

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 24
97TH GENERAL ASSEMBLY

0361H.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 64.170, 64.196, 64.205, 67.281, 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.259, 71.012, 71.014, 71.015, 72.401, 137.090, 137.095, 143.790, 144.030, 177.011, 177.088, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 190.100, 192.310, 228.369, 302.302, 302.341, 321.322, 321.690, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference

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.

committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof fifty-four new sections relating to political subdivisions, with penalty provisions, and an emergency clause for a certain section, and an effective date for certain sections.

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

Section A. Sections 64.170, 64.196, 64.205, 67.281, 68.205, 68.210, 68.215, 68.225, 2 68.230, 68.235, 68.240, 68.245, 68.250, 68.259, 71.012, 71.014, 71.015, 72.401, 137.090, 3 137.095, 143.790, 144.030, 177.011, 177.088, 184.800, 184.805, 184.810, 184.815, 184.820, 4 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, 184.865, 190.100, 192.310, 228.369, 5 302.302, 302.341, 321.322, 321.690, 476.385, and 577.041, RSMo, and 302.060 as enacted by 6 conference committee substitute for senate substitute for senate committee substitute for house 7 committee substitute for house bill no. 1402, merged with conference committee substitute for 8 house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety- 9 sixth general assembly, second regular session, and section 302.060 as enacted by conference 10 committee substitute for senate substitute for senate committee substitute for house committee 11 substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and 12 section 302.304 as enacted by conference committee substitute for house committee substitute 13 no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, 14 second regular session, and section 302.304 as enacted by conference committee substitute for 15 house committee substitute for senate committee substitute for senate bills nos. 930 & 947, 16 ninety-fourth general assembly, second regular session, and section 302.309 as enacted by 17 conference committee substitute for senate substitute for senate committee substitute for house 18 committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular 19 session, and section 302.309 as enacted by conference committee substitute for house committee 20 substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general 21 assembly, second regular session, and section 302.525 as enacted by conference committee 22 substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 23 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by 24 conference committee substitute for house committee substitute for senate committee substitute 25 for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, are 26 repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 64.170, 27 64.196, 67.281, 67.1020, 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.245, 28 68.250, 68.259, 71.012, 71.014, 71.015, 72.401, 92.387, 137.090, 137.095, 143.145, 143.789,

29 143.790, 144.030, 177.011, 177.088, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827,
30 184.830, 184.835, 184.840, 184.845, 184.847, 184.850, 184.865, 190.098, 190.100, 192.310,
31 228.369, 302.060, 302.302, 302.304, 302.309, 302.341, 302.525, 321.322, 321.690, 476.385, and
32 577.041, to read as follows:

64.170. 1. For the purpose of promoting the public safety, health and general welfare,
2 to protect life and property and to prevent the construction of fire hazardous buildings, the county
3 commission in all counties [of the first and second classification], as provided by law, is for this
4 purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by
5 order or ordinance regulations to control the construction, reconstruction, alteration or repair of
6 any building or structure and any electrical wiring or electrical installation, plumbing or drain
7 laying therein, and provide for the issuance of building permits and adopt regulations licensing
8 persons, firms or corporations other than federal, state or local governments, public utilities and
9 their contractors engaged in the business of electrical wiring or installations and provide for the
10 inspection thereof and establish a schedule of permit, license and inspection fees and appoint a
11 building commission to prepare the regulations, as herein provided.

12 2. Any county which has not adopted a building code prior to August 28, 2001, pursuant
13 to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to
14 such sections unless the authority is approved by voters, subject to the provisions of subsection
15 3 of this section.

16 The ballot of submission for authority pursuant to this subsection shall be in substantially the
17 following form:

18 Shall (insert name of county) have authority to create, adopt
19 and impose a county building code?

20 YES NO

21 3. The proposal of the authority to adopt a building code shall be voted on only by voters
22 in the area affected by the proposed code, such that a code affecting a county shall not be voted
23 upon by citizens of any incorporated territory.

24 **4. No structure used solely for agricultural purposes in which the use is exclusively**
25 **in connection with the production, harvesting, storage, drying, or raising of agricultural**
26 **commodities, including the raising of livestock, shall be subject to any code adopted under**
27 **this section.**

64.196. 1. After August 28, 2001, any county seeking to adopt a building code in a
2 manner set forth in section 64.180 shall, in creating or amending such code, adopt a current,
3 calendar year 1999 or later edition, nationally recognized building code, as amended.

4 **2. No county building ordinance so adopted shall conflict with liquefied petroleum**
5 **gas installations governed by section 323.020.**

67.281. 1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. [The provisions of this section shall expire on December 31, 2019.]

2. Any governing body of any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the language in section R317 of the 2006 International Residential Code for two-family dwellings (R317.1) and townhouses (R317.2).

67.1020. Nongovernmental agencies congressionally mandated to provide disaster relief services shall be exempt from paying a transient guest tax imposed under this chapter and chapters 66, 92, and 94. No such tax shall be imposed on any person where payment is being made by such an agency.

68.205. As used in sections 68.200 to 68.260, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Act", the port improvement district act, sections 68.200 to 68.260;

(2) "Approval", for purposes of elections pursuant to this act, a simple majority of those qualified voters casting votes in any election;

(3) "Board", the board of port authority commissioners for the particular port authority that desires to establish or has established a district;

(4) "Consent", the written acknowledgment and approval of the creation of the district by:

(a) Owners of real property collectively owning more than sixty percent by assessed value of real property within the boundaries of the proposed port improvement district; and

(b) More than sixty percent per capita of the owners of all real property within the boundaries of the proposed port improvement district;

15 **(5)** "Director of revenue", the director of the department of revenue of the state of
16 Missouri;

17 [(5)] **(6)** "Disposal of solid waste or sewage", the entire process of storage, collection,
18 transportation, processing, and disposal of solid wastes or sewage;

19 [(6)] **(7)** "District" or "port improvement district", an area designated by the port
20 authority which is located within its port district boundaries at the time of establishment;

21 [(7)] **(8)** "Election authority", the election authority having jurisdiction over the area in
22 which the boundaries of the district are located under chapter 115;

23 [(8)] **(9)** "Energy conservation", the reduction of energy consumption;

24 [(9)] **(10)** "Energy efficiency", the increased productivity or effectiveness of the use of
25 energy resources, the reduction of energy consumption, or the use of renewable energy sources;

26 [(10)] **(11)** "Obligations", revenue bonds and notes issued [by a port authority and any
27 obligations] for the repayment of any money obtained by a port authority from any public or
28 private source along with any associated financing costs, including, but not limited to, the costs
29 of issuance, capitalized interest, and debt service;

30 [(11)] **(12)** "Owner", the individual or individuals or entity or entities who own a fee
31 interest in real property that is located within the boundaries of a district based upon the recorded
32 real estate records of the county recorder, or the city recorder of deeds if the district is located
33 in a city not within a county, as of the thirtieth day prior to any action;

34 [(12)] **(13)** "Petition", a petition to establish a port improvement district within the port
35 district boundaries or a petition to make a substantial change to an existing district;

36 [(13)] **(14)** "Pollution", the existence of any noxious substance in the air or waters or
37 on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration
38 as to injure or harm the public health or welfare or animal life or property;

39 [(14)] **(15)** "Port authority", a political subdivision established pursuant to this chapter;

40 [(15)] **(16)** "Port district boundaries", the boundaries of any port authority on file with
41 the clerk of the county commission, city clerk, or clerk of the legislative or governing body of
42 the county as applicable, which became effective upon approval by the **Missouri** Highways and
43 Transportation Commission [of the state of Missouri];

