citizen complaints relating to transportation issues. The
42 inspector general shall, when necessary, submit a written complaint report to the joint committee
43 on transportation oversight and the highways and transportation commission. The complaint
44 report shall contain the date, time, nature of the complaint, and any immediate facts and
45 circumstances surrounding the initial report of the complaint. The inspector general shall
46 investigate a citizen complaint if he or she is directed to do so by a majority of the joint
47 committee on transportation oversight;

48 (4) Investigate complaints from current and former employees of the department of
49 transportation if the inspector general receives information from an employee which shows:

50 (a) The department is violating a law, rule, or regulation;

51 (b) Gross mismanagement by department officers;

52 (c) Waste of funds by the department;

53 (d) That the department is engaging in activities which pose a danger to public health
54 and safety;

55 (5) Maintain confidentiality with respect to all matters and the identities of the
56 complainants or witnesses coming before the inspector general except insofar as disclosures may
57 be necessary to enable the inspector general to carry out duties and to support recommendations;

58 (6) Maintain records of all investigations conducted, including any record or document
59 or thing, any summary, writing, complaint, data of any kind, tape or video recordings, electronic
60 transmissions, e-mail, or other paper or electronic documents, records, reports, digital recordings,
61 photographs, software programs and software, expense accounts, phone logs, diaries, travel logs,
62 or other things, including originals or copies of any of the above. Records of investigations by
63 the inspector general shall be an "investigative report" of a law enforcement agency pursuant to
64 the provisions of section 610.100, RSMo. As provided in such section, such records shall be a
65 closed record until the investigation becomes inactive. If the inspector general refers a violation
66 of law to the appropriate prosecuting attorney or the attorney general, such records shall be

67 transmitted with the referral. If the inspector general finds no violation of law or determines not
68 to refer the subject of the investigation to the appropriate prosecuting attorney or the attorney
69 general regarding matters referred to the appropriate prosecuting attorney or the attorney general
70 and the statute of limitations expires without any action being filed, the record shall remain
71 closed. As provided in section 610.100, RSMo, any person may bring an action pursuant to this
72 section in the circuit court having jurisdiction to authorize disclosure of information in the
73 records of the inspector general which would otherwise be closed pursuant to this section. Any
74 disclosure of records by the inspector general in violation of this section shall be grounds for a
75 suit brought by any individual, person, or corporation to recover damages, and upon award to the
76 plaintiff reasonable attorney's fees.

77 3.] The department of transportation shall submit a written report prior to November
78 tenth of each year to the governor, lieutenant governor, and every member of the senate and
79 house of representatives. The report shall be posted to the department's Internet web site so that
80 general assembly members may elect to access a copy of the report electronically. The written
81 report shall contain the following:

82 (1) A comprehensive financial report of all funds for the preceding state fiscal year
83 which shall include a report by independent certified public accountants, selected by the
84 commissioner of the office of administration, attesting that the financial statements present fairly
85 the financial position of the department in conformity with generally accepted government
86 accounting principles. This report shall include amounts of:

87 (a) State revenues by sources, including all new state revenue derived from highway
88 users which results from action of the general assembly or voter-approved measures taken after
89 August 28, 2003, and projects funded in whole or in part from such new state revenue, and
90 amounts of federal revenues by source;

91 (b) Any other revenues available to the department by source;

92 (c) Funds appropriated, the amount the department has budgeted and expended for the
93 following: contracts, right-of-way purchases, preliminary and construction engineering,
94 maintenance operations and administration;

95 (d) Total state and federal revenue compared to the revenue estimate in the fifteen-year
96 highway plan as adopted in 1992.

97 All expenditures made by, or on behalf of, the department for personal services including fringe
98 benefits, all categories of expense and equipment, real estate and capital improvements shall be
99 assigned to the categories listed in this subdivision in conformity with generally accepted
100 government accounting principles;

101 (2) A detailed explanation of the methods or criteria employed to select construction
102 projects, including a listing of any new or reprioritized projects not mentioned in a previous

103 report, and an explanation as to how the new or reprioritized projects meet the selection methods
104 or criteria;

105 (3) The proposed allocation and expenditure of moneys and the proposed work plan for
106 the current fiscal year, at least the next four years, and for any period of time expressed in any
107 public transportation plan approved by either the general assembly or by the voters of Missouri.
108 This proposed allocation and expenditure of moneys shall include the amounts of proposed
109 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
110 subsection;

111 (4) The amounts which were planned, estimated and expended for projects in the state
112 highway and bridge construction program or any other projects relating to other modes of
113 transportation in the preceding state fiscal year and amounts which have been planned, estimated
114 or expended by project for construction work in progress;

115 (5) The current status as to completion, by project, of the fifteen-year road and bridge
116 program adopted in 1992. The first written report submitted pursuant to this section shall include
117 the original cost estimate, updated estimate and final completed cost by project. Each written
118 report submitted thereafter shall include the cost estimate at the time the project was placed on
119 the most recent five-year highway and bridge construction plan and the final completed cost by
120 project;

121 (6) The reasons for cost increases or decreases exceeding five million dollars or ten
122 percent relative to cost estimates and final completed costs for projects in the state highway and
123 bridge construction program or any other projects relating to other modes of transportation
124 completed in the preceding state fiscal year. Cost increases or decreases shall be determined by
125 comparing the cost estimate at the time the project was placed on the most recent five-year
126 highway and bridge construction plan and the final completed cost by project. The reasons shall
127 include the amounts resulting from inflation, department-wide design changes, changes in project
128 scope, federal mandates, or other factors;

129 (7) Specific recommendations for any statutory or regulatory changes necessary for the
130 efficient and effective operation of the department;

131 (8) An accounting of the total amount of state, federal and earmarked federal highway
132 funds expended in each district of the department of transportation; and

133 (9) Any further information specifically requested by the joint committee on
134 transportation oversight.

135 [4.] **3.** Prior to December first of each year, the committee shall hold an annual meeting
136 and call before its members, officials or employees of the state highways and transportation
137 commission or department of transportation, as determined by the committee, for the sole
138 purpose of receiving and examining the report required pursuant to subsection [3] **2** of this

section. [The joint committee may also call before its members at the annual meeting, the inspector general of the joint committee on transportation oversight for purposes authorized in this section.] The committee shall not have the power to modify projects or priorities of the state highways and transportation commission or department of transportation. The committee may make recommendations to the state highways and transportation commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

[5.] 4. In addition to the annual meeting required by subsection [4] 3 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:

- (1) Presentation of a prioritized plan for all modes of transportation;
- (2) Discussion of department efficiencies and expenditure of cost-savings within the department;
- (3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection [3] 2 of this section; **and**
- (4) [Review of any report from the joint committee inspector general; and
- (5)] Implementation of any actions as may be deemed necessary by the committee as authorized by law.

The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the committee, the director of the department of transportation, and the department of transportation.

[6.] 5. The committee shall also review [for approval or denial] all applications for the development of specialty plates submitted to it by the department of revenue. The committee shall approve such application by [unanimous] **a majority** vote. The committee shall [not] approve any application [if] **unless** the committee receives:

- (1) A signed petition from five house members or two senators that they are opposed to the approval of the proposed license plate **and the reason for such opposition;**
- (2) **Notification that the organization seeking authorization to establish a new specialty license plate has not met all the requirements of section 301.3150, RSMo;**
- (3) **A proposed new specialty license plate containing objectionable language or design;**
- (4) **A proposed license plate not meeting the requirements of any reason promulgated by rule.**

175 The committee shall notify the director of the department of revenue upon approval or denial of
176 an application for the development of a specialty plate.

177 [7.] 6. The committee shall submit records of its meetings to the secretary of the senate
178 and the chief clerk of the house of representatives in accordance with sections 610.020 and
179 610.023, RSMo.

**23.156. 1. Every employee of the oversight division shall, before entering upon his
2 or her duties, take and file in the offices of the secretary of the senate and the chief clerk
3 of the house of representatives an oath to support the constitution of the state, to faithfully
4 demean himself or herself in office, to not disclose to any unauthorized person any
5 information furnished by any state department, state agency, political subdivision, or
6 instrumentality of the state, and that he or she will not accept as presents or emoluments
7 any pay, directly or indirectly, for the discharge of any act in the line of his or her duty
8 other than the remuneration fixed and accorded to the employee by law.**

**9 2. For any violation of his or her oath of office or of any duty imposed upon him
10 or her by this section, any employee shall be guilty of a class A misdemeanor.**

136.055. 1. Any person who is selected or appointed by the state director of revenue to
2 act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle
3 licenses and the collection of motor vehicle sales and use taxes under the provisions of section
4 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized
5 to collect from the party requiring such services additional fees as compensation in full and for
6 all services rendered on the following basis:

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

13 (2) For each application or transfer of title--two dollars and fifty cents beginning January
14 1, 1998;

15 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
16 license issued for a period of three years or less--two dollars and fifty cents and five dollars for
17 licenses or instruction permits issued or renewed for a period exceeding three years;

18 (4) For each notice of lien processed--two dollars and fifty cents beginning August 28,
19 2000;

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

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

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

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

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

142.800. As used in this chapter, the following words, terms and phrases have the
2 meanings given:

3 (1) "Agricultural purposes", clearing, terracing or otherwise preparing the ground on a
4 farm; preparing soil for planting and fertilizing, cultivating, raising and harvesting crops; raising
5 and feeding livestock and poultry; building fences; pumping water for any and all uses on the
6 farm, including irrigation; building roads upon any farm by the owner or person farming the
7 same; operating milking machines; sawing wood for use on a farm; producing electricity for use
8 on a farm; movement of tractors, farm implements and nonlicensed equipment from one field
9 to another;

10 (2) "Alternative fuel", electricity, liquefied petroleum gas (LPG or LP gas), compressed
11 natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas
12 or electricity product used in an internal combustion engine or motor to propel any form of
13 vehicle, machine, or mechanical contrivance. It includes all forms of fuel commonly or
14 commercially known or sold as butane, propane, or compressed natural gas;

15 (3) "Aviation fuel", any motor fuel specifically compounded for use in reciprocating
16 aircraft engines;

17 (4) "Blend stock", any petroleum product component of motor fuel, such as naphtha,
18 reformat, toluene or kerosene, that can be blended for use in a motor fuel without further
19 processing. The term includes those petroleum products presently defined by the Internal
20 Revenue Service in regulations pursuant to 26 U.S.C., Sections 4081 and 4082, as amended.
21 However, the term does not include any substance that:

22 (a) Will be ultimately used for consumer nonmotor fuel use; and

23 (b) Is sold or removed in drum quantities (fifty-five gallons) or less at the time of the
24 removal or sale;

25 (5) "Blended fuel", a mixture composed of motor fuel and another liquid including blend
26 stock, other than a de minimis amount of a product such as carburetor detergent or oxidation
27 inhibitor, that can be used as a fuel in a highway vehicle. This term includes but is not limited
28 to gasohol, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

29 (6) "Blender", any person that produces blended motor fuel outside the bulk
30 transfer/terminal system;

31 (7) "Blending", the mixing of one or more petroleum products, with or without another
32 product, regardless of the original character of the product blended, if the product obtained by
33 the blending is capable of use or otherwise sold for use in the generation of power for the
34 propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the
35 blending that occurs in the process of refining by the original refiner of crude petroleum or the
36 blending of products known as lubricating oil and greases;

37 (8) "Bulk plant", a bulk motor fuel storage and distribution facility that is not a terminal
38 within the bulk transfer system and from which motor fuel may be removed by truck;

39 (9) "Bulk transfer", any transfer of motor fuel from one location to another by pipeline
40 tender or marine delivery within the bulk transfer/terminal system;

41 (10) "Bulk transfer/terminal system", the motor fuel distribution system consisting of
42 refineries, pipelines, vessels, and terminals. Motor fuel in a refinery, pipeline, boat, barge or
43 terminal is in the bulk transfer/terminal system. Motor fuel in the fuel supply tank of any engine,
44 or in any tank car, rail car, trailer, truck, or other equipment suitable for ground transportation
45 is not in the bulk transfer/terminal system;

46 (11) "Consumer", the user of the motor fuel;

47 (12) "Delivery", the placing of motor fuel or any liquid into the fuel tank of a motor
48 vehicle or bulk storage facility;

49 (13) "Department", the department of revenue;

50 (14) "Destination state", the state, territory, or foreign country to which motor fuel is
51 directed for delivery into a storage facility, a receptacle, a container, or a type of transportation
52 equipment for the purpose of resale or use;

53 (15) "Diesel fuel", any liquid that is commonly or commercially known or sold as a fuel
54 that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if,
55 without further processing or blending, the liquid has practical and commercial fitness for use
56 in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" does not include
57 jet fuel sold to a buyer who is registered with the Internal Revenue Service to purchase jet fuel
58 and remit taxes on its sale or use to the Internal Revenue Service. **"Diesel fuel" does not**

59 **include biodiesel commonly referred to as B100 and defined in ASTM D6751, B99, or**
60 **B99.9 until such biodiesel is blended with other diesel fuel or sold for highway use;**

61 (16) "Diesel-powered highway vehicle", a motor vehicle operated on a highway that is
62 propelled by a diesel-powered engine;

63 (17) "Director", the director of revenue;

64 (18) "Distributor", a person who either produces, refines, blends, compounds or
65 manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or
66 who is engaged in distribution of motor fuel;

67 (19) "Dyed fuel", diesel fuel or kerosene that is required to be dyed pursuant to United
68 States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service
69 rules or pursuant to any other requirements subsequently set by the United States Environmental
70 Protection Agency or Internal Revenue Service including any invisible marker requirements;

71 (20) "Eligible purchaser", a distributor who has been authorized by the director to
72 purchase motor fuel on a tax-deferred basis;

73 (21) "Export", to obtain motor fuel in this state for sale or other distribution outside of
74 this state. In applying this definition, motor fuel delivered out of state by or for the seller
75 constitutes an export by the seller, and motor fuel delivered out of state by or for the purchaser
76 constitutes an export by the purchaser;

77 (22) "Exporter", any person, other than a supplier, who purchases motor fuel in this state
78 for the purpose of transporting or delivering the fuel outside of this state;

79 (23) "Farm tractor", all tractor-type, motorized farm implements and equipment but shall
80 not include motor vehicles of the truck-type, pickup truck-type, automobiles, and other motor
81 vehicles required to be registered and licensed each year pursuant to the provisions of the motor
82 vehicle license and registration laws of this state;

83 (24) "Fuel grade alcohol", a methanol or ethanol with a proof of not less than one
84 hundred ninety degrees (determined without regard to denaturants) and products derived from
85 such alcohol for blending with motor fuel;

86 (25) "Fuel transportation vehicle", any vehicle designed for highway use which is also
87 designed or used to transport motor fuels and includes transport trucks and tank wagons;

88 (26) "Gasoline", all products commonly or commercially known or sold as gasoline that
89 are suitable for use as a motor fuel. Gasoline does not include products that have an American
90 Society for Testing and Materials (ASTM) octane number of less than seventy-five as determined
91 by the "motor method";

92 (27) "Gross gallons", the total measured motor fuel, exclusive of any temperature or
93 pressure adjustments, in U.S. gallons;

94 (28) "Heating oil", a motor fuel that is burned in a boiler, furnace, or stove for heating
95 or industrial processing purposes;

96 (29) "Import", to bring motor fuel into this state by any means of conveyance other than
97 in the fuel supply tank of a motor vehicle. In applying this definition, motor fuel delivered into
98 this state from out-of-state by or for the seller constitutes an import by the seller, and motor fuel
99 delivered into this state from out-of-state by or for the purchaser constitutes an import by the
100 purchaser;

101 (30) "Import verification number", the number assigned by the director with respect to
102 a single transport truck delivery into this state from another state upon request for an assigned
103 number by an importer or the transporter carrying motor fuel into this state for the account of an
104 importer;

105 (31) "Importer" includes any person who is the importer of record, pursuant to federal
106 customs law, with respect to motor fuel. If the importer of record is acting as an agent, the
107 person for whom the agent is acting is the importer. If there is no importer of record of motor
108 fuel entered into this state, the owner of the motor fuel at the time it is brought into this state is
109 the importer;

110 (32) "Indian country":

111 (a) Land held in trust by the United States of America for the benefit of a federally
112 recognized Indian tribe or nation;

113 (b) All land within the limits of any Indian reservation under the jurisdiction of the
114 United States government, notwithstanding the issuance of any patent, and including
115 rights-of-way running through the reservation;

116 (c) All dependent Indian communities within the borders of the United States whether
117 within the original or subsequently acquired territory thereof, and whether within or without the
118 limits of a state; and

119 (d) All Indian allotments, the Indian titles to which have not been extinguished,
120 including individual allotments held in trust by the United States or allotments owned in fee by
121 individual Indians subject to federal law restrictions regarding disposition of said allotments and
122 including rights-of-way running through the same. The term shall also include the definition of
123 Indian country as found in 18 U.S.C., Section 1151;

124 (33) "Indian tribe", "tribes", or "federally recognized Indian tribe or nation", an Indian
125 tribal entity which is recognized by the United States Bureau of Indian Affairs as having a special
126 relationship with the United States. The term shall also include the definition of a tribe as
127 defined in 25 U.S.C., Section 479a;

128 (34) "Interstate motor fuel user", any person who operates a motor fuel-powered motor
129 vehicle with a licensed gross weight exceeding twenty-six thousand pounds that travels from this
130 state into another state or from another state into this state;

