

FIRST REGULAR SESSION

HOUSE BILL NO. 815

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), DIXON AND KUESSNER (Co-sponsors).

1884L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 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, and 556.021, RSMo, and to enact in lieu thereof twenty-two new sections relating to modification of penalties, with penalty provisions.

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

Section A. Sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 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307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090,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, 488.006, and 556.021, to read as follows:

301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

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

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director

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.

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.

301.150. 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.**

301.310. 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].

301.716. 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.

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.

307.155. 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 or highways of this state, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.

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

3 in conjunction with safety glazing material, that has a light transmission of thirty-five percent
4 or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus
5 or minus three percent. Except as provided in subsection 5 of this section, any sun screening
6 device applied to front sidewing vents or windows located immediately to the left and right of
7 the driver in excess of the requirements of this section shall be prohibited without a permit
8 pursuant to a physician's prescription as described below. A permit to operate a motor vehicle
9 with front sidewing vents or windows located immediately to the left and right of the driver that
10 have a sun screening device, in conjunction with safety glazing material, which permits less light
11 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 state unless the person has a valid license to operate a motor vehicle.

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

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 the following equipment:

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

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

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

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

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

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety 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.

**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.

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