44 [(16)] **(17)** "Project" or "port improvement project", with respect to any property within
45 a port improvement district, or benefitting property within a port improvement district:

46 (a) Providing for, or contracting for the provision of, environmental cleanup, including
47 the disposal of solid waste, services to brownfields, or other polluted real property;

48 (b) Providing for, or contracting for the provision of, energy conservation or increased
49 energy efficiency within any building, structure, or facility;

50 (c) Providing for, or contracting for the provision of, wetland creation, preservation, or
51 relocation;

52 (d) The construction of any building, structure, **infrastructure, fixture,** or facility
53 determined by the port authority as essential in developing energy resources, preventing,
54 reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;

55 (e) Modifications to, or the relocation of, any existing building, structure,
56 **infrastructure, fixture,** or facility that has been acquired or constructed, or which is to be
57 acquired or constructed for the purpose of developing energy resources, preventing, reducing,
58 or eliminating pollution, or providing water facilities or the disposal of solid waste;

59 (f) The acquisition, **clearing, and grading** of real property **and the acquisition of other**
60 **property and improvements, or rights and interest therein, which are** determined by the port
61 authority to be significant in, or in the furtherance of, the history, architecture, archeology, or
62 culture of the United States, the state of Missouri, or its political subdivisions;

63 (g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing
64 public or private building, structure, **infrastructure, fixture,** or facility determined by the port
65 authority to be significant in, or in the furtherance of, the history, architecture, archeology, or
66 culture of the United States, the state of Missouri, or its political subdivisions;

67 (h) The construction of any new building, structure, **infrastructure, fixture,** or facility
68 that is determined by the port authority to be significant in, or in the furtherance of, the history,
69 architecture, archeology, or culture of the United States, the state of Missouri, or its political
70 subdivisions;

71 (i) **Providing for any project determined to be significant in or in furtherance of the**
72 **purpose of a port authority as provided in section 68.020;**

73 [(17)] (18) "Qualified project costs", include any and all reasonable costs incurred or
74 estimated to be incurred by a port authority, or a person or entity authorized by a port authority,
75 in furtherance of a port improvement project, which costs may include, but are not limited to:

76 (a) Costs of studies, plans, surveys, and specifications;

77 (b) Professional service costs, including, but not limited to, architectural, engineering,
78 legal, research, marketing, financial, planning, consulting, and special services, including
79 professional service costs necessary or incident to determining the feasibility or practicability of
80 any project and carrying out the same;

81 (c) Administrative fees and costs of a port authority in carrying out any of the purposes
82 of this act;

83 (d) Property assembly costs, including, but not limited to, acquisition of land and other
84 property and improvements, real or personal, or rights or interests therein, demolition of

85 buildings and structures, and the clearing or grading of land, machinery, and equipment relating
86 to any project, including the cost of demolishing or removing any existing structures;

87 (e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing
88 buildings, structures, **infrastructure, facilities**, or fixtures;

89 (f) Costs of constructing new buildings, structures, **infrastructure, facilities**, or fixtures;

90 (g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, [and]
91 repairing **or removing** public works or improvements;

92 (h) Financing costs, including, but not limited to, all necessary and incidental expenses
93 related to the port authority's issuance of obligations, which may include capitalized interest on
94 any such obligations and reasonable reserves related to any such obligations;

95 (i) All or a portion of the port authority's capital costs resulting from a port improvement
96 project necessarily incurred or to be incurred in furtherance of a port improvement project, to the
97 extent the port authority accepts and approves such costs; and

98 (j) Relocation costs, to the extent that a port authority determines that relocation costs
99 shall be paid, or are required to be paid, by federal or state law;

100 [(18)] **(19)** "Qualified voters", for the purposes of an election for the approval of a real
101 property tax or a sales and use tax:

102 (a) Registered voters residing within the district; or

103 (b) If no registered voters reside within the district, the owners of one or more parcels
104 of real property within the district which would be subject to such real property taxes or sales and
105 use taxes, as applicable, based upon the recorded real estate records of the county recorder, or
106 the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth
107 day prior to the date of the applicable election;

108 [(19)] **(20)** "Registered voters", persons who reside within the district and who are
109 qualified and registered to vote pursuant to chapter 115 as determined by the election authority
110 as of the thirtieth day prior to the date of the applicable election;

111 [(20)] **(21)** "Respondent", [the Missouri highways and transportation commission, each
112 property owner] **unless the port authority is the owner of all real property** within the
113 proposed district, the municipality or municipalities within which the proposed district is located,
114 the county or counties within which the proposed district is located, **the Missouri Highways
115 and Transportation Commission when the proposed district shall be within the highways
116 of the state of Missouri**, and any other political subdivision within the boundaries of the
117 proposed port improvement district, except the petitioning port authority;

118 [(21)] **(22)** "Revenues", all rents, revenues from any levied real property tax and sales
119 and use tax, charges and other income received by a port authority in connection with any

120 project, including any gift, grant, loan, or appropriation received by the port authority with
121 respect thereto;

122 [(22)] (23) "Substantial changes", with respect to an established port improvement
123 district, the addition or removal of real property to or from the port improvement district and any
124 changes to the approved district funding mechanism; [and]

125 [(23)] (24) **"Taxpayer", a person or owner of real property within the proposed**
126 **district who would pay any real estate or use tax as a result of the district establishment;**
127 **and**

128 (25) "Water facilities", any facilities for the furnishing and treatment of water for
129 industrial, commercial, agricultural, or community purposes including, but not limited to, wells,
130 reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds,
131 storm sewers, storm water detention and retention facilities, and related equipment and
132 machinery.

68.210. 1. A port authority may establish one or more port improvement districts within
2 its port district boundaries for the purpose of funding qualified project costs associated with an
3 approved port improvement project. In order to form a district or to make substantial changes
4 to an existing district, the board shall:

5 (1) Draft a petition in accordance with subsection 2 of this section;

6 (2) Hold a public hearing in accordance with section 68.215;

7 (3) Subsequent to the public hearing, approve by resolution the draft petition containing
8 any approved changes and amendments deemed necessary or desirable by a majority of the board
9 members;

10 (4) File the approved draft petition in the circuit court of the county where **a majority**
11 **of the proposed** port improvement district is located, requesting the creation of a port
12 improvement district in accordance with sections 68.200 to 68.260; and

13 (5) Within thirty days of the circuit court's certification of the petition, and establishment
14 of the district, file a copy of the board's resolution approving the petition, the certified petition,
15 and the circuit court judgment certifying the petition and establishing the district with the
16 Missouri Highways and Transportation Commission **if the proposed district shall be within**
17 **the highways of the state of Missouri.**

18 2. A petition is proper for consideration and approval by the board and the circuit court
19 if, at the time of such approval, it has [been signed by] **the consent of** property owners
20 [collectively owning more than sixty percent per capita of all owners of real property within the
21 boundaries of the proposed district] and contains the following information:

22 (1) The legal description of the proposed district, including a map illustrating the legal
23 boundaries. The proposed district shall be contiguous and may contain all or any portion of one

24 or more municipalities and counties. Property separated only by public streets, easements or
25 rights-of-way, or connected by a single public street, easement, or right-of-way shall be
26 considered contiguous;

27 (2) A district name designation which shall be set out in the following format:

28 (a) The name of the Missouri county or municipality in which the port district boundaries
29 are filed;

30 (b) The words "port improvement district"; and

31 (c) The district designation number, beginning at 1 for the first district formed by that
32 specific port authority, and progressing consecutively upward, irrespective of the year
33 established;

34 (3) A description of the proposed project or projects for which the district is being
35 formed, and the estimated qualified project costs of such projects;

36 (4) The maximum rate or rates and duration of any proposed real property tax or sales
37 and use tax, or both, as applicable, needed to fund the project;

38 (5) The estimated revenues projected to be generated by any such tax or taxes;

39 (6) The name and address of each respondent;

40 (7) A statement that the proposed district shall not be an undue burden on any owner of
41 property within the district and is not unjust or unreasonable;

42 (8) A request that the circuit court certify the projects pursuant to the act, approve the
43 proposed real property tax or sales and use tax, or both, as applicable, and establish the district.