131 (35) "Invoiced gallons", the gallons actually billed on an invoice for payment to a
132 supplier which shall be either gross or net gallons on the original manifest or bill of lading;

133 (36) "K-1 kerosene", a petroleum product having an A.P.I. gravity of not less than forty
134 degrees, at a temperature of sixty degrees Fahrenheit and a minimum flash point of one hundred
135 degrees Fahrenheit with a sulfur content not exceeding four one-hundredths percent by weight;

136 (37) "Kerosene", the petroleum fraction containing hydrocarbons that are slightly heavier
137 than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three
138 hundred degrees Celsius;

139 (38) "Liquid", any substance that is liquid in excess of sixty degrees Fahrenheit and at
140 a pressure of fourteen and seven-tenths pounds per square inch absolute;

141 (39) "Motor fuel", gasoline, diesel fuel, kerosene and blended fuel;

142 (40) "Motor vehicle", any automobile, truck, truck-tractor or any motor bus or
143 self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. The term
144 does not include:

145 (a) Farm tractors or machinery including tractors and machinery designed for off-road
146 use but capable of movement on roads at low speeds, or

147 (b) A vehicle solely operated on rails;

148 (41) "Net gallons", the motor fuel, measured in U.S. gallons, when corrected to a
149 temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per
150 square inch absolute (psi);

151 (42) "Permissive supplier", an out-of-state supplier that elects, but is not required, to
152 have a supplier's license pursuant to this chapter;

153 (43) "Person", natural persons, individuals, partnerships, firms, associations,
154 corporations, estates, trustees, business trusts, syndicates, this state, any county, city,
155 municipality, school district or other political subdivision of the state, federally recognized
156 Indian tribe, or any corporation or combination acting as a unit or any receiver appointed by any
157 state or federal court;

158 (44) "Position holder", the person who holds the inventory position in motor fuel in a
159 terminal, as reflected on the records of the terminal operator. A person holds the inventory
160 position in motor fuel when that person has a contract with the terminal operator for the use of
161 storage facilities and terminating services for motor fuel at the terminal. The term includes a
162 terminal operator who owns motor fuel in the terminal;

163 (45) "Propel", the operation of a motor vehicle, whether it is in motion or at rest;

- 164 (46) "Public highway", every road, toll road, highway, street, way or place generally open
165 to the use of the public as a matter of right for the purposes of vehicular travel, including streets
166 and alleys of any town or city notwithstanding that the same may be temporarily closed for
167 construction, reconstruction, maintenance or repair;
- 168 (47) "Qualified terminal", a terminal which has been assigned a terminal control number
169 ("tcn") by the Internal Revenue Service;
- 170 (48) "Rack", a mechanism for delivering motor fuel from a refinery or terminal into a
171 railroad tank car, a transport truck or other means of bulk transfer outside of the bulk
172 transfer/terminal system;
- 173 (49) "Refiner", any person that owns, operates, or otherwise controls a refinery;
- 174 (50) "Refinery", a facility used to produce motor fuel from crude oil, unfinished oils,
175 natural gas liquids, or other hydrocarbons and from which motor fuel may be removed by
176 pipeline, by boat or barge, or at a rack;
- 177 (51) "Removal", any physical transfer of motor fuel from a terminal, manufacturing
178 plant, customs custody, pipeline, boat or barge, refinery or any facility that stores motor fuel;
- 179 (52) "Retailer", a person that engages in the business of selling or dispensing to the
180 consumer within this state;
- 181 (53) "Supplier", a person that is:
- 182 (a) Registered or required to be registered pursuant to 26 U.S.C., Section 4101, for
183 transactions in motor fuels in the bulk transfer/terminal distribution system; and
- 184 (b) One or more of the following:
- 185 a. The position holder in a terminal or refinery in this state;
- 186 b. Imports motor fuel into this state from a foreign country;
- 187 c. Acquires motor fuel from a terminal or refinery in this state from a position holder
188 pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as
189 an exchange and appears on the records of the terminal operator; or
- 190 d. The position holder in a terminal or refinery outside this state with respect to motor
191 fuel which that person imports into this state. A terminal operator shall not be considered a
192 supplier based solely on the fact that the terminal operator handles motor fuel consigned to it
193 within a terminal. "Supplier" also means a person that produces fuel grade alcohol or
194 alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative
195 substances for import to this state into a terminal, or acquires upon import by truck, rail car or
196 barge into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes
197 a permissive supplier unless specifically provided otherwise;
- 198 (54) "Tank wagon", a straight truck having multiple compartments designed or used to
199 carry motor fuel;

- 200 (55) "Terminal", a bulk storage and distribution facility which includes:
201 (a) For the purposes of motor fuel, is a qualified terminal;
202 (b) For the purposes of fuel grade alcohol, is supplied by truck, rail car, boat, barge or
203 pipeline and the products are removed at a rack;
- 204 (56) "Terminal bulk transfers" include but are not limited to the following:
205 (a) Boat or barge movement of motor fuel from a refinery or terminal to a terminal;
206 (b) Pipeline movements of motor fuel from a refinery or terminal to a terminal;
207 (c) Book transfers of product within a terminal between suppliers prior to completion
208 of removal across the rack; and
209 (d) Two-party exchanges or buy-sell supply arrangements within a terminal between
210 licensed suppliers;
- 211 (57) "Terminal operator", any person that owns, operates, or otherwise controls a
212 terminal. A terminal operator may own the motor fuel that is transferred through or stored in the
213 terminal;
- 214 (58) "Transmix", the buffer or interface between two different products in a pipeline
215 shipment, or a mix of two different products within a refinery or terminal that results in an
216 off-grade mixture;
- 217 (59) "Transport truck", a semitrailer combination rig designed or used to transport motor
218 fuel over the highways;
- 219 (60) "Transporter", any operator of a pipeline, barge, railroad or transport truck engaged
220 in the business of transporting motor fuels;
- 221 (61) "Two-party exchange", a transaction in which the motor fuel is transferred from one
222 licensed supplier or licensed permissive supplier to another licensed supplier or licensed
223 permissive supplier and:
224 (a) Which transaction includes a transfer from the person that holds the original
225 inventory position for motor fuel in the terminal as reflected on the records of the terminal
226 operator; and
227 (b) The exchange transaction is simultaneous with removal from the terminal by the
228 receiving exchange partner. However, in any event, the terminal operator in its books and
229 records treats the receiving exchange party as the supplier which removes the product across a
230 terminal rack for purposes of reporting such events to this state;
- 231 (62) "Ultimate vendor", a person that sells motor fuel to the consumer;
- 232 (63) "Undyed diesel fuel", diesel fuel that is not subject to the United States
233 Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with
234 Internal Revenue Service fuel dyeing provisions; and

235 (64) "Vehicle fuel tank", any receptacle on a motor vehicle from which fuel is supplied
236 for the propulsion of the motor vehicle.

226.030. 1. The highways and transportation commission shall consist of six members,
2 who shall be appointed by the governor, by and with the advice and consent of the senate, not
3 more than three thereof to be members of the same political party. Each commissioner shall be
4 a taxpayer and resident of state for at least five years prior to his appointment. Any
5 commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of
6 duty, or misconduct in office. Commissioners appointed pursuant to this section shall be
7 appointed for terms of six years, except as otherwise provided in this subsection. Upon the
8 expiration of each of the foregoing terms of these commissioners a successor shall be appointed
9 for a term of six years or until his successor is appointed and qualified which term of six years
10 shall thereafter be the length of term of each member of the commission unless removed as
11 above provided. The members of the commission shall receive as compensation for their
12 services twenty-five dollars per day for the time spent in the performance of their official duties,
13 and also their necessary traveling and other expenses incurred while actually engaged in the
14 discharge of their official duties. Members whose terms otherwise expire December 1, 2003,
15 shall serve with terms expiring March 1, 2004, and new members or the members reappointed
16 shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires
17 December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term
18 otherwise expires December 1, 2007, shall serve with a term expiring March 1, 2009; and one
19 member whose term otherwise expires October 13, 2007, shall serve with a term expiring March
20 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a
21 term expiring March 1, 2009. If a vacancy occurs in any term of a commissioner due to death,
22 resignation, or removal, a successor shall be appointed for only the remainder of the unexpired
23 term.

24 2. The two members of the commission, one each from opposing political parties, who
25 have the most seniority in commission service shall serve as commission leadership with one
26 member as chair and the other member as vice chair, respectively, for terms ending March 1,
27 2005. The commission shall elect one of the members as chair and the other as vice chair.
28 Effective March 1, 2005, the commission shall elect the two members of the commission, one
29 from each opposing political party who has the most seniority in commission service, who shall
30 serve as commission leadership with one member as chair and the other member as vice chair,
31 respectively, for one year. At the end of such year, the [member] **members** currently serving as
32 chair [shall then serve as] **and** vice chair **shall have the option to rotate positions**, and the
33 member currently serving as vice chair [shall] **may** serve as chair, [each to serve in such position
34 for one year] **and vice versa**. Thereafter, commission leadership shall continue to rotate

35 accordingly with the two members from opposing political parties who have the most seniority
36 in terms of commission service being elected by the commission to serve as commission
37 leadership. If one of the commission leadership offices becomes vacant due to death,
38 resignation, removal, or refuses to serve before the one-year leadership term expires, the
39 commission shall elect one of its members that is of the same political party as the vacating
40 officer to serve the remainder of the vacating officer's leadership term. Such election shall not
41 prohibit that member from later serving as chair and vice chair when such member's seniority
42 in commission service qualifies him or her for those offices as provided in this subsection.

43 3. No more than one-half of the members of the commission shall be of the same
44 political party. The selection and removal of all employees of the department of transportation
45 shall be without regard to political affiliation.

46 4. The present members of the commission shall continue to serve as members of the
47 commission for the remainder of the terms for which they were appointed, except as provided
48 in subsection 1 of this section.

49 5. [The director of the department of transportation shall, by February fifteenth of each
50 year, present an annual state of the state of transportation to a joint session of the general
51 assembly. The six members of the commission shall be present and available at such
52 presentations for questions by members. The transportation inspector general may also be
53 present and report to the general assembly on any matter of concern within his or her statutory
54 authority. The provisions of this subsection shall expire August 28, 2008.

55 6.] Any member reappointed shall only be eligible to serve as chair or vice-chair during
56 the final two years of such member's reappointment.

**226.222. 1. The department of transportation's plans, programs, and projects shall
2 provide full consideration for the safety and contiguous routes for bicyclists, pedestrians,
3 disabled persons, and transit users of all ages and abilities. Bicycle ways and pedestrian
4 ways shall be given full consideration in the planning and development of transportation
5 facilities by the department of transportation, including the incorporation of such ways
6 into state plans and programs. The highways and transportation commission may expend
7 state road fund moneys to provide appropriate accommodations for bicyclists, pedestrians,
8 disabled persons, transit users, and other users of the public roadways, in addition to
9 operators of motor vehicles.**

10 **2. As used in this section, "appropriate accommodations" include but are not**
11 **limited to pedestrian ways, bicycle ways, shoulders suitable for use by bicyclists, lane**
12 **striping, "share the road" signage, crosswalks, pedestrian control signals, curb cuts, and**
13 **ramps.**

14 **3. As used in this section, "bicycle way" means a publicly owned and maintained**
15 **bicycle lane, shared-use lane, shoulder, or way designed and designated for bicycle travel.**
16 **A bicycle way may be designated for the exclusive use of bicycles or may be shared with**
17 **other transportation modes.**

18 **4. The department shall establish planning, design, construction, maintenance, and**
19 **operations standards for appropriate accommodations for bicyclists, pedestrians, disabled**
20 **persons, and transit users. The department shall establish appropriate training programs**
21 **for staff to implement these standards.**

227.310. The portion of Missouri highway 100 located in Franklin County, from
2 **its intersection with Missouri highway 47, to the highway's connection with Interstate 44,**
3 **shall be designated as the "Veterans Memorial Highway". The department of**
4 **transportation shall erect and maintain appropriate signs designating such highway, with**
5 **the costs for such designation to be paid for by the city of Washington.**

227.311. The portion of the Poplar Bluff bypass located in Butler County from
2 **highway 60 where it crosses over the Black River to highway 67 where it crosses Missouri**
3 **highway M, shall be designated as the "Veterans Memorial Highway". The department**
4 **of transportation shall erect and maintain appropriate signs designating such highway,**
5 **with the costs for such designation to be paid for by private donations.**

227.313. The portion of Missouri Highway 266 located in Greene County from
2 **North Missouri Road AB to 1 mile east, shall be designated as the "Dr. Martin Luther**
3 **King Jr. Memorial Mile". The department of transportation shall erect and maintain**
4 **appropriate signs designating such highway, with the costs for such designation to be paid**
5 **for by private donations.**

227.368. The bridge crossing over Interstate 44 on Business Loop 44 at Exit 127 in
2 **Laclede County shall be designated the "Specialist James M. Finley Memorial Bridge".**
3 **The department of transportation shall erect and maintain appropriate signs designating**
4 **such highway, with the costs to be paid for by private donations.**

227.402. The Highway 17 bridge crossing over the Gasconade River in Pulaski
2 **County shall be designated the "WWII Okinawa Veterans Memorial Bridge". The**
3 **department of transportation shall erect and maintain appropriate signs designating such**
4 **highway, with the costs to be paid for by private donations.**

227.407. Interstate 435 from mile marker 63.4 to mile marker 54.2 shall be
2 **designated the "Lamar Hunt Memorial Highway". The department of transportation shall**
3 **erect and maintain appropriate signs designating such highway, with the costs to be paid**
4 **for by private donations.**

227.409. The portion of interstate highway I-64/US 40 from the
2 McClausland/Skinker interchange east to the I-64/I-55 interchange shall be designated the
3 "Jack Buck Memorial Highway". The department of transportation shall erect and
4 maintain appropriate signs designating such highway designation, with the cost to be paid
5 for by private donation.

227.410. The portion of U.S. highway 160 in Greene County from the intersection
2 of Farm Road 142 to the intersection of West Sunshine Street shall be designated the
3 "Rabbi Abraham Joshua Heschel Memorial Highway". The department of transportation
4 shall erect and maintain appropriate signs designating such highway, with the costs for
5 such designation to be paid for by private donation.

300.349. 1. For purposes of this section, "off-highway vehicle" means an all-terrain
2 vehicle, motorized bicycle, motortricycle, trail bike, or utility vehicle operated primarily
3 on gravel or dirt roads that is designed by the manufacturer primarily for travel over
4 unimproved terrain, and has an unladen weight of eighteen hundred pounds or less.

5 2. Notwithstanding any other section, a licensed driver may operate an off-highway
6 vehicle on gravel or dirt roads located within any county of the third or fourth
7 classification provided the vehicle meets the requirements of this section.

8 3. A driver shall not operate an off-highway vehicle as follows:

9 (1) With reckless disregard for the safety of persons or property;

10 (2) Off of an existing road, trail, or route in a manner that causes damage to
11 wildlife habitat, riparian areas, cultural or natural resources, property, or improvements;

12 (3) On roads, trails, routes, or areas closed as indicated in rules or regulations of
13 a federal agency, the state of Missouri, a county or municipality, or by proper posting if
14 the land is private land;

15 (4) Over unimproved roads, trails, routes, or areas unless driving on roads, trails,
16 routes, or areas where such driving is allowed by rule or regulation.

17 4. A person shall not operate an off-highway vehicle in a manner that damages the
18 environment, including excessive pollution of air, water, or land, abuse of the watershed
19 or cultural or natural resources or impairment of plant or animal life, where it is
20 prohibited by rule, regulation, ordinance, or code.

21 5. An off-highway vehicle in operation in this state shall be equipped with the
22 following:

23 (1) Brakes adequate to control the movement of the vehicle and to stop and hold
24 the vehicle under normal operating conditions;

25 **(2) Lighted headlights and taillights that meet or exceed original equipment**
26 **manufacturer guidelines if operated between one-half hour after sunset and one-half hour**
27 **before sunrise;**

28 **(3) Except when operating on a closed course, either a muffler or other noise**
29 **dissipating device that prevents sound above ninety-six decibels;**

30 **(4) A spark arrester device that is approved by the United States department of**
31 **agriculture and that is in constant operation, except if operating on a closed course; and**

32 **(5) A safety flag that is at least six by twelve inches and that is attached to an**
33 **off-highway vehicle at least eight feet above the surface of level ground.**

34 **6. No person shall operate or ride an off-highway vehicle on public or state land**
35 **unless that person is wearing protective eyewear and protective headgear that is properly**
36 **fitted and fastened, designed for motorized vehicle use, and has a minimum United States**
37 **Department of Transportation safety rating.**

38 **7. Nothing in this section shall prohibit a private landowner or lessee from**
39 **performing normal agricultural or ranching practices while operating an all-terrain**
40 **vehicle or an off-highway vehicle on the private or leased land.**

41 **8. A violation of this section shall be a class C misdemeanor. In addition to other**
42 **legal remedies, the attorney general or county prosecuting attorney may institute a civil**
43 **action in the court of competent jurisdiction for injunctive relief to prevent such violation**
44 **or future violations and for the assessment of a civil penalty not to exceed one thousand**
45 **dollars per day of violation.**

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the
2 contrary, the director of revenue shall establish a system of registration on a calendar year basis
3 of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The
4 director of revenue shall prescribe the forms for such fleet registration and the forms and
5 procedures for the registration updates prescribed in this section. Any owner of ten or more
6 motor vehicles which must be registered in accordance with this chapter may register as a fleet
7 owner. All registered fleet owners may, at their option, register all motor vehicles included in
8 the fleet on a calendar year basis pursuant to this section in lieu of the registration periods
9 provided in sections 301.030 and 301.035. The director shall issue an identification number to
10 each registered owner of fleet vehicles.