44

45 **No consent shall be required if the port authority is the owner of all the real property**
46 **within the proposed district.**

47 [3. Notwithstanding the provisions of sections 68.200 to 68.260 to the contrary, a port
48 authority located within any county of the first classification with more than one hundred
49 eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants shall not have
50 the authority to establish any port improvement district within its port district boundaries.]

68.215. 1. Not more than [ten] **sixty** days prior to the submission of the petition to the
2 circuit court, the port authority shall hold or cause to be held a public hearing on the proposed
3 project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the
4 establishment of the proposed district and shall give notice of the public hearing in the manner
5 provided in subsection 3 of this section. All reasonable protests, objections, and endorsements
6 shall be heard at the public hearing.

7 2. The public hearing may be continued to another date without further notice other than
8 a motion to be entered on the official port authority meeting minutes fixing the date, time, and
9 place of the continuance of the public hearing.

10 3. Notice shall be provided by both publication and mailing, **provided that no notice**
 11 **by mailing is required if the port authority is the owner of all of the real property within**
 12 **the proposed district.** Notice by publication shall be given by publication in a newspaper of
 13 general circulation within the municipality or county in which the port authority is located at
 14 least once not more than fifteen, but not less than ten, days prior to the date of the public hearing.
 15 Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date
 16 of the public hearing by sending the notice via registered or certified United States mail with a
 17 return receipt attached to the address of record of each owner within the boundaries of the
 18 proposed district. The published and mailed notices shall include the following:

- 19 (1) The date, time, and place of the public hearing;
- 20 (2) A statement that a petition for the establishment of a district has been drafted for
 21 public hearing by the board;
- 22 (3) The boundaries of the proposed district by street location, or other readily identifiable
 23 means if no street location exists, and a map illustrating the proposed boundaries;
- 24 (4) A brief description of the projects proposed to be undertaken, the estimated cost
 25 thereof, and the proposed method of financing such costs by a real property tax or sales and use
 26 tax, or both, as applicable;
- 27 (5) A statement that a copy of the petition is available for review at the office of the port
 28 authority during regular business hours;
- 29 (6) The address of the port authority's office; and
- 30 (7) A statement that all interested persons shall be given an opportunity to be heard at
 31 the public hearing.

 68.225. **Upon the receipt of the filed petition,** the circuit court clerk in whose office
 2 the petition was filed shall give notice to the public by causing one or more newspapers of
 3 general circulation serving the counties or portions thereof contained in the proposed district to
 4 publish once a week for four consecutive weeks a notice substantially in the following form:

5 NOTICE OF PETITION TO CREATE A PORT IMPROVEMENT DISTRICT
 6 Notice is hereby given to all persons residing or owning property in
 7 (here specifically describe the proposed district boundaries),
 8 within the state of Missouri, that a petition has been filed asking that a port improvement district
 9 by the name of "..... Port District No." be formed for the purpose of
 10 developing the following projects: (here summarize the proposed project or projects). A copy
 11 of this petition is on file and available at the office of the clerk of the circuit court of
 12 County, located at, Missouri. You are notified to
 13 join in or file your own petition supporting or answer opposing the creation of the port
 14 improvement district and requesting a declaratory judgment, as required by law, no later than the

15 day of, 20..... You may show cause, if any, why such petition is defective
16 or proposed port improvement district or its funding method, as set forth in the petition, is illegal
17 or unconstitutional and should not be approved as directed by this court.

18

19 Clerk of the Circuit Court of County

68.230. 1. Upon the port authority's own initiative, and after proper notice being
2 provided and a public hearing being conducted in accordance with subsection 2 of this section,
3 any district may be terminated by a resolution of the board, provided that there are no
4 outstanding obligations secured in any way by district revenues produced from such district. A
5 copy of such resolution shall be filed with the Missouri [highways and transportation
6 commission] **Highways and Transportation Commission** within thirty days of its passage.

7 2. The public hearing required by this section shall be held and notice of such public
8 hearing shall be given in the manner set forth in section 68.215. The notice shall contain the
9 following information:

- 10 (1) The date, time, and place of the public hearing;
- 11 (2) A statement that the port authority proposes a resolution terminating the district; and
- 12 (3) A statement that all interested parties will be given an opportunity to be heard.

13 3. Notwithstanding the requirements of this section, if the port authority that has formed
14 the district is dissolved in accordance with this chapter, the district shall automatically be
15 terminated, and any taxes levied shall simultaneously be repealed, except that this subsection
16 shall not apply in such instance when a local port authority is dissolved pursuant to subsection
17 6 of section 68.060 in order to consolidate into a regional port authority.

68.235. 1. For the purposes of providing funds to pay all, or any portion of, the qualified
2 project costs associated with any approved project, subsequent to the establishment of a district
3 pursuant to this act, and subsequent to the circuit court's certification of a question regarding any
4 proposed real property tax needed to fund a project, a port authority may levy by resolution a tax
5 upon real property within the boundaries of the district; provided however, no such resolution
6 shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election
7 conducted in accordance with section [68.255] **68.250**, the circuit court's certified question
8 regarding such proposed real property tax, **provided that such resolution shall be final and no**
9 **mail-in ballot election shall be required if the port authority is the owner of all of the real**
10 **property within the proposed district.** If a majority of the votes cast by the qualified voters
11 voting on the proposed real property tax are in favor of the tax, then the resolution shall become
12 effective. If a majority of the votes cast by the qualified voters voting are opposed to the real
13 property tax, then the resolution seeking to levy the real property tax shall be deemed to be null
14 and void on the date on which the election may no longer be challenged pursuant to section

15 [68.255] **68.250.** The port authority may levy a real property tax rate lower than the tax rate
16 ceiling approved by the qualified voters pursuant to this subsection and may, by resolution,
17 increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the
18 qualified voters.

19 2. The ballot shall be substantially in the following form:

20 Shall the..... (insert name of district) impose a real property
21 tax upon (all real property) within the district at a rate of not more than (insert
22 amount) dollars per hundred dollars assessed valuation for a period of (insert number)
23 years from the date on which such tax is first imposed for the purpose of providing revenue for
24(insert general description of project or projects) in the district?

25 YES NO

26 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
27 to the question, place an "X" in the box opposite "NO".

28 3. A port authority may repeal or amend by resolution any real property tax imposed
29 pursuant to this section before the expiration date of such real property tax unless the repeal or
30 amendment of such real property tax will impair the port authority's ability to repay any
31 obligations the port authority has incurred to pay any part of the cost of a port improvement
32 project.

68.240. 1. The county collector of each county in which the district is located, or the
2 collector for the city in which the district is located if the district is located in a city not within
3 a county, shall collect the real property tax made upon all real property within that county and
4 district, in the same manner as other real property taxes are collected.