11 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered
12 during April each year or on a prorated basis as provided in subsection 3 of this section. Fees
13 of all vehicles in the fleet to be registered on a calendar year basis shall be payable not later than
14 the last day of April of each year. The fees for vehicles added to the fleet which must be licensed
15 at the time of registration shall be payable at the time of registration, except that when such

16 vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the
17 annual fee, when licensed between October first and December thirty-first the fee shall be
18 one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the
19 annual fee.

20 3. At any time during the calendar year in which an owner of a fleet purchases or
21 otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle,
22 the owner shall present to the director of revenue the identification number as a fleet number and
23 may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet
24 owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant
25 to this subsection.

26 4. All fleet vehicles registered pursuant to this section shall be issued a special license
27 plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the
28 manner prescribed by the advisory committee established in section 301.129. Such license plates
29 shall be made with fully reflective material with a common color scheme and design, shall be
30 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
31 Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not
32 require issuance of a renewal **rear license plate tab or window sticker**. Upon payment of
33 appropriate registration fees, the director of revenue shall issue a registration certificate or other
34 suitable evidence of payment of the annual fee, and such evidence of payment shall be carried
35 at all times in the vehicle for which it is issued. The director of revenue shall promulgate rules
36 and regulations establishing the procedure for application and issuance of fleet vehicle license
37 plates.

38 5. Notwithstanding the provisions of sections 307.350 to 307.390, RSMo, to the
39 contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections
40 307.350 to 307.390, RSMo, if at the time of the annual fleet registration, such fleet vehicle is
41 situated outside the state of Missouri.

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

11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

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

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
21 3 of section 301.030, or with the state highways and transportation commission as otherwise
22 provided in this chapter, but only one license plate shall be issued for each such vehicle.

23 4. The plates issued to manufacturers and dealers shall bear the letters and numbers as
24 prescribed by section 301.560, and the director may place upon the plates other letters or marks
25 to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

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

45 6. (1) **Beginning January 1, 2011**, the director of revenue shall issue annually or
46 biennially a **rear license plate** tab [or set of tabs] **and window sticker, to be placed on the**

47 **front windshield of the motor vehicle**, as provided by law as evidence of the annual payment
48 of registration fees and the current registration of a vehicle in lieu of the set of plates. **The**
49 **window sticker shall not be issued for motorcycle or trailer registrations.** Beginning
50 January 1, [2010] **2012**, the director may prescribe any additional information recorded on the
51 tab or [tabs] **window sticker** to ensure that the [tab or tabs] **information on the tab or sticker**
52 positively [correlate] **correlates** with the license plate or plates issued by the department of
53 revenue for such vehicle. Such tabs **and window stickers** shall be produced in each license
54 bureau office.

55 (2) The vehicle owner to whom a tab [or set of tabs] is issued shall affix and display such
56 tab [or tabs] in the designated area of the **rear** license plate, no more than one per plate **and the**
57 **window sticker shall be placed on the inside front window in an area prescribed by the**
58 **director of the department of revenue.**

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

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

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

77 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
78 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
79 for such vehicle shall be returned to the highways and transportation commission and shall not
80 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
81 when the owner files a supplemental application with the Missouri highways and transportation
82 commission for the registration of such replacement vehicle. If a vehicle which is permanently

83 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
84 the registrant shall be given credit for any unused portion of the annual registration fee when the
85 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

86 7. The director of revenue and the highways and transportation commission may
87 prescribe rules and regulations for the effective administration of this section. [No rule or
88 portion of a rule promulgated under the authority of this section shall become effective unless
89 it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or**
90 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
91 **the authority delegated in this section shall become effective only if it complies with and**
92 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
93 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
94 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
95 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
96 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
97 **2009, shall be invalid and void.**

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

103 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
104 of new license plates of such design as directed by the director consistent with the terms,
105 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
106 section, in addition to all other fees required by law, applicants for registration of vehicles with
107 license plates that expire during the period of reissuance, applicants for registration of trailers
108 or semitrailers with license plates that expire during the period of reissuance and applicants for
109 registration of vehicles that are to be issued new license plates during the period of reissuance
110 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
111 subsection shall not be charged to persons receiving special license plates issued under section
112 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
113 and specialized license plates are exempt from the provisions of this subsection. Except for new,
114 replacement, and transfer applications, permanent nonexpiring license plates issued to
115 commercial motor vehicles and trailers registered under section 301.041 are exempt from the
116 provisions of this subsection.

301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a
2 collector's item and which is used and intended to be used for exhibition and educational

3 purposes shall be permanently registered upon payment of a registration fee of twenty-five
4 dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and
5 the license plates issued therefor shall be returned to the director of revenue.

6 2. The owner of any such vehicle shall file an application in a form prescribed by the
7 director, if such vehicle meets the requirements of this section, and a certificate of registration
8 shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

9 3. The director shall issue to the owner of any motor vehicle registered pursuant to this
10 section the same number of license plates which would be issued with a regular annual
11 registration, containing the number assigned to the registration certificate issued by the director
12 of revenue. Such license plates shall be made with fully reflective material with a common color
13 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as
14 prescribed by section 301.130.

15 4. Historic vehicles may be driven to and from repair facilities one hundred miles from
16 the vehicle's location, and in addition may be driven up to one thousand miles per year for
17 personal use. The owner of the historic vehicle shall be responsible for keeping a log of the
18 miles driven for personal use each calendar year. Such log must be kept in the historic vehicle
19 when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique
20 auto tour or event and mileage driven to and from such a tour or event shall not be considered
21 mileage driven for the purpose of the mileage limitations in this section. Violation of this section
22 [is a class C misdemeanor] **shall be punishable under section 301.440** and in addition to any
23 other penalties prescribed by law, upon [conviction] **plea or finding of guilt** thereof, the director
24 of revenue shall revoke the historic motor vehicle license plates of such violator which were
25 issued pursuant to this section.

26 5. Notwithstanding any provisions of this section to the contrary, any person possessing
27 a license plate issued by the state of Missouri that is over twenty-five years old, in which the year
28 of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the
29 owner of the vehicle may register such plate as an historic vehicle plate as set forth in
30 subsections 1 and 2 of this section, provided that the configuration of letters, numbers or
31 combination of letters and numbers of such plate are not identical to the configuration of letters,
32 numbers or combination of letters and numbers of any plates already issued to an owner by the
33 director. Such license plate shall not be required to possess the characteristic features of
34 reflective material and common color scheme and design as prescribed in section 301.130. The
35 owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of
36 registration in the vehicle at all times. The certificate of registration shall be prima facie
37 evidence that the vehicle has been properly registered with the director and that all fees have
38 been paid.

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates **and window sticker** shall expire and the
3 number plates shall be removed by the owner at the time of the transfer of possession, and it shall
4 be unlawful for any person other than the person to whom such number plates were originally
5 issued to have the same in his or her possession whether in use or not, **unless such possession**
6 **is solely for charitable purposes**; except that the buyer of a motor vehicle or trailer who trades
7 in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or
8 trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with
9 such transferred plates shall be lawful for no more than thirty days. **The requirement of a**
10 **window sticker shall not be required during the thirty-day time frame.** As used in this
11 subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or
12 trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates
13 for the trade-in motor vehicle or trailer are still valid.

14 2. In the case of a transfer of ownership the original owner may register another motor
15 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle
16 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
17 seating capacity, not in excess of that originally registered. When such motor vehicle is of
18 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
19 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
20 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less
21 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating
22 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

23 3. License plates may be transferred from a motor vehicle which will no longer be
24 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
25 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in
26 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that
27 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of
28 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
29 vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer
30 fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased
31 vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial
32 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be
33 entitled to a refund.

34 4. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
35 application for registration, by mail or otherwise, may operate the same for a period of thirty days
36 after taking possession thereof, if during such period the motor vehicle or trailer shall have

37 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.
38 Upon application and presentation of **proof of financial responsibility as required under**
39 **subsection 5 of this section and** satisfactory evidence that the buyer has applied for registration,
40 a dealer may furnish such number plates to the buyer for such temporary use. In such event, the
41 dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to
42 the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer
43 such number plates within thirty days. The director shall issue a temporary permit authorizing
44 the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of
45 purchase.

46 5. The temporary permit shall be made available by the director of revenue and may be
47 purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer
48 for which the buyer has no registration plate available for transfer **and upon proof of financial**
49 **responsibility**, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer
50 has no registration plate available for transfer. The director shall make temporary permits
51 available to registered dealers in this state or authorized agents of the department of revenue in
52 sets of ten permits. The fee for the temporary permit shall be seven dollars and fifty cents for
53 each permit or plate issued. No dealer or authorized agent shall charge more than seven dollars
54 and fifty cents for each permit issued. The permit shall be valid for a period of thirty days from
55 the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle
56 or trailer by a dealer for which the purchaser obtains a permit as set out above. **No permit shall**
57 **be issued for a vehicle under this section unless the buyer shows proof of financial**
58 **responsibility.**

59 6. The permit shall be issued on a form prescribed by the director and issued only for the
60 applicant's use in the operation of the motor vehicle or trailer purchased to enable the applicant
61 to legally operate the vehicle while proper title and registration plate are being obtained, and
62 shall be displayed on no other vehicle. Temporary permits issued pursuant to this section shall
63 not be transferable or renewable and shall not be valid upon issuance of proper registration plates
64 for the motor vehicle or trailer. The director shall determine the size and numbering
65 configuration, construction, and color of the permit.

66 7. The dealer or authorized agent shall insert the date of issuance and expiration date,
67 year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The
68 dealer shall also insert such dealer's number on the permit. Every dealer that issues a temporary
69 permit shall keep, for inspection of proper officers, a correct record of each permit issued by
70 recording the permit or plate number, buyer's name and address, year, make, manufacturer's
71 vehicle identification number on which the permit is to be used, and the date of issuance.

72 8. Upon the transfer of ownership of any currently registered motor vehicle wherein the
73 owner cannot transfer the license plates due to a change of vehicle category, the owner may
74 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
75 of the original registration fee against the registration fee of another motor vehicle. Such credit
76 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
77 on the unused portion of any license plates surrendered for such credit.

 301.143. 1. As used in this section, the term "vehicle" shall have the same meaning
2 given it in section 301.010, and the term "physically disabled" shall have the same meaning
3 given it in section 301.142.

4 2. Political subdivisions of the state may by ordinance or resolution designate parking
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or card
6 issued pursuant to section 301.071 or 301.142. Owners of private property used for public
7 parking shall also designate parking spaces for the exclusive use of vehicles which display a
8 distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever
9 a political subdivision or owner of private property so designates a parking space, the space shall
10 be indicated by a sign upon which shall be inscribed the international symbol of accessibility and
11 shall also include any appropriate wording to indicate that the space is reserved for the exclusive
12 use of vehicles which display a distinguishing license plate or card. The sign described in this
13 subsection shall also state, or an additional sign shall be posted below or adjacent to the sign
14 stating, the following: "\$50 to \$300 fine."

15 3. Any political subdivision, by ordinance or resolution, and any person or corporation
16 in lawful possession of a public off-street parking facility or any other owner of private property
17 may designate reserved parking spaces for the exclusive use of vehicles which display a
18 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as
19 possible to the nearest accessible entrance. Such designation shall be made by posting
20 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the
21 international symbol of accessibility, and may also include any appropriate wording to indicate
22 that the space is reserved for the exclusive use of vehicles which display a distinguishing license
23 plate or card.

24 4. The local police or sheriff's department may cause the removal of any vehicle not
25 displaying a distinguishing license plate or card on which is inscribed the international symbol
26 of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled
27 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card
28 issued by any other state from a space designated for physically disabled persons if there is
29 posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed
30 the international symbol of accessibility and may include any appropriate wording to indicate that

31 the space is reserved for the exclusive use of vehicles which display a distinguishing license plate
32 or card. Any person who parks in a space reserved for physically disabled persons and is not
33 displaying distinguishing license plates or a card is guilty of an infraction and upon conviction
34 thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred
35 dollars. Any vehicle which has been removed and which is not properly claimed within thirty
36 days thereafter shall be considered to be an abandoned vehicle.

37 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license
38 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal
39 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant
40 thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated
41 by political subdivisions in residential areas for the exclusive use of vehicles displaying a
42 distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the
43 requirements of the federal Americans with Disabilities Act pursuant to this subsection and any
44 such space shall have clearly and visibly painted upon it the international symbol of accessibility
45 and any curb adjacent to the space shall be clearly and visibly painted blue.

46 6. Any person who, without authorization, uses a distinguishing license plate or card
47 issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority
48 of this section shall be guilty of a class B misdemeanor.

49 7. Law enforcement officials may enter upon private property open to public use to
50 enforce the provisions of this section and section 301.142, including private property designated
51 by the owner of such property for the exclusive use of vehicles which display a distinguishing
52 license plate or card issued pursuant to section 301.071 or 301.142.

53 8. Nonconforming signs or spaces otherwise required pursuant to this section which are
54 in use prior to August 28, 1997, shall not be in violation of this section during the useful life of
55 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs
56 or spaces be extended by means other than those means used to maintain any sign or space on
57 the owner's property which is not used for vehicles displaying a disabled license plate.

58 **9. Beginning August 28, 2009, all new signs erected under this section shall not**
59 **contain the words "Handicap Parking".**

301.150. 1. License plates issued to owners of motor vehicles registered pursuant to the
2 monthly series system of registration as provided in section 301.030 shall be removed on the sale
3 or transfer of ownership of such vehicles. The plates, if still current, may thereafter be retained
4 and preserved by the person to whom issued, to be fastened to such other motor vehicles as such
5 person shall thereafter register in the person's name.

6 2. If application for registration of another motor vehicle is not made to the director of
7 revenue within one year following the sale or transfer of ownership of a motor vehicle, the

8 license plates held by the person who sold or transferred ownership of such motor vehicle shall
9 be declared void, and new license plates bearing the same numbers may be issued to another
10 registrant.

11 3. It shall be unlawful to fasten voided plates to any motor vehicle. Violation of this
12 section shall be [deemed a class C misdemeanor] **punishable under section 301.440.**

301.160. Upon approval of the application for registration of a motor vehicle or trailer
2 and when the required fee has been paid to the department of revenue, the department shall
3 forward or deliver to the applicant the registration receipt and the number of license plates
4 prescribed for the vehicle or trailer by section 301.130, or renewal tabs **and window stickers**
5 if appropriate. The attachment to the motor vehicle or trailer specified in the application of
6 current license plates shall be prima facie evidence that the fees have been paid for such license.

301.165. 1. Notwithstanding any other provision of law to the contrary, any
2 **member of the Brain Tumor Awareness Organization, after an annual payment of an**
3 **emblem-use fee to the Brain Tumor Awareness Organization, may receive special license**
4 **plates for any vehicle the member owns, either solely or jointly, other than an apportioned**
5 **motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand**
6 **pounds gross weight. The Brain Tumor Awareness Organization hereby authorizes the**
7 **use of its official emblem to be affixed on multi-year personalized license plates as provided**
8 **in this section. Any contribution to the Brain Tumor Awareness Organization derived**
9 **from this section, except reasonable administrative costs, shall be used solely for the**
10 **purposes of the Brain Tumor Awareness Organization. Any member of the Brain Tumor**
11 **Awareness Organization may annually apply for the use of the emblem.**

12 **2. Upon annual application and payment of a twenty-five dollar emblem-use**
13 **contribution to the Brain Tumor Awareness Organization, the Brain Tumor Awareness**
14 **Organization shall issue to the vehicle owner, without further charge, an emblem-use**
15 **authorization statement, which shall be presented by the vehicle owner to the director of**
16 **revenue at the time of registration. Upon presentation of the annual statement and**
17 **payment of a twenty-five dollar fee in addition to the regular registration fees, and**
18 **presentation of any documents which may be required by law, the director of revenue shall**
19 **issue to the vehicle owner a special license plate which shall bear the emblem of the Brain**
20 **Tumor Awareness Organization. Such license plates shall be made with fully reflective**
21 **material with a common color scheme and design, shall be clearly visible at night, and shall**
22 **be aesthetically attractive, as prescribed by section 301.130. In addition, upon such set of**
23 **license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words**
24 **"BRAINTUMORWARENESS.ORG". Notwithstanding the provisions of section**

25 **301.144, no additional fee shall be charged for the personalization of license plates issued**
26 **pursuant to this section.**

27 **3. A vehicle owner who was previously issued a plate with the Brain Tumor**
28 **Awareness Organization's emblem authorized by this section, but who does not provide**
29 **an emblem-use authorization statement at a subsequent time of registration, shall be issued**
30 **a new plate which does not bear the Brain Tumor Awareness Organization's emblem, as**
31 **otherwise provided by law. The director of revenue shall make necessary rules and**
32 **regulations for the enforcement of this section, and shall design all necessary forms**
33 **required by this section.**

34 **4. Prior to the issuance of a Brain Tumor Awareness Organization specialty plate**
35 **authorized under this section the department of revenue must be in receipt of an**
36 **application, as prescribed by the director, which shall be accompanied by a list of at least**
37 **two hundred potential applicants who plan to purchase the specialty plate, the proposed**
38 **art design for the specialty license plate, and an application fee, not to exceed five thousand**
39 **dollars, to defray the department's cost for issuing, developing, and programming the**
40 **implementation of the specialty plate. Once the plate design is approved, the director of**
41 **revenue shall not authorize the manufacture of the material to produce such specialized**
42 **license plates with the individual seal, logo, or emblem until such time as the director has**
43 **received two hundred applications, the twenty-five dollar specialty plate fee per**
44 **application, and emblem use statements, if applicable, and other required documents or**
45 **fees for such plates.**

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate
2 therefor, shall be issued by the director of revenue unless the applicant therefor shall make
3 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall
4 present satisfactory evidence that such certificate has been previously issued to the applicant for
5 such motor vehicle or trailer. Application shall be made within thirty days after the applicant
6 acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and
7 shall contain the applicant's identification number, a full description of the motor vehicle or
8 trailer, the vehicle identification number, and the mileage registered on the odometer at the time
9 of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the
10 applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer,
11 provided that for good cause shown the director of revenue may extend the period of time for
12 making such application. **When an owner wants to add or delete a name or names on an**
13 **application for certificate of ownership of a motor vehicle or trailer that would cause it to**
14 **be inconsistent with the name or names listed on the notice of lien, the owner shall provide**

15 **the director with documentation evidencing the lienholder's authorization to add or delete**
16 **a name or names on an application for certificate of ownership.**

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

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

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

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

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

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

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

68 7. It is unlawful for any person to operate in this state a motor vehicle or trailer required
69 to be registered under the provisions of the law unless a certificate of ownership has been applied
70 for as provided in this section.