5 2. Every county or municipal collector and treasurer having collected or received district
6 real property taxes shall, on or before the fifteenth day of each month and after deducting the
7 reasonable and actual cost of such collection but not to exceed one percent of the total amount
8 collected, remit to the port authority the amount collected or received by the port authority prior
9 to the first day of such month. Upon receipt of such money, the port authority shall execute a
10 receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer
11 who collected such money. The port authority shall deposit such sums which are designated for
12 a specific project into a special trust fund to be expended solely for such purpose, or to the port
13 authority treasury if such sums are not designated. The county or municipal collector or treasurer
14 and port authority shall make final settlement of the port authority account and costs owing, not
15 less than once each year, if necessary.

16 3. **The port authority shall repeal by resolution the continuation of any real**
17 **property tax imposed under section 68.235 when all obligations of the port improvement**
18 **project have been met, unless the real property tax in any way secures outstanding**

19 **obligations of the port improvement project or covers ongoing expenses the port authority**
20 **has incurred to pay qualified project costs of any of the approved port improvement**
21 **project.**

22 **4.** Upon the expiration **or termination** of any real property tax adopted pursuant to this
23 section which is designated for a specific project, all funds remaining in the special trust fund
24 shall continue to be used solely for the specific purpose designated in the ballot adopted by the
25 qualified voters. Any **remaining** funds in such special trust fund which [are not needed for
26 current expenditures may be invested by the port authority pursuant to applicable laws relating
27 to the investment of other port authority funds and the port authority may use such funds for
28 other approved port improvement projects] **exceed any remaining obligations of the port**
29 **improvement project and are not needed to cover ongoing expenses shall be refunded pro**
30 **rata to the property owners.**

68.245. 1. For the purposes of providing funds to pay all, or any portion of, the qualified
2 project costs associated with any approved project, subsequent to the establishment of a district
3 pursuant to this act, and subsequent to the circuit court's certification of a question regarding any
4 proposed sales and use tax needed to fund a project, a port authority may levy by resolution a
5 [districtwide] **district-wide** sales and use tax on all retail sales made in such district which are
6 subject to taxation pursuant to sections 144.010 to 144.525, except sales of motor vehicles,
7 trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax
8 imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up
9 to a maximum of one percent; except that, no resolution adopted pursuant to this section shall
10 be final nor shall it take effect until the qualified voters approve, by mail-in ballot election
11 conducted in accordance with section 68.250, the circuit court's certified question regarding such
12 proposed sales and use tax **provided that such resolution shall be final and no mail-in ballot**
13 **election shall be required if the port authority is the owner of all of the real property within**
14 **the proposed district.** If a majority of the votes cast by the qualified voters on the proposed
15 sales and use tax are in favor of the sales and use tax, then the resolution shall become effective.
16 If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then
17 the resolution seeking to levy the sales and use tax shall be deemed null and void on the date on
18 which the election may no longer be challenged pursuant to section 68.255.

19 2. The ballot shall be substantially in the following form:

20 Shall the (insert name of district) impose a districtwide sales
21 and use tax at the maximum rate of (insert amount) for a period of (insert
22 number) years from the date on which such tax is first imposed for the purpose of providing
23 revenue for (insert general description of project or projects)?

24 YES

NO

25 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
26 to the question, place an "X" in the box opposite "NO".

27 3. Within ten days after the qualified voters have approved the imposition of the sales
28 and use tax, the port authority shall, in accordance with section 32.087, notify the director of
29 revenue. The sales and use tax authorized by this section shall become effective on the first day
30 of the second calendar quarter after the director of revenue receives notice of the adoption of
31 such sales and use tax.

32 4. The director of revenue shall collect any sales and use tax pursuant to section 32.087.

33 5. **All revenue received by the port authority from a sales and use tax imposed**
34 **pursuant to this section which is designated for a specific project shall be deposited into**
35 **either a special trust fund to be expended solely for such purpose or the port authority's**
36 **treasury if such sums are not designated.**

37 6. In each district in which a sales and use tax is imposed pursuant to this section, every
38 retailer shall add such additional tax imposed by the port authority to such retailer's sale price,
39 and when so added such tax shall constitute a part of the purchase price, shall be a debt of the
40 purchaser to the retailer until paid and shall be recoverable at law in the same manner as the
41 purchase price.

42 [6.] 7. The penalties provided in sections 144.010 to 144.525 shall apply to violations
43 of this section.

44 [7. All revenue received by the port authority from a sales and use tax imposed pursuant
45 to this section which is designated for a specific project shall be deposited into a special trust
46 fund to be expended solely for such purpose, or to the port authority's treasury if such sums are
47 not designated.]

48 8. **The port authority shall repeal by resolution the continuation of any sales and**
49 **use tax imposed under this section when all obligations of the port improvement project**
50 **have been met, unless the sales and use tax in any way secures outstanding obligations of**
51 **the port improvement project or covers ongoing expenses the port authority has incurred**
52 **to pay qualified project costs of any of the approved port improvement project.**

53 9. Upon the expiration **or termination** of any sales and use tax adopted pursuant to this
54 section, [all] **any** funds remaining in the special trust fund shall continue to be used solely for
55 the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such
56 special trust fund which are not needed for current expenditures **or obligations of the port**
57 **improvement project** may be invested by the port authority pursuant to applicable laws relating
58 to the investment of other port authority funds and the port authority may use such funds [for
59 other approved port improvement projects.

60 8. A port authority may repeal by resolution any sales and use tax imposed pursuant to
61 this section before the expiration date of such sales and use tax unless the repeal of such sales
62 and use tax will impair the port authority's ability to repay, or unless the sales and use tax in any
63 way secures any outstanding obligations the port authority has incurred to pay any part of the
64 qualified project costs of any approved port improvement project] **to further the purpose of a**
65 **port authority as provided in section 68.020.**

68.250. 1. Notwithstanding the provisions of chapter 115 except the provisions of
2 section 115.125, when applicable, an election for any proposed real property tax or proposed
3 sales and use tax, or both, within a district pursuant to this act shall be conducted in accordance
4 with the provisions of this section.

5 2. After the board has passed a resolution approving the levy of a real property tax or a
6 sales and use tax, or both, the board shall provide written notice of such resolution, along with
7 the circuit court's certified question regarding the real property tax or the sales and use tax, or
8 both, as applicable, to the election authority. The board shall be entitled to repeal or amend such
9 resolution provided that written notice of such repeal or amendment is delivered to the election
10 authority prior to the date that the election authority mails the ballots to the qualified voters.

11 3. Upon receipt of written notice of a port authority's resolution, along with the circuit
12 court's certified question, for the levy of a real property tax or a sales and use tax, or both, the
13 election authority shall:

14 (1) Specify a date upon which the election shall occur, which date shall be a Tuesday and
15 shall be, unless otherwise approved by the board and election authority and applicable circuit
16 court pursuant to section 115.125, not earlier than the tenth Tuesday, and not later than the
17 fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day
18 as an election conducted pursuant to the provisions of chapter 115;

19 (2) Publish notice of the election in a newspaper of general circulation within the
20 municipality two times. The first publication date shall be not more than forty-five, but not less
21 than thirty-five, days prior to the date of the election and the second publication date shall be not
22 more than twenty, and not less than ten, days prior to the date of the election. The published
23 notice shall include, but not be limited to, the following information:

24 (a) The name and general boundaries of the district;

25 (b) The type of tax proposed (real property tax or sales and use tax or both), its rate or
26 rates, and its purpose or purposes;

27 (c) The date the ballots for the election shall be mailed to qualified voters;

28 (d) The date of the election;

29 (e) The applicable definition of qualified voters;

30 (f) A statement that persons residing in the district shall register to vote with the election
31 authority on or before the thirtieth day prior to the date of the election in order to be a qualified
32 voter for purposes of the election;