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

84 9. Each application for an original Missouri certificate of ownership for a vehicle which
85 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,

86 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
87 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state
88 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
89 vehicle examination shall include a verification of vehicle identification numbers and a
90 determination of the classification of the vehicle. The owner of a vehicle which requires a
91 vehicle examination certificate shall present the vehicle for examination and obtain a completed
92 vehicle examination certificate prior to submitting an application for a certificate of ownership
93 to the director of revenue. The fee for the vehicle examination application shall be twenty-five
94 dollars and shall be collected by the director of revenue at the time of the request for the
95 application and shall be deposited in the state treasury to the credit of the state highways and
96 transportation department fund. If the vehicle is also to be registered in Missouri, the safety
97 inspection required in chapter 307, RSMo, and the emissions inspection required under chapter
98 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section
99 643.315, RSMo, shall be charged to the owner.

100 10. When an application is made for an original Missouri certificate of ownership for a
101 motor vehicle previously registered or titled in a state other than Missouri or as required by
102 section 301.020, it shall be accompanied by a current inspection form certified by a duly
103 authorized official inspection station as described in chapter 307, RSMo. The completed form
104 shall certify that the manufacturer's identification number for the vehicle has been inspected, that
105 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the
106 time of inspection. The inspection station shall collect the same fee as authorized in section
107 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner
108 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the
109 safety inspection required in chapter 307, RSMo, and the emissions inspection required under
110 chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo,
111 and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to
112 vehicles being transferred on a manufacturer's statement of origin.

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

120 12. When an application is made for an original Missouri certificate of ownership for a
121 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, specially constructed motor vehicle, or prior salvage 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. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing 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 issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

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

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

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

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

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9

157 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be
158 required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or
2 servicing of vehicles by a licensed franchised motor vehicle dealer carry on or conduct the
3 following business unless licensed to do so by the department of revenue under sections 301.217
4 to 301.229:

5 (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined
6 in section 301.010;

7 (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a
8 salvage dealer or dismantler, as defined in section 301.010;

9 (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar
10 year as a rebuilder or body shop, as defined in section 301.010;

11 (4) Processing scrapped vehicles or vehicle parts as a mobile scrap processor, as defined
12 in section 301.010.

13 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to
14 persons actually engaged in and holding a current license under sections 301.217 to 301.221 and
15 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his
16 or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor
17 vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing
18 salvage vehicles for export outside of the United States. Operators of salvage pools or salvage
19 disposal sales shall keep a record, for three years, of sales of salvage vehicles with the
20 purchasers' name and address, and the year, make, and vehicle identification number for each
21 vehicle. These records shall be open for inspection as provided in section 301.225. Such records
22 shall be submitted to the department on a quarterly basis.

23 3. The [seller of] **operator of a salvage pool or salvage disposal sale, or subsequent**
24 **purchaser, who sells** a nonrepairable motor vehicle or a salvage motor vehicle to a person who
25 is not a resident of the United States at a salvage pool or a salvage disposal sale shall:

26 (1) Stamp on the face of the title so as not to obscure any name, date, or mileage
27 statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

28 (2) Stamp in each unused reassignment space on the back of the title the words "FOR
29 EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the
30 salvage pool, or the name of the governmental entity, as applicable.

31

32 The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection
33 shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be
34 forwarded to the department.

35 4. The director of revenue shall issue a separate license for each kind of business
36 described in subsection 1 of this section, to be entitled and designated as either "used parts
37 dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "mobile scrap processor"
38 license.

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

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

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

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

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

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

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

14 4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer may
15 obtain a duplicate or replacement title in the owner's name if the owner's title has been lost,
16 stolen, mutilated, or destroyed and is not available for assignment. In order to obtain the

17 duplicate or replacement title from the department of revenue, the licensed dealer shall procure
18 a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement
19 title in the owner's name and sign any title assignments on the owner's behalf. The application
20 to the department of revenue for the duplicate or replacement title shall be accompanied by the
21 executed power of attorney, or a copy thereof, and the application shall contain the appropriate
22 mailing address of the dealer. The director of the department of revenue is authorized to make
23 all necessary rules and regulations for the administration of this subsection, and shall design all
24 necessary forms required by this subsection. No rule or portion of a rule promulgated pursuant
25 to the authority of this section shall become effective unless it has been promulgated pursuant
26 to the provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in
27 section 536.010, RSMo, that is created under the authority delegated in this section shall become
28 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
29 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
30 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
31 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
32 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
33 after August 28, 2005, shall be invalid and void.

301.301. [1.] Any person replacing a stolen license plate tab [issued on or after January
2 1, 2009,] **or window sticker** may receive at no cost up to two [sets of two] license plate tabs **and**
3 **window stickers** per year when the application for the replacement tab **or sticker** is
4 accompanied with a police report that is corresponding with the stolen license plate tab **or**
5 **window sticker**.

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

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

301.310. 1. Whenever a law enforcement officer observes a plate to be in such condition
2 as to hinder or make difficult identification of same, he shall notify the director of revenue and
3 instruct the owner to apply for a duplicate plate.

4 2. If the owner has not made application within fifteen days, the director of revenue may
5 cancel such registration and notify the registrant and such cancellation shall remain in force until
6 the application has been filed.

7 3. The director of revenue may at his discretion replace worn plates without cost to the
8 registrant.

9 4. Failure to surrender a mutilated or worn plate for which duplicate has been issued
10 shall be [deemed a misdemeanor] **punishable under section 301.440.**

 301.420. No person shall willfully or knowingly make a false statement in any
2 application for the registration of a motor vehicle or trailer, or as a dealer, or in an application
3 for or assignment of a certificate of ownership. All blanks or forms issued by the director of
4 revenue for the purpose of making application for registration of certificate of ownership shall
5 conspicuously bear on the face thereof the following words: "Any false statement in this
6 application is a violation of the law and may be punished by fine or imprisonment or both".
7 **Violation of this section shall be a class C misdemeanor.**

 301.440. Any person who violates any provision of sections 301.010 to 301.440 for
2 which no specific punishment is provided shall upon [conviction] **a plea or finding of guilt**
3 thereof be [punished] **guilty of an infraction punishable** by a fine of not less than five dollars
4 or more than five hundred dollars [or by imprisonment in the county jail for a term not exceeding
5 one year, or by both the fine and imprisonment].

301.571. 1. For purposes of this section, the following terms mean:

2 (1) "Mobility motor vehicle", a motor vehicle that is designed and equipped to
3 transport a person with a disability and:

4 (a) Contains a lowered floor or lowered frame, or a raised roof and/or raised door;

5 (b) Contains an electronic or mechanical wheelchair, scooter, or platform lift that
6 enables a person to enter or exit the vehicle while occupying a wheelchair or scooter; an
7 electronic or mechanical wheelchair ramp; or a system to secure a wheelchair or scooter
8 to allow for a person to be safely transported while occupying the wheelchair or scooter;
9 and

10 (c) Is installed as an integral part or permanent attachment to the motor vehicle
11 chassis;

12 (2) "Mobility motor vehicle dealer", a dealer who is licensed as a new or used
13 motor vehicle dealer under this chapter who is engaged in the business of buying, selling,
14 or exchanging mobility motor vehicles and servicing or repairing mobility motor vehicles
15 at an established and permanent place of business.

16 2. Notwithstanding any other law, a mobility motor vehicle dealer may:

17 **(1) Purchase or otherwise acquire a new motor vehicle from a franchised dealer to**
18 **fit or equip the motor vehicle for retail sale as a mobility motor vehicle from a franchised**
19 **dealer wherever located;**

20 **(2) Display a new motor vehicle to a person with a disability to fit or equip the**
21 **vehicle as a mobility motor vehicle for the person; or**

22 **(3) Sell a new motor vehicle that has been fitted or equipped as a new mobility**
23 **motor vehicle with the resale occurring through or by a franchised dealer.**

24 **3. A mobility motor vehicle dealer who purchased or acquired a new motor vehicle**
25 **from a franchised dealer to equip the vehicle as a mobility vehicle shall not advertise the**
26 **vehicle for resale until the vehicle is fitted or equipped as a mobility motor vehicle.**

27 **4. A mobility motor vehicle dealer shall not, except as permitted by subdivision (2)**
28 **of subsection 2 of this section, display or offer to display a new motor vehicle that is not a**
29 **mobility motor vehicle to the public.**

 301.700. All-terrain vehicles shall be treated in the same manner as motor vehicles,
2 pursuant to this chapter, for the purposes of transfer, titling, perfection of liens and
3 encumbrances, and the collection of all taxes, fees and other charges, **except that in lieu of the**
4 **title of the vehicle, the bill of sale may also be used to show ownership in the application**
5 **for certificate of ownership.** Funds collected by the department of revenue pursuant to sections
6 301.700 to 301.714 shall be deposited by the director in the state treasury to the credit of the
7 general revenue fund.

 301.716. 1. **Any violation of the provisions of sections 301.700 to 301.714 shall be**
2 **an infraction.** An arrest **or service of summons** for violations of the provisions of sections
3 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304,
4 RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly
5 authorized law enforcement officer of any political subdivision of the state, the highway patrol
6 and the state water patrol.

7 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the
8 provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to
9 all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting
10 attorney or circuit attorney who may, with or without such reference, institute appropriate
11 [criminal] proceedings.

12 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions
13 of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain
14 vehicles limits the power of the state to punish any person for any conduct which constitutes a
15 crime by statute or at common law.

301.2998. 1. Notwithstanding any other provisions of this chapter, which establishes
2 the issuance of a specialty plate, [if no applications for such plate have been received within five
3 years from the effective date of the section authorizing the plate, then the department of revenue
4 no longer will be required to accept applications and issue such plate] **once a specialty plate is
5 approved to be issued the department of revenue shall not issue such specialty plate until
6 it has received two hundred applications for such specialty plate.**

7 **2. Beginning January 1, 2011, if the total number of specialty plates issued falls
8 below two hundred, the department of revenue will no longer be required to accept
9 applications for such plate.**

**301.3155. 1. Any person who has been awarded the military service award known
2 as the "Armed Forces Expeditionary Medal" may apply for Armed Forces Expeditionary
3 Medal motor vehicle license plates for any motor vehicle such person owns, either solely
4 or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed
5 in excess of eighteen thousand pounds gross weight.**

6 **2. Any such person shall make application for Armed Forces Expeditionary Medal
7 license plates on a form provided by the director of revenue and furnish such proof as a
8 recipient of the Armed Forces Expeditionary Medal as the director may require. The
9 director shall then issue license plates bearing letters or numbers or a combination thereof
10 as determined by the director with the words "ARMED FORCES EXPEDITIONARY
11 MEDAL" in place of the words "SHOW-ME STATE". Such license plates shall be made
12 with fully reflective material with a common color scheme and design, shall be clearly
13 visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such
14 plates shall also be inscribed with the words "expeditionary service" and bear a
15 reproduction of the armed forces expeditionary service ribbon.**

16 **3. There shall be a fifteen dollar fee in addition to the regular registration fees
17 charged for each set of Armed Forces Expeditionary Medal license plates issued under this
18 section. A fee for the issuance of personalized license plates under section 301.144 shall not
19 be required for plates issued under this section. There shall be no limit on the number of
20 license plates any person qualified under this section may obtain so long as each set of
21 license plates issued under this section is issued for vehicles owned solely or jointly by such
22 person. License plates issued under the provisions of this section shall not be transferable
23 to any other person except that any registered co-owner of the motor vehicle shall be
24 entitled to operate the motor vehicle with such plates for the duration of the year licensed
25 in the event of the death of the qualified person.**

**301.3158. Any person who has been awarded the military service award known as
2 the legion of merit medal may apply for special motor vehicle license plates for any vehicle**

3 such person owns, either solely or jointly, other than an apportioned motor vehicle or a
4 commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.
5 Any such person shall make application for the special license plates on a form provided
6 by the director of revenue and furnish such proof as a recipient of the legion of merit
7 medal as the director may require. The director shall then issue license plates bearing
8 letters or numbers or a combination thereof as determined by the advisory committee
9 established in section 301.129, with the words "LEGION OF MERIT" in place of the
10 words "SHOW-ME STATE". Such license plates shall be made with fully reflective
11 material with a common color scheme and design, shall be clearly visible at night, and shall
12 be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an
13 image of the legion of merit medal. There shall be an additional fee charged for each set
14 of legion of merit license plates issued under this section equal to the fee charged for
15 personalized license plates. There shall be no limit on the number of license plates any
16 person qualified under this section may obtain so long as each set of license plates issued
17 under this section is issued for vehicles owned solely or jointly by such person. License
18 plates issued under the provisions of this section shall not be transferable to any other
19 person except that any registered co-owner of the motor vehicle shall be entitled to operate
20 the motor vehicle with such plates for the duration of the year licensed in the event of the
21 death of the qualified person.

301.4005. 1. Notwithstanding any other provision of law, any member of the
2 Missouri Bicycle Federation, after an annual payment of an emblem-use fee to the Missouri
3 Bicycle Federation, may receive personalized specialty license plates for any vehicle the
4 member owns, either solely or jointly, other than an apportioned motor vehicle or a
5 commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.
6 The Missouri Bicycle Federation hereby authorizes the use of its official emblem to be
7 affixed on multi-year personalized specialty license plates as provided in this section. Any
8 contribution to the Missouri Bicycle Federation derived from this section, except
9 reasonable administrative costs, shall be used solely for the purposes of the Missouri
10 Bicycle Federation. Any member of the Missouri Bicycle Federation may annually apply
11 for the use of the emblem.

12 2. Upon annual application and payment of a fifteen dollar emblem-use
13 contribution to the Missouri Bicycle Federation, the Missouri Bicycle Federation shall issue
14 to the vehicle owner, without further charge, an emblem-use authorization statement,
15 which shall be presented by the vehicle owner to the director of revenue at the time of
16 registration. Upon presentation of the annual emblem-use authorization statement and
17 payment of a fifteen dollar fee in addition to the regular registration fees, and presentation

18 of any documents which may be required by law, the director of revenue shall issue to the
19 vehicle owner a personalized specialty license plate which shall bear the emblem of the
20 Missouri Bicycle Federation. Such license plates shall be made with fully reflective
21 material with a common color scheme and design, shall be clearly visible at night, and shall
22 be aesthetically attractive, as prescribed by section 301.130. In addition, upon each set of
23 license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words
24 "MISSOURI BICYCLE FEDERATION". Notwithstanding the provisions of section
25 301.144, no additional fee shall be charged for the personalized specialty plates issued
26 under this section.

27 3. A vehicle owner who was previously issued a plate with the Missouri Bicycle
28 Federation's emblem authorized by this section, but who does not provide an emblem-use
29 authorization statement at a subsequent time of registration, shall be issued a new plate
30 which does not bear the Missouri Bicycle Federation's emblem, as otherwise provided by
31 law. The director of revenue shall make necessary rules and regulations for the
32 enforcement of this section, and shall design all necessary forms required by this section.

33 4. Prior to the issuance of a Missouri Bicycle Federation specialty plate authorized
34 under this section, the department of revenue must be in receipt of an application, as
35 prescribed by the director, which shall be accompanied by a list of at least two hundred
36 potential applicants who plan to purchase the specialty plate, the proposed art design for
37 the specialty license plate, and an application fee, not to exceed five thousand dollars, to
38 defray the department's cost for issuing, developing, and programming the implementation
39 of the specialty plate. Once the plate design is approved, the director of revenue shall not
40 authorize the manufacture of the material to produce such personalized specialty license
41 plates with the individual seal, logo, or emblem until such time as the director has received
42 two hundred applications, the fifteen dollar specialty plate fee per application, and
43 emblem-use statements, if applicable, and other required documents or fees for such plates.

301.4006. 1. Notwithstanding any other provision of law, any person, after an
2 annual payment of an emblem-use fee to the Nixa education foundation, may receive
3 personalized specialty license plates for any vehicle owned, either solely or jointly, other
4 than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of
5 eighteen thousand pounds gross weight. The Nixa education foundation hereby authorizes
6 the use of its official emblem to be affixed on multi-year personalized specialty license
7 plates as provided in this section. Any contribution to the Nixa education foundation
8 derived from this section, except reasonable administrative costs, shall be used solely for
9 the purposes of the Nixa education foundation. Any person may annually apply for the use
10 of the emblem.

11 **2. Upon annual application and payment of a fifteen dollar emblem-use**
12 **contribution to the Nixa education foundation, the Nixa education foundation shall issue**
13 **to the vehicle owner, without further charge, an emblem-use authorization statement,**
14 **which shall be presented by the vehicle owner to the director of revenue at the time of**
15 **registration. Upon presentation of the annual emblem-use authorization statement and**
16 **payment of a fifteen dollar fee in addition to the regular registration fees, and presentation**
17 **of any documents which may be required by law, the director of revenue shall issue to the**
18 **vehicle owner a personalized specialty license plate which shall bear the emblem of the**
19 **Nixa education foundation. Such license plates shall be made with fully reflective material**
20 **with a common color scheme and design, shall be clearly visible at night, and shall be**
21 **aesthetically attractive, as prescribed by section 301.130. In addition, upon each set of**
22 **license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words**
23 **"NIXA EDUCATION FOUNDATION". Notwithstanding the provisions of section**
24 **301.144, no additional fee shall be charged for the personalized specialty plates issued**
25 **under this section.**

26 **3. A vehicle owner who was previously issued a plate with the Nixa education**
27 **foundation's emblem authorized by this section, but who does not provide an emblem-use**
28 **authorization statement at a subsequent time of registration, shall be issued a new plate**
29 **which does not bear the Nixa education foundation's emblem, as otherwise provided by**
30 **law. The director of revenue shall make necessary rules and regulations for the**
31 **enforcement of this section, and shall design all necessary forms required by this section.**

32 **4. Prior to the issuance of a Nixa education foundation specialty plate authorized**
33 **under this section, the department of revenue must be in receipt of an application, as**
34 **prescribed by the director, which shall be accompanied by a list of at least two hundred**
35 **potential applicants who plan to purchase the specialty plate, the proposed art design for**
36 **the specialty license plate, and an application fee, not to exceed five thousand dollars, to**
37 **defray the department's cost for issuing, developing, and programming the implementation**
38 **of the specialty plate. Once the plate design is approved, the director of revenue shall not**
39 **authorize the manufacture of the material to produce such personalized specialty license**
40 **plates with the individual seal, logo, or emblem until such time as the director has received**
41 **two hundred applications, the fifteen dollar specialty plate fee per application, and**
42 **emblem-use statements, if applicable, and other required documents or fees for such plates.**

301.4010. 1. Notwithstanding any other provision of law, any member of the
2 **National Wild Turkey Federation, after an annual payment of an emblem-use fee to the**
3 **National Wild Turkey Federation, may receive personalized specialty license plates for any**
4 **vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle**

5 or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.
6 The National Wild Turkey Federation hereby authorizes the use of its official emblem to
7 be affixed on multi-year personalized specialty license plates as provided in this section.
8 Any contribution to the National Wild Turkey Federation derived from this section, except
9 reasonable administrative costs, shall be used solely for the purposes of the National Wild
10 Turkey Federation. Any member of the National Wild Turkey Federation may annually
11 apply for the use of the emblem.

12 2. Upon annual application and payment of a fifteen dollar emblem-use
13 contribution to the National Wild Turkey Federation, the National Wild Turkey
14 Federation shall issue to the vehicle owner, without further charge, an emblem-use
15 authorization statement, which shall be presented by the vehicle owner to the director of
16 revenue at the time of registration. Upon presentation of the annual emblem-use
17 authorization statement and payment of a fifteen dollar fee in addition to the regular
18 registration fees, and presentation of any documents which may be required by law, the
19 director of revenue shall issue to the vehicle owner a personalized specialty license plate
20 which shall bear the emblem of the National Wild Turkey Federation. Such license plates
21 shall be made with fully reflective material with a common color scheme and design, shall
22 be clearly visible at night, and shall be aesthetically attractive, as prescribed by section
23 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words
24 "SHOW-ME STATE", the words "NATIONAL WILD TURKEY FEDERATION".
25 Notwithstanding the provisions of section 301.144, no additional fee shall be charged for
26 the personalized specialty plates issued under this section.

27 3. A vehicle owner who was previously issued a plate with the National Wild
28 Turkey Federation's emblem authorized by this section, but who does not provide an
29 emblem-use authorization statement at a subsequent time of registration, shall be issued
30 a new plate which does not bear the National Wild Turkey Federation's emblem, as
31 otherwise provided by law. The director of revenue shall make necessary rules and
32 regulations for the enforcement of this section, and shall design all necessary forms
33 required by this section.

34 4. Prior to the issuance of a National Wild Turkey Federation specialty plate
35 authorized under this section, the department of revenue must be in receipt of an
36 application, as prescribed by the director, which shall be accompanied by a list of at least
37 two hundred potential applicants who plan to purchase the specialty plate, the proposed
38 art design for the specialty license plate, and an application fee, not to exceed five thousand
39 dollars, to defray the department's cost for issuing, developing, and programming the
40 implementation of the specialty plate. Once the plate design is approved, the director of

41 revenue shall not authorize the manufacture of the material to produce such personalized
42 specialty license plates with the individual seal, logo, or emblem until such time as the
43 director has received two hundred applications, the fifteen dollar specialty plate fee per
44 application, and emblem-use statements, if applicable, and other required documents or
45 fees for such plates.

301.4016. 1. Notwithstanding any other provision of law, any member of the
2 Missouri stream team program, after an annual payment of an emblem-use fee to the
3 Missouri stream team watershed coalition, may receive personalized specialty license plates
4 for any vehicle the member owns, either solely or jointly, other than an apportioned motor
5 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross
6 weight. The Missouri stream team program hereby authorizes the use of its official
7 emblem to be affixed on multi-year personalized specialty license plates as provided in this
8 section. Any contribution to the Missouri stream team watershed coalition derived from
9 this section, except reasonable administrative costs, shall be used solely for the purposes
10 of the Missouri stream team watershed coalition. Any member of the Missouri stream
11 team program may annually apply for the use of the emblem.

12 2. Upon annual application and payment of a fifteen dollar emblem-use
13 contribution to the Missouri stream team watershed coalition, the Missouri stream team
14 watershed coalition shall issue to the vehicle owner, without further charge, an emblem-use
15 authorization statement, which shall be presented by the vehicle owner to the director of
16 revenue at the time of registration. Upon presentation of the annual emblem-use
17 authorization statement and payment of a fifteen dollar fee in addition to the regular
18 registration fees, and presentation of any documents which may be required by law, the
19 director of revenue shall issue to the vehicle owner a personalized specialty license plate
20 which shall bear the emblem of the Missouri stream team program. Such license plates
21 shall be made with fully reflective material with a common color scheme and design, shall
22 be clearly visible at night, and shall be aesthetically attractive, as prescribed by section
23 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words
24 "SHOW-ME STATE", the words "MISSOURI STREAM TEAM". Notwithstanding the
25 provisions of section 301.144, no additional fee shall be charged for the personalized
26 specialty plates issued under this section.

27 3. A vehicle owner who was previously issued a plate with the Missouri stream team
28 program emblem authorized by this section, but who does not provide an emblem-use
29 authorization statement at a subsequent time of registration, shall be issued a new plate
30 which does not bear the Missouri stream team program emblem, as otherwise provided by

31 law. The director of revenue shall make necessary rules and regulations for the
32 enforcement of this section, and shall design all necessary forms required by this section.

33 4. Prior to the issuance of a Missouri stream team watershed coalition specialty
34 plate authorized under this section, the department of revenue must be in receipt of an
35 application, as prescribed by the director, which shall be accompanied by a list of at least
36 two hundred potential applicants who plan to purchase the specialty plate, the proposed
37 art design for the specialty license plate, and an application fee, not to exceed five thousand
38 dollars, to defray the department's cost for issuing, developing, and programming the
39 implementation of the specialty plate. Once the plate design is approved, the director of
40 revenue shall not authorize the manufacture of the material to produce such personalized
41 specialty license plates with the individual seal, logo, or emblem until such time as the
42 director has received two hundred applications, the fifteen dollar specialty plate fee per
43 application, and emblem-use statements, if applicable, and other required documents or
44 fees for such plates.

301.4018. 1. Notwithstanding any other provision of law, any person, after an
2 annual donation may receive an emblem-use authorization statement from the Missouri
3 State Drug Abuse Resistance Education (D.A.R.E.) Training Center division of the
4 Missouri police chiefs charitable foundation and may receive personalized specialty license
5 plates for any vehicle the person owns, either solely or jointly, other than an apportioned
6 motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
7 pounds gross weight. The Missouri State D.A.R.E. Training Center division of the
8 Missouri police chiefs charitable foundation hereby authorizes the use of its official
9 emblem to be affixed on multiyear personalized specialty license plates as provided in this
10 section. Any contribution to the Missouri State D.A.R.E. Training Center division of the
11 Missouri police chiefs charitable foundation derived from this section, except reasonable
12 administrative costs, shall be used solely for the purposes of the Missouri State D.A.R.E.
13 Training Center. Any person may annually apply for the use of the emblem upon
14 donation.

15 2. Upon annual application and payment of an emblem-use contribution to the
16 Missouri State D.A.R.E. Training Center, the Missouri State D.A.R.E. Training Center
17 shall issue to the vehicle owner, without further charge, an emblem-use authorization
18 statement, which shall be presented by the vehicle owner to the director of revenue at the
19 time of registration. Upon presentation of the annual emblem-use authorization statement
20 and payment of a fifteen dollar fee in addition to the regular registration fees, and
21 presentation of any documents which may be required by law, the director of revenue shall
22 issue to the vehicle owner a personalized specialty license plate which shall bear the

23 emblem of the Missouri State D.A.R.E. Training Center. Such license plates shall be made
24 with fully reflective material with a common color scheme and design, shall be clearly
25 visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. In
26 addition, upon each set of license plates shall be inscribed, in lieu of the words
27 "SHOW-ME STATE", the words "D.A.R.E.". Notwithstanding the provisions of section
28 301.144, no additional fee shall be charged for the personalized specialty plates issued
29 under this section.

30 3. A vehicle owner who was previously issued a plate with the Missouri State
31 D.A.R.E. Training Center emblem authorized by this section, but who does not provide an
32 emblem-use authorization statement at a subsequent time of registration, shall be issued
33 a new plate which does not bear the Missouri State D.A.R.E. Training Center emblem, as
34 otherwise provided by law. The director of revenue shall make necessary rules and
35 regulations for the enforcement of this section, and shall design all necessary forms
36 required by this section.

37 4. Prior to the issuance of a Missouri State D.A.R.E. Training Center specialty plate
38 authorized under this section, the department of revenue must be in receipt of an
39 application, as prescribed by the director, which shall be accompanied by a list of at least
40 two hundred potential applicants who plan to purchase the specialty plate, the proposed
41 art design for the specialty license plate, and an application fee, not to exceed five thousand
42 dollars, to defray the department's cost for issuing, developing, and programming the
43 implementation of the specialty plate. Once the plate design is approved, the director of
44 revenue shall not authorize the manufacture of the material to produce such personalized
45 specialty license plates with the individual seal, logo, or emblem until such time as the
46 director has received two hundred applications, the fifteen dollar specialty plate fee per
47 application, and emblem-use statements, if applicable, and other required documents or
48 fees for such plates.

302.132. 1. Any person at least fifteen and one-half years of age who, except for age or
2 lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a
3 motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may
4 apply, with the written consent of the parent or guardian of such person, for a temporary
5 motorcycle instruction permit to operate a motorcycle or motortricycle.

6 2. The director shall issue a temporary motorcycle instruction permit under this section
7 if the applicant has completed a motorcycle rider training course approved under sections
8 302.133 to 302.138 and is otherwise eligible for the temporary permit.

9 3. A person receiving a temporary motorcycle permit and having it in his or her
10 immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of

11 six months upon the highways of the state, and persons under the age of sixteen shall be subject
12 to the following restrictions:

13 (1) The motorcycle or motortricycle may not have an engine with a displacement of
14 greater than two hundred fifty cubic centimeters;

15 (2) The operator shall not travel at any time from a half-hour after sunset to a half-hour
16 before sunrise;

17 (3) The operator shall not carry any passengers; and

18 (4) The operator shall not travel over fifty miles from the operator's home address.

19 **4. A person at least sixteen years of age receiving a temporary motorcycle permit**
20 **and having it in his or her immediate possession shall be entitled to operate a motorcycle**
21 **or motortricycle for a period of six months upon the highways of the state and shall be**
22 **subject to the following restrictions:**

23 (1) The operator shall not travel at any time from a half-hour after sunset to a half-
24 hour before sunrise;

25 (2) The operator shall not carry any passengers.

302.182. 1. Any resident of this state who is permanently disabled may apply to the
2 **department of revenue to have a notation indicating such status on the person's driver's**
3 **license or nondriver's license. The department of revenue, by rule, may establish the cost**
4 **and criteria for placement of the notation, such as requiring an applicant to submit certain**
5 **medical proof of permanent disability.**

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

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

4 (1) Any moving violation of a state law or
5 county or municipal or federal traffic ordinance or
6 regulation not listed in this section, other than a
7 violation of vehicle equipment provisions or a
8 court-ordered supervision as provided in

9	section 302.303	2 points
10	(except any violation of municipal stop sign	
11	ordinance where no accident is involved	1 point)
12	(2) Speeding	
13	In violation of a state law	3 points
14	In violation of a county or municipal ordinance	2 points
15	(3) Leaving the scene of an accident in	
16	violation of section 577.060, RSMo	12 points
17	In violation of any county or municipal ordinance	6 points
18	(4) Careless and imprudent driving in	
19	violation of subsection 4 of section 304.016, RSMo	4 points
20	In violation of a county or municipal ordinance	2 points
21	(5) Operating without a valid license in	
22	violation of subdivision (1) or (2) of subsection 1	
23	of section 302.020:	
24	(a) For the first conviction	2 points
25	(b) For the second conviction	4 points
26	(c) For the third conviction	6 points
27	(6) Operating with a suspended or revoked	
28	license prior to restoration of operating	
29	privileges	12 points
30	(7) Obtaining a license by misrepresentation	12 points
31	(8) For the first conviction of driving while	
32	in an intoxicated condition or under the influence	
33	of controlled substances or drugs	8 points
34	(9) For the second or subsequent conviction	
35	of any of the following offenses however	
36	combined: driving while in an intoxicated condition,	
37	driving under the influence of controlled substances	
38	or drugs or driving with a blood alcohol content of	
39	eight-hundredths of one percent or more by weight	12 points
40	(10) For the first conviction for driving	
41	with blood alcohol content eight-hundredths of	
42	one percent or more by weight	
43	In violation of state law	8 points
44	In violation of a county or municipal ordinance	

- 45 or federal law or regulation 8 points
46 (11) Any felony involving the use of a
47 motor vehicle 12 points
48 (12) Knowingly permitting unlicensed
49 operator to operate a motor vehicle 4 points
50 (13) For a conviction for failure to maintain
51 financial responsibility pursuant to county or
52 municipal ordinance or pursuant to section 303.025,
53 RSMo 4 points
54 (14) Endangerment of a highway worker
55 in violation of section 304.585, RSMo 4 points
56 (15) Aggravated endangerment of a highway
57 worker in violation of section 304.585, RSMo 12 points
58 (16) For a conviction of violating a municipal
59 ordinance that prohibits tow truck operators from
60 stopping at or proceeding to the scene of an accident
61 unless they have been requested to stop or proceed
62 to such scene by a party involved in such accident
63 or by an officer of a public safety agency 4 points
64 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
65 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
66 302.020, when the director issues such operator a license or permit pursuant to the provisions
67 of sections 302.010 to 302.340.
68 3. An additional two points shall be assessed when personal injury or property damage
69 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
70 found to be warranted and certified by the reporting court.
71 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
72 section constitutes both a violation of a state law and a violation of a county or municipal
73 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
74 offense arising out of the same occurrence could be construed to be a violation of subdivisions
75 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
76 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
77 offenses arising out of the same occurrence.
78 5. The director of revenue shall put into effect a system for staying the assessment of
79 points against an operator. The system shall provide that the satisfactory completion of a
80 driver-improvement program or, in the case of violations committed while operating a

81 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
82 commission, by an operator, when so ordered and verified by any court having jurisdiction over
83 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
84 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
85 committed by an individual who has been issued a commercial driver's license or is required to
86 obtain a commercial driver's license in this state or any other state, shall be accepted by the
87 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
88 of subsection 1 of this section or pursuant to subsection 3 of this section. **A court using a**
89 **centralized violation bureau established under section 476.385, RSMo, may elect to have**
90 **the bureau order and verify completion of a driver-improvement program or motorcycle-**
91 **rider training course as prescribed by order of the court.** For the purposes of this subsection,
92 the driver-improvement program shall meet or exceed the standards of the National Safety
93 Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred
94 during the operation of a motorcycle, the program shall meet the standards established by the
95 state highways and transportation commission pursuant to sections 302.133 to 302.137. The
96 completion of a driver-improvement program or a motorcycle-rider training course shall not be
97 accepted in lieu of points more than one time in any thirty-six-month period and shall be
98 completed within sixty days of the date of conviction in order to be accepted in lieu of the
99 assessment of points. Every court having jurisdiction pursuant to the provisions of this
100 subsection shall, within fifteen days after completion of the driver-improvement program or
101 motorcycle-rider training course by an operator, forward a record of the completion to the
102 director, all other provisions of the law to the contrary notwithstanding. The director shall
103 establish procedures for record keeping and the administration of this subsection.