33 (g) A statement that the ballot shall be returned to the election authority's office in
34 person, or by depositing the ballot in the United States mail addressed to the election authority's
35 office and postmarked not later than the date of the election; and

36 (h) A statement that any qualified voter that did not receive a ballot in the mail or lost
37 the ballot received in the mail may pick up a mail-in ballot at the election authority's office,
38 specifying the dates and time such ballot will be available and the location of the election
39 authority's office;

40 (3) The election authority shall mail the ballot, a notice containing substantially the same
41 information as the published notice and a return addressed envelope directed to the election
42 authority's office with a sworn affidavit on the reverse side of such envelope for the qualified
43 voter's signature, to each qualified voter not more than fifteen days and not less than ten days
44 prior to the date of the election. For purposes of mailing ballots to real property owners, only
45 one ballot shall be mailed per capita at the address shown on the official, or recorded, real estate
46 records of the county recorder, or the city recorder of deeds if the district is located in a city not
47 within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be
48 in substantially the following form:

49 FOR REGISTERED VOTERS:

50 I hereby declare under penalties of perjury that I reside in the
51 Port Improvement District No. (insert name of district) and I am a registered voter and
52 qualified to vote in this election.

53

54 Qualified Voter's Signature

55

56 Printed Name of Qualified Voter

57 FOR REAL PROPERTY OWNERS:

58 I hereby declare under penalty of perjury that I am the owner of real property in
59 the.....Port Improvement District No. (insert name of district) and
60 qualified to vote in this election, or authorized to affix my signature on behalf of the owner
61 (named below) of real property in the Port Improvement District No.
62 (insert name of district) which is qualified to vote in this election.

63

64 Signature

65

66 Print Name of Real Property Owner

67 If Signer is Different from Owner:

68 Name of Signer:

69 State Basis of Legal Authority to Sign:

70 All persons or entities having a fee ownership in the property shall sign the ballot. Additional
71 signature pages may be affixed to this ballot to accommodate all required signatures.

72 4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the
73 authorized signature.

74 5. Mail-in ballots shall be returned to the election authority's office in person, or by
75 depositing the ballot in the United States mail addressed to the election authority's office and
76 postmarked no later than the date of the election. The election authority shall transmit all voted
77 ballots to a team of judges of not less than four. The judges shall be selected by the election
78 authority from lists it has compiled **prior to the date by which the mail-in ballots must be**
79 **returned**. Upon receipt of the voted ballots, the judges shall verify the authenticity of the
80 ballots, canvass the votes, and certify the results. Certification by the election judges shall be
81 final and shall be immediately transmitted to the election authority. Any qualified voter who
82 voted in such election may contest the result in the same manner as provided in chapter 115.

83 6. The results of the election shall be entered upon the records of the election authority
84 and two certified copies of the election results shall be filed with the port authority and entered
85 upon the records of the port authority.

86 7. The port authority shall reimburse the election authority for the costs it incurs to
87 conduct an election under this section.

88 8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port
89 authority from proposing both a real property tax levy question and a sales and use tax levy
90 question to the district's qualified voters in the same election.

91 **9. Notwithstanding anything to the contrary, this section shall not apply when the**
92 **port authority is the owner of all of the real property within the proposed district.**

68.259. Notwithstanding the provisions of section 1.140 to the contrary, the provisions
2 of sections 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220,
3 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, and 68.260 as contained in this act shall
4 be [nonseverable] **severable**, and if any provision is for any reason held to be invalid, such
5 decision shall **not** invalidate [all] **any** of the remaining provisions of sections 68.025, 68.035,
6 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240,
7 68.245, 68.250, 68.255, and 68.260 as contained in this act.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
2 governing body of any city, town or village may annex unincorporated areas which are

3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to
4 this section. The term "contiguous and compact" does not include a situation whereby the
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in
7 width within the city, town or village so that the boundaries of the city, town or village after
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip
10 of real property. The term "contiguous and compact" does not prohibit voluntary annexations
11 pursuant to this section merely because such voluntary annexation would create an island of
12 unincorporated area within the city, town or village, so long as the owners of the unincorporated
13 island were also given the opportunity to voluntarily annex into the city, town or village.
14 Notwithstanding the provisions of this section, the governing body of any city, town or village
15 in any county of the third classification which borders a county of the fourth classification, a
16 county of the second classification and **the** Mississippi River may annex areas along a road or
17 highway up to two miles from existing boundaries of the city, town or village or the governing
18 body in any city, town or village in any county of the third classification without a township form
19 of government with a population of at least twenty-four thousand inhabitants but not more than
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily
21 annex such correctional center pursuant to the provisions of this section if the correctional center
22 is along a road or highway within two miles from the existing boundaries of the city, town or
23 village.

24 2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the
25 owners of all fee interests of record in all tracts of real property located within the area proposed
26 to be annexed, or a request for annexation signed under the authority of the governing body of
27 any common interest community and approved by a majority vote of unit owners located within
28 the area proposed to be annexed is presented to the governing body of the city, town or village,
29 the governing body shall hold a public hearing concerning the matter not less than fourteen nor
30 more than sixty days after the petition is received, and the hearing shall be held not less than
31 seven days after notice of the hearing is published in a newspaper of general circulation qualified
32 to publish legal matters and located within the boundary of the petitioned city, town or village.
33 If no such newspaper exists within the boundary of such city, town or village, then the notice
34 shall be published in the qualified newspaper nearest the petitioned city, town or village. For the
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium
36 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned
37 community.

38 (a) A "common-interest community" shall be defined as real property with respect to
39 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property
40 taxes, insurance premiums, maintenance or improvement of other real property described in a
41 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years
42 in a unit, including renewal options;

43 (b) A "cooperative" shall be defined as a common-interest community in which the real
44 property is owned by an association, each of whose members is entitled by virtue of such
45 member's ownership interest in the association to exclusive possession of a unit;

46 (c) A "planned community" shall be defined as a common-interest community that is not
47 a condominium or a cooperative. A condominium or cooperative may be part of a planned
48 community.

49 (2) At the public hearing any interested person, corporation or political subdivision may
50 present evidence regarding the proposed annexation.

51

52 If, after holding the hearing, the governing body of the city, town or village determines that the
53 annexation is reasonable and necessary to the proper development of the city, town or village,
54 and the city, town or village has the ability to furnish normal municipal services to the area to
55 be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this
56 subsection, annex the territory by ordinance without further action.

57 (3) If a written objection to the proposed annexation is filed with the governing body of
58 the city, town or village not later than fourteen days after the public hearing by at least five
59 percent of the qualified voters of the city, town or village, or two qualified voters of the area
60 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015
61 and 71.860 to 71.920, shall be followed.

62 3. If no objection is filed, the city, town or village shall extend its limits by ordinance
63 to include such territory, specifying with accuracy the new boundary lines to which the city's,
64 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,
65 town or village shall cause three certified copies of the same to be filed with the county assessor
66 and the clerk of the county wherein the city, town or village is located, and one certified copy to
67 be filed with the election authority, if different from the clerk of the county which has
68 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final
69 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or
70 village as so extended.