302.545. 1. Any person who is less than twenty-one years of age and whose driving
2 privilege has been suspended or revoked, for a first determination under sections 302.500 to
3 302.540, that such person was driving with two-hundredths of one percent of blood alcohol
4 content, shall have all official records and all recordations maintained by the department of
5 revenue of such suspension or revocation expunged two years after the date of such suspension
6 or revocation, or when such person attains the age of twenty-one, whichever date first occurs.
7 Such expungement shall be performed by the department of revenue without need of a court
8 order. No records shall be expunged if the person was found guilty or pled guilty to operating
9 a commercial motor vehicle, as defined in section 302.700, **or if the person was holding a**
10 **commercial driver's license at the time of the offense**, with a blood alcohol content of at least
11 four-hundredths of one percent.

12 2. The provisions of this section shall not apply to any person whose license is suspended
13 or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is

14 convicted of any alcohol-related driving offense before the age of twenty-one including, but not
15 limited to:

16 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

17 (2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo.
302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".

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

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

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which
12 authorizes the individual to operate a commercial motor vehicle;

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

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
21 one pounds or more;

22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
23 pounds or such lesser rating as determined by federal regulation;

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

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

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

31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo
32 contendere, or a determination that a person has violated or failed to comply with the law in a

33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine
35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty
36 is rebated, suspended or prorated, **including an offense for failure to appear or pay;**

37 (9) "Director", the director of revenue or his authorized representative;

38 (10) "Disqualification", any of the following three actions:

39 (a) The suspension, revocation, or cancellation of a commercial driver's license;

40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor
42 vehicle traffic control or violations committed through the operation of motor vehicles, other
43 than parking, vehicle weight, or vehicle defect violations;

44 (c) A determination by the Federal Motor Carrier Safety Administration that a person
45 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

47 (12) "Driver", any person who drives, operates, or is in physical control of a motor
48 vehicle, or who is required to hold a commercial driver's license;

49 (13) "Driving under the influence of alcohol", the commission of any one or more of the
50 following acts:

51 (a) Driving a commercial motor vehicle with the alcohol concentration of four
52 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
53 concentration as may be later determined by the secretary by regulation;

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

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

59 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
60 302.750, any federal or state law, or a county or municipal ordinance; or

61 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
62 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
63 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
64 of age or older shall have been committed by the person with an alcohol concentration of at least
65 eight-hundredths of one percent or more, or in the case of an individual who is less than
66 twenty-one years of age, shall have been committed by the person with an alcohol concentration
67 of at least two-hundredths of one percent or more, and if committed in a commercial motor
68 vehicle, a concentration of four-hundredths of one percent or more;

69 (14) "Driving under the influence of a controlled substance", the commission of any one
70 or more of the following acts in a commercial or noncommercial motor vehicle:

71 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
72 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
73 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
74 may be revised from time to time;

75 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition
76 in violation of any federal or state law or in violation of a county or municipal ordinance; or

77 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
78 302.750, any federal or state law, or a county or municipal ordinance;

79 (15) "Employer", any person, including the United States, a state, or a political
80 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
81 operate such a vehicle;

82 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
83 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
84 or a combination of these, within one hundred fifty miles of the farm, other than one which
85 requires placarding for hazardous materials as defined in this section, or used in the operation
86 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial
87 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
88 one pounds when transporting fertilizers as defined in subdivision (21) of this subsection;

89 (17) "Fatality", the death of a person as a result of a motor vehicle accident;

90 (18) "Felony", any offense under state or federal law that is punishable by death or
91 imprisonment for a term exceeding one year;

92 (19) "Gross combination weight rating" or "GCWR", the value specified by the
93 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
94 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
95 power unit and the total weight of the towed unit and any load thereon;

96 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer
97 as the loaded weight of a single vehicle;

98 (21) "Hazardous materials", [hazardous materials as specified in Section 103 of the
99 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).] **any material that has been**
100 **designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under**
101 **subpart F of CFR part 172 or any quantity of a material listed as a select agent or toxin in**
102 **42 CFR part 73.** Fertilizers, including but not limited to ammonium nitrate, phosphate,
103 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered

104 hazardous materials when transported by a farm vehicle provided all other provisions of this
105 definition are followed;

106 (22) "Imminent hazard", the existence of a condition that presents a substantial
107 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
108 health, property, or the environment may occur before the reasonably foreseeable completion
109 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
110 endangerment;

111 (23) "Issuance", the initial licensure, license transfers, license renewals, and license
112 upgrades;

113 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

114 (25) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles
115 not defined by the term "commercial motor vehicle" in this section;

116 (26) "Out of service", a temporary prohibition against the operation of a commercial
117 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,
118 or the operation of a particular motor carrier;

119 (27) "Out-of-service order", a declaration by the Federal Highway Administration, or any
120 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,
121 Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier
122 operation, is out of service;

123 (28) "School bus", a commercial motor vehicle used to transport preprimary, primary,
124 or secondary school students from home to school, from school to home, or to and from
125 school-sponsored events. School bus does not include a bus used as a common carrier as defined
126 by the Secretary;

127 (29) "Secretary", the Secretary of Transportation of the United States;

128 (30) "Serious traffic violation", driving a commercial motor vehicle in such a manner
129 that the driver receives a conviction for the following offenses or driving a noncommercial motor
130 vehicle when the driver receives a conviction for the following offenses and the conviction
131 results in the suspension or revocation of the driver's license or noncommercial motor vehicle
132 driving privilege:

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

134 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
135 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other
136 violation of federal or state law, or any county or municipal ordinance while driving a
137 commercial motor vehicle in a willful or wanton disregard for the safety of persons or property,
138 or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall
139 not include careless and imprudent driving by excessive speed;

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

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

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

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

(g) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the secretary by regulation;

(31) "State", a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

(32) "United States", the fifty states and the District of Columbia.

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

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

17 and older shall expire on the applicant's birthday in the third year after issuance, unless the
18 license must be issued for a shorter period as determined by the director.

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

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

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

32 **(1) The state shall immediately revoke a hazardous materials endorsement upon**
33 **receipt of an initial determination of threat assessment and immediate revocation from the**
34 **Transportation Security Administration as defined by 49 CFR 1572.13(a).**

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

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

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

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

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

49 10. Within thirty days after moving to this state, the holder of a commercial driver's
50 license shall apply for a commercial driver's license in this state. The applicant shall meet all
51 other requirements of sections 302.700 to 302.780, except that the director may waive the driving
52 test for a commercial driver's license as required in section 302.720 if the applicant for a

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

55 11. Any person who falsifies any information in an application or test for a commercial
56 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's
57 commercial driver's license shall be canceled, for a period of one year after the director discovers
58 such falsification.

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

67 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1
68 and 5 of this section to the contrary, the director may issue a nonresident commercial driver's
69 license to a resident of a foreign jurisdiction if the United States Secretary of Transportation has
70 determined that the commercial motor vehicle testing and licensing standards in the foreign
71 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

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

77 (3) The nonresident commercial driver's license will expire on the same date that the
78 documents establishing lawful presence for employment expire. The word "nonresident" shall
79 appear on the face of the nonresident commercial driver's license. Any applicant for a Missouri
80 nonresident commercial driver's license must first surrender any nonresident commercial driver's
81 license issued by another state.

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

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

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

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

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

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

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

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

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

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years.

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

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

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

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

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

39 9. Any person convicted of driving while out of service on a second occasion during any
40 ten-year period, involving separate incidents, shall be disqualified [for a period of one year] **in**
41 **the manner prescribed in 49 CFR Part 383, or as amended by the Secretary.**

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

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

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

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

54 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
55 update records to reflect such action and notify a nonresident's licensing authority and the
56 commercial driver's license information system within ten days in the manner prescribed in 49
57 CFR Part 384, or as amended by the Secretary.

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 16. The director shall disqualify a driver upon receipt of notification that the Secretary
65 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process
66 of a disqualification determined by the Secretary pursuant to this section shall be held in
67 accordance with regulations promulgated by the Secretary. The period of disqualification
68 determined by the Secretary pursuant to this section shall be served concurrently to any other
69 period of disqualification which may be imposed by the director pursuant to this section. Both
70 disqualifications shall appear on the driving record of the driver.

71 **17. The director shall disqualify a commercial license holder or operator of a**
72 **commercial vehicle from operation of any commercial motor vehicle upon receipt of a**
73 **conviction for an offense of failure to appear or pay, and such disqualification shall remain**

74 **in effect until the director receives notice that the person has complied with the**
75 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which is:**

3 (a) **Controlled and operated by a farmer, including operation by employees or**
4 **family members;**

5 (b) **Used to transport agricultural products, farm machinery, farm supplies, or**
6 **both, to or from a farm;**

7 (c) **Not used in the operations of a common or contract motor carrier; and**

8 (d) **Used within two hundred forty-one kilometers or one hundred fifty miles of the**
9 **farmer's farm;**

10 (2) Any active duty military personnel, members of the reserves and national guard on
11 active duty, including personnel on full-time national guard duty, personnel on part-time training
12 and national guard military technicians, while driving [military] vehicles for military purposes;

13 (3) Any person who drives emergency or fire equipment necessary to the preservation
14 of life or property or the execution of emergency governmental functions under emergency
15 conditions;

16 (4) Any person qualified to operate the equipment under subdivision (3) of this section
17 when operating such equipment in other functions such as parades, special events, repair, service
18 or other authorized movements;

19 (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010
20 and 700.010, RSMo, for personal use; and

21 (6) Any other class of persons exempted by rule or regulation of the director, which rule
22 or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any
23 amendments or regulations drafted to that act.

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

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

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

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

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

19 (d) Any state highway other than an interstate highway or freeway outside of an
20 urbanized area, left unattended for more than [forty-eight] **twelve** hours; provided that
21 commercial motor vehicles 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 until the owner or owner's
23 representative has had a reasonable opportunity to contact a towing company of choice;

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

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

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

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

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

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

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

43 (9) **Any abandoned property for which the person operating such property or**
44 **vehicle eludes arrest for an alleged offense for which the officer would have taken the**
45 **offender into custody.**

46 2. The [state transportation] department **of transportation or any law enforcement**
47 **officer within the officer's jurisdiction** may immediately remove any abandoned, unattended,
48 wrecked, burned or partially dismantled property, spilled cargo or other personal property from
49 the [roadway] **right-of-way** of any **interstate highway, freeway, or** state highway if the
50 abandoned property, cargo or personal property is creating a traffic hazard because of its position
51 in relation to the **interstate highway, freeway, or** state highway. In the event the property
52 creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo,
53 the department's authority under this subsection shall be limited to authorizing a towing company
54 to remove the commercial motor vehicle to a place of safety, except that the owner of the
55 commercial motor vehicle or the owner's designated representative shall have a reasonable
56 opportunity to contact a towing company of choice. The provisions of this subsection shall not
57 apply to vehicles transporting any material which has been designated as hazardous under
58 Section 5103(a) of Title 49, U.S.C.

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

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

75 5. The owner of abandoned property removed as provided in this section or in section
76 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
77 such abandoned property as provided in section 304.158.

78 6. Upon the towing of any abandoned property pursuant to this section or under authority
79 of a law enforcement officer or local government agency pursuant to section 304.157, the law
80 enforcement agency that authorized such towing or was properly notified by another government
81 agency of such towing shall promptly make an inquiry with the national crime information center

82 and any statewide Missouri law enforcement computer system to determine if the abandoned
83 property has been reported as stolen and shall enter the information pertaining to the towed
84 property into the statewide law enforcement computer system. If the abandoned property is not
85 claimed within ten working days of the towing, the tower who has online access to the
86 department of revenue's records shall make an inquiry to determine the abandoned property
87 owner and lienholder, if any, of record. In the event that the records of the department of
88 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply
89 with the requirements of subsection 3 of section 304.156. If the tower does not have online
90 access, the law enforcement agency shall submit a crime inquiry and inspection report to the
91 director of revenue. A towing company that does not have online access to the department's
92 records and that is in possession of abandoned property after ten working days shall report such
93 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.
94 The crime inquiry and inspection report shall be designed by the director of revenue and shall
95 include the following:

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

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

116 8. The owner of such abandoned property, or the holder of a valid security interest of
117 record, may reclaim it from the towing company upon proof of ownership or valid security

118 interest of record and payment of all reasonable charges for the towing and storage of the
119 abandoned property.

120 9. Any person who removes abandoned property at the direction of a law enforcement
121 officer or an officer of a government agency where that agency's real property is concerned as
122 provided in this section shall have a lien for all reasonable charges for the towing and storage of
123 the abandoned property until possession of the abandoned property is voluntarily relinquished
124 to the owner of the abandoned property or to the holder of a valid security interest of record.
125 Any personal property within the abandoned property need not be released to the owner thereof
126 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been
127 paid or satisfactory arrangements for payment have been made, except that any medication
128 prescribed by a physician shall be released to the owner thereof upon request. The company
129 holding or storing the abandoned property shall either release the personal property to the owner
130 of the abandoned property or allow the owner to inspect the property and provide an itemized
131 receipt for the contents. The company holding or storing the property shall be strictly liable for
132 the condition and safe return of the personal property. Such lien shall be enforced in the manner
133 provided under section 304.156.

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

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

148 12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who
149 has complied with the notification provisions in section 304.156 including notice that any
150 property remaining unredeemed after thirty days may be sold as scrap property may then dispose
151 of such property as provided in this subsection. Such sale shall only occur if at least thirty days
152 has passed since the date of such notification, the abandoned property remains unredeemed with
153 no satisfactory arrangements made with the towing company for continued storage, and the

owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo, on vehicles purchased on a bill of sale pursuant to this section.

304.161. Storage charges for any towed vehicle shall not exceed twenty-five dollars per day.

304.170. 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more

21 than one foot in the front and one foot in the rear. The term "safety bumper" means any device
22 which may be fitted on an existing bumper or which replaces the bumper and is so constructed,
23 treated, or manufactured that it absorbs energy upon impact.

24 5. No combination of truck-tractor and semitrailer or truck-tractor equipped with
25 dromedary and semitrailer operated upon the highways of this state shall have a length, including
26 load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the
27 United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or
28 truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway
29 system of this state shall have an overall length, including load, in excess of the length of the
30 truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The
31 length of such semitrailer shall not exceed fifty-three feet.

32 6. In order to comply with the provisions of Title 23 of the United States Code (Public
33 Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate
34 highway system of this state shall have an overall length, including load, in excess of the length
35 of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall
36 exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to
37 twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982,
38 within a sixty-five foot overall length limit in any state, may continue to be operated upon the
39 interstate highways of this state. On those primary highways not designated by the state
40 highways and transportation commission as provided in subsection 10 of this section, no
41 combination of truck-tractor, semitrailer and trailer shall have an overall length, including load,
42 in excess of sixty-five feet; provided, however, the state highways and transportation commission
43 may designate additional routes for such sixty-five foot combinations.

44 7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations,
45 stinger-steered combination automobile transporters and stinger-steered combination boat
46 transporters having a length not in excess of seventy-five feet may be operated on the interstate
47 highways of this state and such other highways as may be designated by the highways and
48 transportation commission for the operation of such vehicles plus a distance not to exceed ten
49 miles from such interstate or designated highway. All length provisions regarding automobile
50 or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations
51 shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear
52 overhang, which shall be no greater than a three-foot front overhang and no greater than a
53 four-foot rear overhang.

54 8. Driveaway saddlemount combinations having a length not in excess of ninety-seven
55 feet may be operated on the interstate highways of this state and such other highways as may be
56 designated by the highways and transportation commission for the operation of such vehicles

57 plus a distance not to exceed ten miles from such interstate or designated highway. Saddle mount
58 combinations must comply with the safety requirements of Section 393.71 of Title 49 of the
59 Code of Federal Regulations and may contain no more than three saddle mounted vehicles and
60 one full mount.

61 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the
62 interstate and designated primary highway system of this state shall have a semitrailer length in
63 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and
64 lawful operation in any state on December 1, 1982, operating in a truck-tractor
65 semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement
66 of semitrailer length when used between the first and second semitrailer of a truck-tractor
67 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the
68 B-train assembly, it shall be included in the length measurement of the semitrailer.

69 10. The highways and transportation commission is authorized to designate routes on
70 the state highway system other than the interstate system over which those combinations of
71 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated.
72 Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this
73 section may be operated at a distance not to exceed ten miles from the interstate system and such
74 routes as designated under the provisions of this subsection.

75 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other
76 combination of vehicles operated upon the primary or interstate highways of this state plus a
77 distance of ten miles from a primary or interstate highway shall have an overall length, unladen
78 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway,
79 except the state highways and transportation commission may designate additional routes for use
80 by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five
81 foot saddle mount combinations. Any vehicle or combination of vehicles transporting
82 automobiles, boats or other motor vehicles may carry a load which extends no more than three
83 feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of
84 vehicles.