71 **4. That a petition requesting annexation is not or was not verified or notarized shall**
72 **not affect the validity of an annexation heretofore or hereafter undertaken in accordance**
73 **with this section.**

74 **5. Any action of any kind seeking to deannex from any city, town, or village any**
75 **area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or**
76 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
77 **over such annexed area shall be brought within three years of the date of adoption of the**
78 **annexation ordinance.**

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any
2 city, town, or village which is located within a county which borders a county of the first
3 classification with a charter form of government with a population in excess of six hundred fifty
4 thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas
5 which are contiguous and compact to the existing corporate limits upon [verified] **notarized**
6 petition requesting such annexation signed by the owners of all fee interests of record in all tracts
7 located within the area to be annexed. **That a petition requesting annexation is not or was**
8 **not verified or notarized shall not affect the validity of an annexation heretofore or**
9 **hereafter undertaken in accordance with this section.**

10 **2. Any action of any kind seeking to deannex from any city, town, or village any**
11 **area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or**
12 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
13 **over such annexed area shall be brought within three years of the date of adoption of the**
14 **annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of the first
2 classification which has adopted a constitutional charter for its own local government, seek to
3 annex an area to which objection is made, the following shall be satisfied:

4 (1) Before the governing body of any city, town, or village has adopted a resolution to
5 annex any unincorporated area of land, such city, town, or village shall first as a condition
6 precedent determine that the land to be annexed is contiguous to the existing city, town, or
7 village limits and that the length of the contiguous boundary common to the existing city, town,
8 or village limit and the proposed area to be annexed is at least fifteen percent of the length of the
9 perimeter of the area proposed for annexation.

10 (2) The governing body of any city, town, or village shall propose an ordinance setting
11 forth the following:

12 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
13 condition precedent referred to in subdivision (1) above;

14 (b) That such annexation is reasonable and necessary to the proper development of the
15 city, town, or village;

16 (c) That the city has developed a plan of intent to provide services to the area proposed
17 for annexation;

18 (d) That a public hearing shall be held prior to the adoption of the ordinance;

19 (e) When the annexation is proposed to be effective, the effective date being up to
20 thirty-six months from the date of any election held in conjunction thereto.

21 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and
22 make a good faith effort to notify all fee owners of record within the area proposed to be annexed
23 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
24 residents of the area by publication of notice in a newspaper of general circulation qualified to
25 publish legal matters in the county or counties where the proposed area is located, at least once
26 a week for three consecutive weeks prior to the hearing, with at least one such notice being not
27 more than twenty days and not less than ten days before the hearing.

28 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present
29 the plan of intent and evidence in support thereof to include:

30 (a) A list of major services presently provided by the city, town, or village including, but
31 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
32 recreation, **and** refuse collection[, etc.];

33 (b) A proposed time schedule whereby the city, town, or village plans to provide such
34 services to the residents of the proposed area to be annexed within three years from the date the
35 annexation is to become effective;

36 (c) The level at which the city, town, or village assesses property and the rate at which
37 it taxes that property;

38 (d) How the city, town, or village proposes to zone the area to be annexed;

39 (e) When the proposed annexation shall become effective.

40 (5) Following the hearing, and either before or after the election held in subdivision (6)
41 of this subsection, should the governing body of the city, town, or village vote favorably by
42 ordinance to annex the area, the governing body of the city, town or village shall file an action
43 in the circuit court of the county in which such unincorporated area is situated, under the
44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The
45 petition in such action shall state facts showing:

46 (a) The area to be annexed and its conformity with the condition precedent referred to
47 in subdivision (1) of this subsection;

48 (b) That such annexation is reasonable and necessary to the proper development of the
49 city, town, or village; and

50 (c) The ability of the city, town, or village to furnish normal municipal services of the
51 city, town, or village to the unincorporated area within a reasonable time not to exceed three
52 years after the annexation is to become effective. Such action shall be a class action against the
53 inhabitants of such unincorporated area under the provisions of section 507.070.

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
55 town, or village to make an annexation, the legislative body of such city, town, or village shall
56 not have the power to extend the limits of the city, town, or village by such annexation until an
57 election is held at which the proposition for annexation is approved by a majority of the total
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
59 unincorporated territory sought to be annexed. However, should less than a majority of the total
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
62 shall again be voted upon in not more than one hundred twenty days by both the registered voters
63 of the city, town, or village and the registered voters of the area proposed to be annexed. If at
64 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the
65 city, town, or village may proceed to annex the territory. If the proposal fails to receive the
66 necessary majority, no part of the area sought to be annexed may be the subject of another
67 proposal to annex for a period of two years from the date of the election, except that, during the
68 two-year period, the owners of all fee interests of record in the area or any portion of the area
69 may petition the city, town, or village for the annexation of the land owned by them pursuant to
70 the procedures in section 71.012. The elections shall if authorized be held, except as herein
71 otherwise provided, in accordance with the general state law governing special elections, and the
72 entire cost of the election or elections shall be paid by the city, town, or village proposing to
73 annex the territory.

74 (7) Failure to comply in providing services to the said area or to zone in compliance with
75 the plan of intent within three years after the effective date of the annexation, unless compliance
76 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation
77 which may be filed in the circuit court by any resident of the area who was residing in the area
78 at the time the annexation became effective.

79 (8) No city, town, or village which has filed an action under this section as this section
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
82 annexation proceeding.

83 (9) If the area proposed for annexation includes a public road or highway but does not
84 include all of the land adjoining such road or highway, then such fee owners of record, of the
85 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action
86 described in subdivision (5) of this subsection.

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by
88 any city with a population of three hundred fifty thousand or more inhabitants which is located
89 in more than one county that becomes effective after August 28, 1994, if such city has not

90 provided water and sewer service to such annexed area within three years of the effective date
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the
95 annexed area at the time the annexation became effective. If the suit for deannexation is
96 successful, the city shall be liable for all court costs and attorney fees.

97 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
98 cities, towns, and villages located in any county of the first classification with a charter form of
99 government with a population of two hundred thousand or more inhabitants which adjoins a
100 county with a population of nine hundred thousand or more inhabitants shall comply with the
101 provisions of this subsection. If the court authorizes any city, town, or village subject to this
102 subsection to make an annexation, the legislative body of such city, town or village shall not
103 have the power to extend the limits of such city, town, or village by such annexation until an
104 election is held at which the proposition for annexation is approved by a majority of the total
105 votes cast in such city, town, or village and by a separate majority of the total votes cast in the
106 unincorporated territory sought to be annexed; except that:

107 (1) In the case of a proposed annexation in any area which is contiguous to the existing
108 city, town or village and which is within an area designated as flood plain by the Federal
109 Emergency Management Agency and which is inhabited by no more than thirty registered voters
110 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving
111 such annexation and where notarized affidavits expressing approval of the proposed annexation
112 are obtained from a majority of the registered voters residing in the area to be annexed, the area
113 may be annexed by an ordinance duly enacted by the governing body and no elections shall be
114 required; and

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in
117 favor of the annexation, the city, town or village may proceed to annex the territory and no
118 subsequent election shall be required. If the proposal fails to receive the necessary separate
119 majorities, no part of the area sought to be annexed may be the subject of any other proposal to
120 annex for a period of two years from the date of such election, except that, during the two-year
121 period, the owners of all fee interests of record in the area or any portion of the area may petition
122 the city, town, or village for the annexation of the land owned by them pursuant to the procedures
123 in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise
124 provided in this section, in accordance with the general state laws governing special elections,
125 and the entire cost of the election or elections shall be paid by the city, town, or village proposing

126 to annex the territory. Failure of the city, town or village to comply in providing services to the
127 area or to zone in compliance with the plan of intent within three years after the effective date
128 of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to
129 a cause of action for deannexation which may be filed in the circuit court **not later than four**
130 **years after the effective date of the annexation** by any resident of the area who was residing
131 in such area at the time the annexation became effective or by any nonresident owner of real
132 property in such area. **Except for a cause of action for deannexation under subdivision (2)**
133 **of this subsection, any action of any kind seeking to deannex from any city, town, or village**
134 **any area annexed under this section, or seeking in any way to reverse, invalidate, set aside,**
135 **or otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
136 **over such annexed area shall be brought within three years of the date of the adoption of**
137 **the annexation ordinance.**

72.401. 1. If a commission has been established pursuant to section 72.400 in any
2 county with a charter form of government where fifty or more cities, towns and villages have
3 been established, any boundary change within the county shall proceed solely and exclusively
4 in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory
5 provisions to the contrary concerning such boundary changes.