85 12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural
86 implements operating occasionally on the highways for short distances[,] **including tractor**
87 **parades for fund-raising activities or special events, provided the tractors are driven by**
88 **licensed drivers during daylight hours only and with the approval of the superintendent**
89 **of the Missouri state highway patrol;** or to self-propelled hay-hauling equipment or to
90 implements of husbandry, or to the movement of farm products as defined in section [400.9-109]
91 **400.9-102, RSMo,** or to vehicles temporarily transporting agricultural implements or implements
92 of husbandry or roadmaking machinery, or road materials or towing for repair purposes vehicles

93 that have become disabled upon the highways; or to implement dealers delivering or moving
94 farm machinery for repairs on any state highway other than the interstate system.

95 (2) Implements of husbandry and vehicles transporting such machinery or equipment and
96 the movement of farm products as defined in section 400.9.109, RSMo, may be operated
97 occasionally for short distances on state highways when operated between the hours of sunrise
98 and sunset by a driver licensed as an operator or chauffeur.

99 13. As used in this chapter the term "implements of husbandry" means all self-propelled
100 machinery operated at speeds of less than thirty miles per hour, specifically designed for, or
101 especially adapted to be capable of, incidental over-the-road and primary offroad usage and used
102 exclusively for the application of commercial plant food materials or agricultural chemicals, and
103 not specifically designed or intended for transportation of such chemicals and materials.

104 14. Sludge disposal units may be operated on all state highways other than the interstate
105 system. Such units shall not exceed one hundred thirty-eight inches in width and may be
106 equipped with over-width tires. Such units shall observe all axle weight limits. The chief
107 engineer of the state transportation department shall issue special permits for the movement of
108 such disposal units and may by such permits restrict the movements to specified routes, days and
109 hours.

304.260. Farm tractors when using the highways in traveling from one field or farm to
2 another, or to or from places of delivery or repair, **or when participating in activities or events**
3 **permitted under subsection 12 of section 304.170** are exempt from the provisions of the law
4 relating to registration and display of number plates, but shall comply with all the other
5 provisions hereof. The state highways and transportation commission shall have the power and
6 authority to prescribe the type of road upon which such tractors may be used and may exclude
7 the use of such tractors or the use of trucks of any particular weight from the use of certain
8 designated roads or types of roads, by the posting of signs along or upon such roads or any part
9 thereof.

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

7 2. Upon the first conviction or plea of guilty by any person for a speeding violation under
8 either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the
9 court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by
10 law if the offense occurred within a construction zone or a work zone and at the time the

11 speeding or passing violation occurred there was any highway worker in such zone. Upon a
12 second or subsequent such conviction or plea of guilty, the court shall assess a fine of three
13 hundred dollars in addition to any other fine authorized by law. However, no person assessed
14 an additional fine under this subsection shall also be assessed an additional fine under subsection
15 1 of this section, and no person shall be assessed an additional fine under this subsection if no
16 signs have been posted under subsection 3 of this section.

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

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

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

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

36 5. The additional fines imposed by this section shall not be construed to enhance the
37 assessment of court costs or the assessment of points under section 302.302, RSMo.

38 **6. Notwithstanding any provision of this section to the contrary, no person shall be**
39 **cited for a violation of this section or any local ordinance when no highway workers are**
40 **located or working within the construction zone or work zone at the time the alleged**
41 **violation occurred.**

304.870. No person, except law enforcement personnel, shall climb on, or stand or
2 **work atop any tanker trailer stopped along any highway of this state unless proper safety**
3 **precautions are taken, including use of safety tie-off apparatus or other supporting**
4 **structure. Any person who fails to comply with the requirements of this section is guilty**

5 **of an infraction and upon conviction thereof shall be punished by a fine of not less than**
6 **fifty dollars nor more than one hundred dollars.**

307.010. 1. All motor vehicles, and every trailer and semitrailer operating upon the
2 public highways of this state and carrying goods or material or farm products which may
3 reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as
4 a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or
5 semitrailer shall have a protective cover or be sufficiently secured so that no portion of such
6 goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while
7 being transported or carried.

8 2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be
9 [a class C misdemeanor] **an infraction**, and any person [convicted] **who pleads or is found**
10 **guilty** thereof shall be punished as provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders,
2 attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall
3 be equipped with mud flaps for the rear wheels when operated on the public highways of this
4 state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire
5 or tires being protected; shall be so installed that they extend from the underside of the vehicle
6 body in a vertical plane behind the rear wheels to within eight inches of the ground; and shall be
7 constructed of a rigid material or a flexible material which is of a sufficiently rigid character to
8 provide adequate protection when the vehicle is in motion. No provisions of this section shall
9 apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps,
10 to farm implements, or to any vehicle which is not required to be registered.

11 2. Any person who violates this section is guilty of [a class B misdemeanor] **an**
12 **infraction** and, upon [conviction] **plea or finding of guilt**, shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one spotlamp but
2 every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any
3 person.

4 2. Notwithstanding the provisions of section 307.120, violation of this section is [a class
5 C misdemeanor] **an infraction**.

307.120. Any person violating any of the provisions of sections 307.020 to 307.120
2 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an infraction**. The term
3 "person" as used in sections 307.020 to 307.120 shall mean and include any individual,
4 association, joint stock company, copartnership or corporation.

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon
2 or along any state or supplementary state highway of this state any animal-driven vehicle
3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have

4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not
5 less than three inches in diameter of effective area or its equivalent in area. When such device
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection
8 of every such device shall be no less than sixty degrees and the spread and efficiency of the
9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor
10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five
11 hundred feet.

12 2. In addition, any person who operates any such animal-driven vehicle during the hours
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and
15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance
17 of at least five hundred feet. Any person violating the provisions of this section shall be guilty
18 of [a class C misdemeanor] **an infraction.**

19 3. Any person operating an animal-driven vehicle during the hours between sunset and
20 one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use
21 lamps or lanterns complying with the rules promulgated by the director of the department of
22 public safety.

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
24 is created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
26 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
27 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
28 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
29 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
30 invalid and void.

**307.128. 1. A headlamp on a motorcycle may be wired to modulate either the upper
2 beam or the lower beam from its maximum intensity to a lesser intensity provided that:**

3 **(1) The rate of modulation shall be two hundred forty plus or minus forty cycles**
4 **per minute;**

5 **(2) The headlamp shall be operated at a maximum power for fifty to seventy**
6 **percent of each cycle;**

7 **(3) The lowest intensity at any test point shall not be less than seventeen percent of**
8 **the maximum intensity measured at the same point;**

9 (4) The modulator switch shall be wired in the power lead of the beam filament
10 being modulated and not in the ground side of the circuit;

11 (5) Means shall be provided so that both the lower beam and the upper beam
12 remain operable in the event of a modulation failure;

13 (6) The system shall include a sensor mounted with the axis of its sensing element
14 perpendicular to a horizontal plane. Headlamp modulation shall cease whenever the level
15 of light emitted by a tungsten filament operating at three thousand degrees kelvin is either
16 less than two hundred seventy lux of direct light for upward pointing sensors or less than
17 sixty lux of reflected light for downward pointing sensors. The light is measured by a
18 silicon cell type light meter that is located at the sensor and pointing in the same direction
19 as the sensor. A photo gray card is placed at ground level to simulate the road surface in
20 testing downward pointing sensors;

21 (7) Means shall be provided so that both the lower and upper beam function at
22 design voltage when the headlamp control switch is in either the lower or upper beam
23 position when the modulator is off.

24 2. Each motorcycle headlamp modulator not intended as original equipment, or its
25 container, shall be labeled with the maximum wattage, and the minimum wattage
26 appropriate for its use. Additionally, each such modulator shall comply with the
27 provisions of subdivisions (1) to (7) of subsection 1 of this section when connected to a
28 headlamp of the maximum rated power and headlamp of the minimum rated power, and
29 shall provide means so that the modulated beam functions at design voltage when the
30 modulator is off. Instructions, with a diagram, shall be provided for mounting the light
31 sensor including location on the motorcycle, distance above the road surface, and
32 orientation with respect to the light.

307.155. Any person violating any of the provisions of sections 307.130 to 307.160 shall
2 be deemed guilty of [a class C misdemeanor] **an infraction** and shall be punished by a fine [of]
3 not to exceed fifty dollars for each offense.

307.172. 1. No person shall operate any passenger motor vehicle upon the public streets
2 or highways of this state, the body of which has been altered in such a manner that the front or
3 rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street
4 or highway in front or to the rear of the vehicle.

5 2. Every motor vehicle which is licensed in this state and operated upon the public streets
6 or highways of this state shall be equipped with front and rear bumpers if such vehicle was
7 equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles
8 designed or modified primarily for off-highway purposes while such vehicles are in tow or to
9 motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles

when the original design of such vehicles did not include bumpers nor shall the provisions of this subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs and under	24 inches	26 inches
4,501 lbs through 7,500 lbs	27 inches	29 inches
7,501 lbs through 9,000 lbs	28 inches	30 inches
9,001 lbs through 11,500 lbs	29 inches	31 inches

3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390.

4. Any person knowingly violating the provisions of this section is guilty of [a class C misdemeanor] **an infraction**.

307.173. 1. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent. Except as provided in subsection 5 of this section, any sun screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection,

12 may be issued by the department of public safety to a person having a serious medical condition
13 which requires the use of a sun screening device if the permittee's physician prescribes its use.
14 The director of the department of public safety shall promulgate rules and regulations for the
15 issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or
16 relative within the second degree by consanguinity or affinity, which shall mean a spouse, each
17 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person,
18 who resides in the household. Except as provided in subsection 2 of this section, all sun
19 screening devices applied to the windshield of a motor vehicle are prohibited.

20 2. This section shall not prohibit labels, stickers, decalcomania, or informational signs
21 on motor vehicles or the application of tinted or solar screening material to recreational vehicles
22 as defined in section 700.010, RSMo, provided that such material does not interfere with the
23 driver's normal view of the road. This section shall not prohibit factory-installed tinted glass,
24 the equivalent replacement thereof or tinting material applied to the upper portion of the motor
25 vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

26 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
27 is created under the authority delegated in this section shall become effective only if it complies
28 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
29 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
31 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
32 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
33 invalid and void.

34 4. Any person who violates the provisions of this section is guilty of [a class C
35 misdemeanor] **an infraction**.

36 5. Any vehicle licensed with a historical license plate shall be exempt from the
37 requirements of this section.

307.195. 1. No person shall operate a motorized bicycle on any highway or street in this
2 state unless the person has a valid license to operate a motor vehicle.

3 2. No motorized bicycle may be operated on any public thoroughfare located within this
4 state which has been designated as part of the federal interstate highway system.

5 3. Violation of this section shall be deemed [a class C misdemeanor] **an infraction**.

307.198. 1. Every all-terrain vehicle, except those used in competitive events, shall have
2 the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any time in which
4 an all-terrain vehicle is being used on any street or highway in this state pursuant to section
5 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least
7 two feet above the roadway when such vehicle is operated upon any street or highway pursuant
8 to section 300.348, RSMo, or 304.013, RSMo. The emblem shall be constructed of substantial
9 material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in
10 width. Each side of the emblem shall measure at least ten inches;

11 (3) A braking system maintained in good operating condition;

12 (4) An adequate muffler system in good working condition, and a United States Forest
13 Service qualified spark arrester.

14 2. A violation of this section shall be [a class C misdemeanor] **an infraction.**

307.365. 1. No permit for an official inspection station shall be assigned or transferred
2 or used at any location other than therein designated and every permit shall be posted in a
3 conspicuous place at the location designated. The superintendent of the Missouri state highway
4 patrol shall design and furnish each official inspection station, at no cost, one official sign made
5 of metal or other durable material to be displayed in a conspicuous location to designate the
6 station as an official inspection station. Additional signs may be obtained by an official
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be
8 supplied with one or more posters which must be displayed in a conspicuous location at the place
9 of inspection and which informs the public that required repairs or corrections need not be made
10 at the inspection station.

11 2. No person operating an official inspection station pursuant to the provisions of
12 sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle
13 except upon an official form furnished by the superintendent of the Missouri state highway patrol
14 for that purpose and only after inspecting the vehicle and determining that its brakes, lighting
15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
16 wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety
17 equipment as required by the state are in proper condition and adjustment to be operated upon
18 the public highways of this state with safety to the driver or operator, other occupants therein,
19 as well as other persons and property upon the highways, as provided by sections 307.350 to
20 307.390 and the regulations prescribed by the superintendent of the Missouri state highway
21 patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake
22 testing. No person operating an official inspection station shall furnish, loan, give or sell a
23 certificate of inspection and approval to any other person except those entitled to receive it under
24 provisions of sections 307.350 to 307.390. No person shall have in such person's possession any
25 certificate of inspection and approval and/or inspection sticker with knowledge that the
26 certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

27 3. The superintendent of the Missouri state highway patrol may require officially
28 designated stations to furnish reports upon forms furnished by the superintendent for that purpose
29 as the superintendent considers reasonably necessary for the proper and efficient administration
30 of sections 307.350 to 307.390.

31 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct
32 them or shall have them corrected at any place the owner chooses within twenty days after the
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the
36 official inspection station must inform the owner that the corrections need not be made at the
37 inspection station.

38 5. A fee, not to exceed twelve dollars, as determined by each official inspection station,
39 may be charged by an official inspection station for each official inspection including the
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for
42 an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate
43 of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted
44 on the premises of each such official inspection station. No owner shall be charged an additional
45 inspection fee upon having corrected defects or unsafe conditions found in an inspection
46 completed within the previous twenty consecutive days, excluding Saturdays, Sundays and
47 holidays, if such follow-up inspection is made by the station making the initial inspection. Every
48 inspection for which a fee is charged shall be a complete inspection, and upon completion of the
49 inspection, if any defects are found the owner of the vehicle shall be furnished a list of the
50 defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have
51 any necessary repairs or corrections made at the official inspection station, the owner shall be
52 furnished a written estimate of the cost of such repairs before such repairs or corrections are
53 made by the official inspection station. The written estimate shall have plainly written upon it
54 that the owner understands that the corrections need not be made by the official inspection
55 station and shall have a signature line for the owner. The owner must sign below the statement
56 on the signature line before any repairs are made.

57 6. Certificates of inspection and approval, sticker, seal or other device shall be purchased
58 by the official inspection stations from the superintendent of the Missouri state highway patrol.
59 The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty
60 cents for each certificate of inspection, sticker, seal or other device issued to the official
61 inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal
62 or other device issued to official inspection stations operated by governmental entities. All fees

63 collected shall be deposited in the state treasury with one dollar of each fee collected credited to
64 the state highway fund and, for the purpose of administering and enforcing the state motor
65 vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund"
66 which is hereby created. The moneys collected and deposited in the highway patrol inspection
67 fund shall be expended subject to appropriations by the general assembly for the administration
68 and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The
69 unexpended balance in the fund at the end of each biennium exceeding the amount of the
70 appropriations from the fund for the first two fiscal years shall be transferred to the state road
71 fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general
72 revenue fund at the end of the biennium, shall not apply to the fund.

73 7. The owner or operator of any inspection station who discontinues operation during
74 the period that a station permit is valid or whose station permit is suspended or revoked shall
75 return all official signs and posters and any current unused inspection stickers, seals or other
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund
77 on request except for official signs and posters, provided the request is made during the calendar
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused
80 previous year issue inspection stickers and/or decals for an identical number of current year
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the
83 Missouri state highway patrol.

84 **8. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
85 **this section shall be a class C misdemeanor.**

307.375. 1. The owner of every bus used to transport children to or from school in
2 addition to any other inspection required by law shall submit the vehicle to an official inspection
3 station, and obtain a certificate of inspection, sticker, seal or other device annually, but the
4 inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle
5 during the school year. The inspection shall, in addition to the inspection of the mechanism and
6 equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,
7 include an inspection to ascertain that the following items are correctly fitted, adjusted, and in
8 good working condition:

- 9 (1) All mirrors, including crossview, inside, and outside;
- 10 (2) The front and rear warning flashers;
- 11 (3) The stop signal arm;
- 12 (4) The crossing control arm on public school buses required to have them pursuant to
- 13 section 304.050, RSMo;

14 (5) The rear bumper to determine that it is flush with the bus so that hitching of rides
15 cannot occur;

16 (6) The exhaust tailpipe shall be flush with or may extend not more than two inches
17 beyond the perimeter of the body or bumper;

18 (7) The emergency doors and exits to determine them to be unlocked and easily opened
19 as required;

20 (8) The lettering and signing on the front, side and rear of the bus;

21 (9) The service door;

22 (10) The step treads;

23 (11) The aisle mats or aisle runners;

24 (12) The emergency equipment which shall include as a minimum a first aid kit, flares
25 or fuses, and a fire extinguisher;

26 (13) The seats, including a determination that they are securely fastened to the floor;

27 (14) The emergency door buzzer;

28 (15) All hand hold grips;

29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and
35 the following:

36 (1) The driver seat belts;

37 (2) The heating and defrosting systems;

38 (3) The reflectors;

39 (4) The bus steps;

40 (5) The aisles;

41 (6) The frame.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

51 **5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
52 **this section shall be a class C misdemeanor.**

 307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is
2 guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea or finding of guilt** shall be
3 punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign qualified persons
5 who are not highway patrol officers to investigate and enforce motor vehicle safety inspection
6 laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355,
7 RSMo. A person assigned by the superintendent pursuant to the authority granted by this
8 subsection shall be designated a motor vehicle inspector and shall have limited powers to issue
9 a uniform complaint and summons for a violation of the motor vehicle inspection laws and
10 regulations. A motor vehicle inspector shall not have authority to exercise the power granted in
11 this subsection until such inspector successfully completes training provided by, and to the
12 satisfaction of, the superintendent.