6 2. In any county with a charter form of government where fifty or more cities, towns and
7 villages have been established, if the governing body of such county has by ordinance established
8 a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such
9 county shall proceed only as provided in sections 72.400 to 72.423.

10 3. The commission shall be composed of eleven members as provided in this subsection.
11 No member, employee or contractor of the commission shall be an elective official, employee
12 or contractor of the county or of any political subdivision within the county or of any
13 organization representing political subdivisions or officers or employees of political
14 subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this
15 subsection shall appoint persons who shall be residents of their respective locality so described.
16 The appointing authority making the appointments shall be:

17 (1) The chief elected officials of all municipalities wholly within the county which have
18 a population of more than twenty thousand persons, who shall name two members to the
19 commission as prescribed in this subsection each of whom is a resident of a municipality within
20 the county of more than twenty thousand persons;

21 (2) The chief elected officials of all municipalities wholly within the county which have
22 a population of twenty thousand or less but more than ten thousand persons, who shall name one
23 member to the commission as prescribed in this subsection who is a resident of a municipality

24 within the county with a population of twenty thousand or less but more than ten thousand
25 persons;

26 (3) The chief elected officials of all municipalities wholly within the county which have
27 a population of ten thousand persons or less, who shall name one member to the commission as
28 prescribed in this subsection who is a resident of a municipality within the county with a
29 population of ten thousand persons or less;

30 (4) An appointive body consisting of the director of the county department of planning,
31 the president of the municipal league of the county, one additional person designated by the
32 county executive, and one additional person named by the board of the municipal league of the
33 county, which appointive body, acting by a majority of all of its members, shall name three
34 members of the commission who are residents of the county; and

35 (5) The county executive of the county, who shall name four members of the
36 commission, three of whom shall be from the unincorporated area of the county and one of
37 whom shall be from the incorporated area of the county. The seat of a commissioner shall be
38 automatically vacated when the commissioner changes his or her residence so as to no longer
39 conform to the terms of the requirements of the commissioner's appointment. The commission
40 shall promptly notify the appointing authority of such change of residence.

41 4. Upon the passage of an ordinance by the governing body of the county establishing
42 a boundary commission, the governing body of the county shall, within ten days, send by United
43 States mail written notice of the passage of the ordinance to the chief elected official of each
44 municipality wholly or partly in the county.

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the
47 commission to compile its list of appointees. Each list shall be delivered to the county executive
48 within forty-one days of the passage of such ordinance. The county executive shall appoint
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the
50 time specified, the county executive shall appoint the members using the criteria of subsection
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting
52 of the commission appointed after the effective date of the ordinance, the commissioners shall
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for
54 three years, two for four years, and two for five years. All succeeding commissioners shall serve
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than
57 two years.

58 6. When a member's term expires, or if a member is for any reason unable to complete
59 his term, the respective appointing authority shall appoint such member's successor. Each

60 appointing authority shall act to ensure that each appointee is secured accurately and in a timely
61 manner, when a member's term expires or as soon as possible when a member is unable to
62 complete his term. A member whose term has expired shall continue to serve until his successor
63 is appointed and qualified.

64 7. The commission, its employees and subcontractors shall be subject to the regulation
65 of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open
66 meetings and records under chapter 610.

67 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment
68 approved by the residential property owners and the governing bodies of the affected
69 municipalities or the county, if involved, and any voluntary annexation approved by municipal
70 ordinance provided that the municipality owns the area to be annexed, that the area is contiguous
71 with the municipality, and that the area is utilized only for parks and recreation purposes, shall
72 not be subject to commission review. Such a boundary adjustment or annexation is not
73 prohibited by the existence of an established unincorporated area.

74 **9. Any annexation of property or defined areas of properties approved by a**
75 **majority of property owners residing thereon and by ordinance of any municipality that**
76 **is a service provider for both the water and sanitary sewer within the municipality shall**
77 **be effective as provided in the annexation ordinance and shall not be subject to commission**
78 **review. The annexation is not prohibited by the existence of an established unincorporated**
79 **area.**

92.387. Any sale of lands under this chapter shall be subject to valid recorded
2 **covenants running with the land and valid easements of record or in use.**

137.090. 1. All tangible personal property of whatever nature and character situate in a
2 county other than the one in which the owner resides shall be assessed in the county where the
3 owner resides; except that, houseboats, cabin cruisers, floating boat docks, and manufactured
4 homes, as defined in section 700.010, used for lodging shall be assessed in the county where they
5 are located, and tangible personal property belonging to estates shall be assessed in the county
6 in which the probate division of the circuit court has jurisdiction. Tangible personal property,
7 other than motor vehicles as the term is defined in section 301.010, used exclusively in
8 connection with farm operations of the owner and kept on the farmland, shall not be assessed by
9 a city, town or village unless the farmland is totally within the boundaries of the city, town or
10 village. No tangible personal property shall be simultaneously assessed in more than one county.

11 **2. The assessed valuation of any tractor or trailer as defined in section 301.010**
12 **owned by an individual, partner, or member and used in interstate commerce must be**
13 **apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled**

14 **in the United States in interstate commerce during the preceding tax year or on the basis**
15 **of the most recent annual mileage figures available.**

137.095. 1. The real and tangible personal property of all corporations operating in any
2 county in the state of Missouri and in the city of St. Louis, and subject to assessment by county
3 or township assessors, shall be assessed and taxed in the county in which the property is situated
4 on the first day of January of the year for which the taxes are assessed, and every general or
5 business corporation having or owning tangible personal property on the first day of January in
6 each year, which is situated in any other county than the one in which the corporation is located,
7 shall make return to the assessor of the county or township where the property is situated, in the
8 same manner as other tangible personal property is required by law to be returned, except that
9 all motor vehicles which are the property of the corporation and which are subject to regulation
10 under chapter 390 shall be assessed for tax purposes in the county in which the motor vehicles
11 are based.

12 2. For the purposes of subsection 1 of this section, the term "based" means the place
13 where the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or
14 otherwise controlled, except that leased passenger vehicles shall be assessed at the residence of
15 the driver or, if the residence of the driver is unknown, at the location of the lessee.