 307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether
6 intrastate transportation or interstate transportation. Members of the Missouri state highway
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of
10 the department of public safety is hereby authorized to further regulate the safety of commercial
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing rules and regulations consistent
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by
14 the director, require:

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

17 (2) Accidents arising from or in connection with the operation of commercial motor
18 vehicles and trailers to be reported to the department of public safety in such detail and in such
19 manner as the director may require. Except for the provisions of subdivisions (1) and (2) of this

20 subsection, the provisions of this section shall not apply to any commercial motor vehicle
21 operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less
22 when used exclusively for the transportation of solid waste or forty-two thousand pounds or less
23 when the license plate has been designated for farm use by the letter "F" as authorized by the
24 Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined
25 in Title 49, Code of Federal Regulations.

26 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
27 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
28 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
29 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.
30 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this
31 state may operate such vehicle intrastate at the age of eighteen years or older, except that any
32 person transporting hazardous material must be at least twenty-one years of age.

33 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service
34 if the vehicles are not equipped and operated according to the requirements of this section.
35 Criteria used for placing vehicles and drivers out of service are the North American Uniform
36 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
37 States Department of Transportation, as such criteria have been and may periodically be
38 amended.

39 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
40 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any
41 vehicle owned or operated by any public utility, rural electric cooperative or other public service
42 organization, or to the driver of such vehicle, while providing restoration of essential utility
43 services during emergencies and operating intrastate. For the purposes of this subsection, the
44 term "essential utility services" means electric, gas, water, telephone and sewer services.

45 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall
46 not apply to drivers transporting agricultural commodities or farm supplies for agricultural
47 purposes in this state if such transportation:

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

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

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

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

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

58 7. Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts
59 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor
60 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight
61 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception
62 provided by this subsection shall not apply to vehicles transporting hazardous materials or to
63 vehicles designed to transport sixteen or more passengers including the driver as defined by Title
64 49 of the Code of Federal Regulations. Nothing in this subsection shall be construed to prohibit
65 persons designated by the department of public safety from inspecting vehicles defined in this
66 subsection.

67 8. Violation of any provision of this section or any rule promulgated as authorized
68 therein is [a class B misdemeanor] **an infraction**.

69 9. No rule or portion of a rule promulgated under the authority of this chapter shall
70 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
71 RSMo.

311.326. After a period of not less than one year, or upon reaching the age of twenty-one,
2 whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating
3 section 311.325 for the first time, and who since such conviction has not been convicted of any
4 other alcohol-related offense, may apply to the court in which he or she was sentenced for an
5 order to expunge all official records of his or her arrest, plea, trial and conviction. **No records**
6 **shall be expunged if the person who has plead guilty to or has been found guilty of**
7 **violating section 311.325 is licensed as a commercial motor vehicle driver or was operating**
8 **a commercial motor vehicle as defined in section 302.700, RSMo, at the time of the**
9 **violation.** If the court determines, upon review, that such person has not been convicted of any
10 other alcohol-related offense at the time of the application for expungement, and the person has
11 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
12 court shall enter an order of expungement. The effect of such an order shall be to restore such
13 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
14 had never happened. No person as to whom such order has been entered shall be held thereafter
15 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
16 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
17 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
18 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
19 this section shall prevent courts or other state officials from maintaining such records as are
20 necessary to ensure that an individual receives only one expungement pursuant to this section.

407.584. 1. Any motor vehicle manufacturer selling new motor vehicles in this state shall allow a nonauthorized dealership or nonauthorized motor vehicle repair facility to perform warranty work or repairs that are generally required to be performed by an authorized dealership or an authorized motor vehicle repair facility provided that:

(1) The authorized dealership or authorized motor vehicle repair facility that would have performed the warranty work or repairs has discontinued doing such warranty work or repairs;

(2) No other authorized dealership or authorized motor vehicle repair facility is located within seventy-five miles of the authorized dealership or authorized motor vehicle repair facility that has discontinued performing warranty work or repairs;

(3) The nonauthorized dealership or nonauthorized motor vehicle repair facility is located within seventy-five miles of the current authorized dealership or authorized motor vehicle repair facility that has discontinued performing warranty work or repairs; and

(4) The nonauthorized dealership or nonauthorized motor vehicle repair facility is certified by the National Institute for Automotive Service Excellence.

2. For purposes of this section, a new motor vehicle is defined as any motor vehicle being transferred for the first time from a manufacturer, distributor, or new vehicle dealer, which has not been registered or titled in this state or any other state and which is offered for sale, barter, or exchange by a dealer who is franchised to sell, barter, or exchange that particular make of new motor vehicle. The term "new motor vehicle" shall include only those vehicles propelled by power other than muscular power, but the term shall not include vehicles used as a commercial motor vehicle, off-road vehicles, mopeds, motorcycles, or recreational motor vehicles as defined in section 301.010, RSMo, except for the chassis, engine, and power train of commercial motor vehicles and recreational motor vehicles. The term "new motor vehicle" shall also include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale.

3. Any dealership or repair facility completing warranty work and repairs for the manufacturer shall use original equipment manufacturer parts if required by the manufacturer to retain the warranty unless the original equipment manufacturer parts will not arrive within five business days. If the original equipment parts will not arrive within five business days, aftermarket parts may be used but only if they would arrive prior to the original equipment parts.

4. Under this section, the use of aftermarket parts shall not void the manufacturer warranty nor shall aftermarket parts be covered by the manufacturer warranty.

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

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

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

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

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. **By paying the fine and costs, the person also consents to attendance at any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of**

37 **such attendance as directed by the bureau.** Notwithstanding any provision of law to the
38 contrary, the prosecutor shall not be required to sign any information, ticket or indictment if
39 disposition is made pursuant to this subsection. In the event that any payment is made pursuant
40 to this section by credit card or similar method, the centralized bureau may charge an additional
41 fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit
42 card payment by the credit card company.

43 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
44 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
45 having original jurisdiction over the offense. Any trial shall be conducted at the location
46 designated by the court. The clerk of the court in which the case is to be heard shall notify in
47 writing such person of the date certain for the disposition of such charges. The prosecutor shall
48 not be required to sign any information, ticket or indictment until the commencement of any
49 proceeding by the prosecutor with respect to the notice of violation.

50 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
51 a notice of violation pursuant to this section shall also receive written notification of the
52 following:

53 (1) The fine and court costs established pursuant to this section for the violation or
54 information regarding how the person may obtain the amount of the fine and court costs for the
55 violation;

56 (2) That the person must respond to the notice of violation by paying the prescribed fine
57 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
58 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
59 court may modify the suggested forms for uniform complaint and summons for use in courts
60 adopting the procedures provided by this section, in order to accommodate such required written
61 notifications.

62 7. Any moneys received in payment of fines and court costs pursuant to this section shall
63 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
64 of those persons or entities entitled to receive such funds pursuant to this subsection. All
65 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
66 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
67 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
68 interest earned on such fund shall be payable to the director of the department of revenue for
69 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
70 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
71 appropriations, only to the judicial branch of state government for goods and services related to
72 the administration of the judicial system.

73 8. Any person who receives a notice of violation subject to this section who fails to
74 dispose of such violation as provided by this section shall be guilty of failure to appear provided
75 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner
76 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate
77 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
78 guilty and request a trial within the time allotted by this section, for purposes of application of
79 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of
80 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
81 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
82 by the court.

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

**488.006. For any infraction, unless otherwise provided by law, all court costs, fees,
2 surcharges, and other miscellaneous charges shall be assessed in the same manner and
3 amount as a misdemeanor.**

556.021. 1. An offense defined by this code or by any other statute of this state
2 constitutes an "infraction" if it is so designated or if [no other sentence than a fine, or fine and
3 forfeiture or other civil penalty is authorized upon conviction] **a violation of the statute can
4 result only in a fine, forfeiture, or other civil penalty, or any combination thereof.**

5 2. [An infraction does not constitute a crime and conviction of an infraction shall not
6 give rise to any disability or legal disadvantage based on conviction of a crime.] **A
7 determination of whether an infraction has occurred shall be made by the filing of a civil
8 action. The action shall be filed by a person who is authorized to bring a criminal action
9 or an action to enforce an ordinance if the conduct constituted a crime or ordinance
10 violation. The action shall be brought in the name of the state of Missouri or appropriate
11 political subdivision. An infraction violation shall be proven by a preponderance of the
12 evidence but shall not be tried to a jury. If an infraction violation is proven, judgment
13 shall be entered for the plaintiff.**

14 3. Notwithstanding any other provision of law to the contrary, it shall be the duty
15 of the operator or driver of any vehicle or the rider of any animal traveling on the roads
16 of this state to stop on signal of any law enforcement officer and to obey any other
17 reasonable signal or direction of such law enforcement officer given in the course of
18 enforcing any infraction. Any person who willfully fails or refuses to obey any signal or
19 direction of a law enforcement officer given in the course of enforcing any infraction, or

20 **who willfully resists or opposes a law enforcement officer in the proper discharge of his or**
21 **her duties in the course of enforcing any infraction, shall be guilty of a class A**
22 **misdemeanor and on plea or finding of guilt thereof shall be punished as provided by law**
23 **for such offenses.**

24 **4. The supreme court of Missouri may promulgate rules for the enforcement of this**
25 **section.**

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
3 **zone**, or probation and parole officer in the first degree if such person attempts to kill or
4 knowingly causes or attempts to cause serious physical injury to a law enforcement officer [or]
5 **, corrections officer**, emergency personnel, **highway worker in a construction zone or work**
6 **zone, or probation and parole officer.**

7 2. As used in this section, "emergency personnel" means any paid or volunteer
8 firefighter, emergency room or trauma center personnel, or emergency medical technician as
9 defined in subdivisions (15), (16), [and] (17), **and (18)** of section 190.100, RSMo.

10 3. **As used in this section the term "corrections officer" includes any jailer or**
11 **corrections officer of the state or any political subdivision of the state.**

12 **4. When used in this section, the terms "highway worker", "construction zone",**
13 **or "work zone" shall have the same meaning as such terms are defined in section 304.580,**
14 **RSMo.**

15 **5. Assault of a law enforcement officer, corrections officer**, emergency personnel,
16 **highway worker in a construction zone or work zone**, or probation and parole officer in the
17 first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
3 **zone**, or probation and parole officer in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly
6 weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
8 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
9 **zone**, or probation and parole officer by means other than a deadly weapon or dangerous
10 instrument;

11 (3) Recklessly causes serious physical injury to a law enforcement officer, **corrections**
12 **officer**, emergency personnel, **highway worker in a construction zone or work zone**, or
13 probation and parole officer; or

14 (4) While in an intoxicated condition or under the influence of controlled substances or
15 drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal
16 negligence to cause physical injury to a law enforcement officer, **corrections officer**, emergency
17 personnel, **highway worker in a construction zone or work zone**, or probation and parole
18 officer;

19 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
20 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
21 **zone**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

22 (6) Purposely or recklessly places a law enforcement officer, **corrections officer**,
23 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
24 parole officer in apprehension of immediate serious physical injury; or

25 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
26 injury to a law enforcement officer, **corrections officer**, emergency personnel, **highway worker**
27 **in a construction zone or work zone**, or probation and parole officer.

28 2. As used in this section, "emergency personnel" means any paid or volunteer
29 firefighter, emergency room or trauma center personnel, or emergency medical technician as
30 defined in subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

31 3. As used in this section the term "corrections officer" includes any jailer or
32 **corrections officer of the state or any political subdivision of the state.**

33 4. When used in this section, the terms "highway worker", "construction zone",
34 or "work zone" shall have the same meaning as such terms are defined in section 304.580,
35 RSMo.

36 5. Assault of a law enforcement officer, **corrections officer**, emergency personnel,
37 **highway worker in a construction zone or work zone**, or probation and parole officer in the
38 second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7)
39 of subsection 1 of this section in which case it is a class C felony. **For any violation of**
40 **subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve**
41 **mandatory jail time as part of his or her sentence.**

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
3 **zone**, or probation and parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 **corrections officer**, emergency personnel, **highway worker in a construction zone or work**
6 **zone**, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer without the consent of the law enforcement officer [or] , **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

3. As used in this section the term "corrections officer" includes any jailor or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580, RSMo.

5. Assault of a law enforcement officer, **corrections officer**, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the third degree is a class A misdemeanor.

Section 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim to the state highways and transportation commission all interest of the state of Missouri in real property located in part of City Block Number 239 and 240 in the city of St. Louis. The property to be conveyed is more particularly described as follows:

Commencing at the Northwest corner of City Block Number 239; thence South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds West for a distance of 241.54 feet to centerline P.T. Station 65+58.46; BEGINNING AGAIN at centerline Station 68+00.00; on the centerline of Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East for a distance of 239.19 feet to centerline P.C. Station 70+39.19; thence Northeasterly along the arc of a curve to the right having a radius of 1,892.60 for a distance of 81.74 feet to centerline Station 71+20.93; thence Southeasterly leaving the centerline of said Interstate Route 70 to a point 4.87 feet Southeasterly of and radial to said centerline Station 71+20.93, BEING THE POINT OF BEGINNING; thence Southerly to a point 73.35 feet Southeasterly of and radial to centerline Station 71+08.40; thence Southwesterly along the arc of a curve to the left having a radius of 1910 feet

20 a distance of 76.83 feet to a point 74.77 feet Southeasterly of and at a right
21 angle to centerline Station 70+31.57; thence Southwesterly to a point 66.72
22 feet Southeasterly of and at a right angle to centerline Station 68+99.79;
23 thence southwesterly to a point 79.31 feet southeasterly of and at right angle
24 to centerline Station 68+04.62; thence southwesterly to a point 79.83 feet
25 southeasterly of and at right angle to centerline station 67+78.62; thence
26 Northerly to a point 61.35 feet Northwesterly of and at a right angle to
27 centerline Station 68+09.88; thence Easterly to the point of BEGINNING,
28 and containing 32,682 square feet, more or less.

29

30 Also, all of abutter's rights of direct access between the highway now known as Interstate
31 Highway 70 and grantor's abutting land in City Block Number 239 and 240, St. Louis City,
32 Missouri.

Section 2. The governor is also hereby authorized and empowered to give, grant,
2 bargain, and convey a permanent transmission easement for construction and maintenance
3 of utilities to the state highways and transportation commission, and any successors or
4 assigns as designated by the commission, which is located in part of City Block Number 239
5 and 240 in the city of St. Louis, Missouri. The permanent transmission easement is more
6 particularly described as follows:

7 Commencing at the Northwest corner of City Block Number 239; thence
8 South 18 degrees 13 minutes 13 seconds East for a distance of 62.14 feet to
9 centerline Station 68+00.00; thence South 62 degrees 38 minutes 07 seconds
10 West for a distance of 241.54 feet to centerline P.T. Station 65+58.46;
11 BEGINNING AGAIN at centerline Station 68+00.00 on the centerline of
12 Interstate Highway 70; thence North 62 degrees 38 minutes 07 seconds East
13 for a distance of 4.62 feet to centerline Station 68+04.62; thence
14 Southeasterly to a point 79.31 feet Southeasterly of and at a right angle to
15 said centerline Station 68+04.62, BEING THE POINT OF BEGINNING;
16 thence Southerly to a point 265.03 feet Southeasterly of and at a right angle
17 to centerline Station 67+63.71; thence Southerly to a point 703.22 feet
18 Southeasterly of and at a right angle to centerline Station 66+15.05; thence
19 continuing Southerly to a point 759.86 feet Southeasterly of and at a right
20 angle to centerline Station 65+66.31; thence Northerly to a point 278.24 feet
21 Southeasterly of and at a right angle to centerline Station 67+34.70; thence
22 Northerly to a point 79.83 feet Southeasterly of and at a right angle to
23 centerline Station 67+78.62; thence Northeasterly to the point of
24 BEGINNING, and containing 17,333 square feet, more or less.

25

Section 3. In addition, the instruments of conveyance noted in sections 1 and 2 shall
2 contain such other restrictions, temporary easements, and any other conditions as are

3 **deemed necessary by the governor and the commission to construct a new Mississippi**
4 **River bridge and necessary accompanying state highways.**

2 **Section 4. Consideration for the conveyance shall be as negotiated by the**
2 **commissioner of administration and the state highways and transportation commission.**

2 **Section 5. The attorney general shall approve the form of the instrument of**
2 **conveyance.**

2 Section B. Because immediate action is necessary for the immediate preservation of the
2 public health, welfare, peace, and safety, the repeal and reenactment of sections 304.170 and
3 304.260 of section A of this act are hereby declared to be an emergency act within the meaning
4 of the constitution, and the repeal and reenactment of sections 304.170 and 304.260 of section
5 A of this act shall be in full force and effect upon its passage and approval.

2 Section C. Sections 136.055, 306.032, 301.130, 301.140, 301.160, 301.290, 301.300,
2 301.301, and 301.302 of section A of this act shall become effective January 1, 2011.

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