16 **3. The assessed valuation of any tractor or trailer as defined in section 301.010**
17 **owned by a corporation and used in interstate commerce must be apportioned to Missouri**
18 **based on the ratio of miles traveled in this state to miles traveled in the United States in**
19 **interstate commerce during the preceding tax year or on the basis of the most recent**
20 **annual mileage figures available.**

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

2 (1) "Deduction", an amount deducted from the taxpayer's Missouri adjusted gross
3 income pursuant to section 143.121 to determine Missouri taxable income for the tax year
4 in which such deduction is claimed;

5 (2) "Purchase", any conveyance to a taxpayer of fee simple ownership interest in a
6 qualified principal residence made by deed executed by any person having authority to
7 convey the same, or by his agent or attorney, and acknowledged and recorded pursuant
8 to chapter 442 after the effective date of this section but before January 1, 2016;

9 (3) "Contract sales price", the total price paid by a taxpayer for the purchase of a
10 qualified principal residence;

11 (4) "Qualified principal residence", any single-family residence located in the state
12 of Missouri, whether detached or attached, that is owner occupied or will be owner
13 occupied after purchase by the taxpayer claiming the deduction allowed by this section as
14 his or her primary residence, for which construction began and has been completed

15 between August 28, 2013, and December 31, 2015, and that has not been previously
16 occupied. For the purposes of this section, a manufactured home, modular unit,
17 recreational park trailer, or recreational vehicle as defined in section 700.010, shall not be
18 considered a single-family residence. For the purposes of this section, the value of land or
19 any pre-existing structures on such land shall not be included in the value of such
20 residence. The taxpayer shall submit an appraisal to the department that separately states
21 the value of the land and any existing structures in order to claim the deduction;

22 (5) "Recapture period", the two taxable years beginning with the first taxable year
23 following the taxable year in which the taxpayer occupied the qualified principal residence
24 for which a deduction is allowed under this section, except that such recapture period shall
25 be deemed to have expired immediately upon the date of the death of any person deemed
26 a taxpayer under this section;

27 (6) "Taxpayer", an individual who purchases a fee simple ownership interest in a
28 qualified principal residence during a taxable year and has not previously received a
29 deduction issued pursuant to this section in any taxable year.

30 2. In addition to all deductions listed in this chapter, for taxable years beginning
31 on or after January 1, 2013, and ending on or before December 31, 2015, a taxpayer shall
32 be allowed a deduction for the purchase of a qualified principal residence in this state. The
33 deduction amount shall be equal to the lesser of:

34 (1) One-third of the contract sales price of the qualified principal residence in this
35 state; or

36 (2) One hundred sixty-six thousand six hundred sixty-seven dollars.

37 3. No taxpayer shall claim a tax deduction for the purchase of more than one
38 qualified principal residence under this section. Such tax deduction shall be limited to a
39 maximum tax benefit of ten thousand dollars.

40 4. If the amount of the deduction allowed under this section exceeds the total
41 Missouri adjusted gross income for the taxpayer in the same tax year in which the
42 deduction is allowed without taking into account the deduction allowed by this section, the
43 amount that exceeds the total Missouri adjusted gross income for the taxpayer without
44 taking into account the deduction allowed by this section may be carried forward to any
45 subsequent tax year until the full deduction is claimed.

46 5. If a taxpayer disposes of his or her qualified principal residence for which a
47 deduction was allowed under this section or such qualified principal residence ceases to be
48 the principal residence of the taxpayer (and if married the taxpayer's spouse) before the
49 end of the recapture period, then any remaining unused deduction shall be cancelled, and
50 the taxpayer shall be subject to an addition to his or her Missouri adjusted gross income

51 of any amount deducted under this section in any preceding tax year. The provisions of
52 this subsection shall not apply in the case of a transfer of a qualified principal residence
53 from an individual taxpayer to a spouse (or to a former spouse if the transfer is incident
54 to a divorce) or from an individual taxpayer to a grantor-trust or a single-member limited
55 liability company owned by the taxpayer.

56 6. If a Missouri taxpayer self-constructs a qualified principal residence, such
57 taxpayer shall be eligible for a tax deduction allowed by this section by satisfying the
58 department of revenue's proof of documentation requirements to verify the contract sale
59 price of a qualified principal residence.

60 7. The department of revenue shall establish the procedure by which the deduction
61 provided in this section may be claimed and may promulgate rules to implement the
62 provisions of this section. Any rule or portion of a rule, as that term is defined in section
63 536.010, that is created under the authority delegated in this section shall become effective
64 only if it complies with and is subject to all of the provisions of chapter 536 and, if
65 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of
66 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
67 the effective date, or to disapprove and annul a rule are subsequently held
68 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
69 after August 28, 2013, shall be invalid and void.

70 8. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

71 (1) The provisions of the new program authorized under this section shall
72 automatically sunset December 31, 2015, unless reauthorized by an act of the general
73 assembly; and

74 (2) If such program is reauthorized, the program authorized under this section
75 shall automatically sunset December thirty-first one year after the effective date of the
76 reauthorization of this section; and

77 (3) This section shall terminate on September first of the calendar year immediately
78 following the calendar year in which the program authorized under this section is sunset.

143.789. The director of the department of revenue shall have the authority to
2 impose an offset against a refund owed to any taxpayer for the following items and in the
3 following order of priority:

4 (1) Delinquent taxes owed by the taxpayer to the state of Missouri;

5 (2) Delinquent taxes owed by the taxpayer to the United States;

- 6 **(3) Debts owed by such taxpayer to any state agency or support obligation owed by**
7 **such taxpayer which is enforced by the family support division on behalf of a person who**
8 **is receiving support enforcement services under section 454.425;**
9 **(4) Collection assistance fees authorized under section 143.790;**
10 **(5) Eligible claims under section 143.790; and**
11 **(6) Debts owed by the taxpayer to any other state that has established a reciprocal**
12 **offset agreement with the department of revenue, as provided under subsection 5 of section**
13 **143.784.**

143.790. 1. [Any hospital or health care provider who has provided health care services
2 to an individual who was not covered by a health insurance policy or was not eligible to receive
3 benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97,
4 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under
5 chapter 208, RSMo, and the health insurance for uninsured children under sections 208.631 to
6 208.657, RSMo, at the time such health care services were administered, and such person has
7 failed to pay for such services for a period greater than ninety days, may submit a claim to the
8 director of the department of health and senior services for the unpaid health care services. The
9 director of the department of health and senior services shall review such claim. If the claim
10 appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt
11 of the department of health and senior services for purposes of sections 143.782 to 143.788, and
12 the director may certify the debt to the department of revenue in order to set off the debtor's
13 income tax refund. Once the debt has been certified, the director of the department of health and
14 senior services shall submit the debt to the department of revenue under the setoff procedure
15 established under section 143.783.

16 2. At the time of certification, the director of the department of health and senior services
17 shall supply any information necessary to identify each debtor whose refund is sought to be set
18 off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such
19 debtor.

20 3. If a debtor identified by the director of the department of health and senior services
21 is determined by the department of revenue to be entitled to a refund, the department of revenue
22 shall notify the department of health and senior services that a refund has been set off on behalf
23 of the department of health and senior services for purposes of this section and shall certify the
24 amount of such setoff, which shall not exceed the amount of the claimed debt certified. When
25 the refund owed exceeds the claimed debt, the department shall send the excess amount to the
26 debtor within a reasonable time after such excess is determined.

27 4. The department of revenue shall notify the debtor by certified mail the taxpayer whose
28 refund is sought to be set off that such setoff will be made. The notice shall contain the
29 provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing
30 to contest the setoff provided therein, and shall otherwise substantially comply with the
31 provisions of subsection 3 of section 143.784.

32 5. Once a debt has been set off and finally determined under the applicable provisions
33 of sections 143.782 to 143.788, and the department of health and senior services has received
34 the funds transferred from the department of revenue, the department of health and senior
35 services shall settle with each hospital or health care provider for the amounts that the
36 department of revenue set off for such party. At the time of each settlement, each hospital or
37 health care provider shall be charged for administration expenses which shall not exceed twenty
38 percent of the collected amount.

39 6. Lottery prize payouts made under section 313.321, RSMo, shall also be subject to the
40 setoff procedures established in this section and any rules and regulations promulgated thereto.

41 7. The director of the department of revenue shall have priority to offset any delinquent
42 tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency
43 debt or to meet a child support obligation that is enforced by the division of family services on
44 behalf of a person who is receiving support enforcement services under section 454.425, RSMo.

45 **8.] As used in this section, the following terms shall mean:**

46 **(1) "Appeals committee", a committee consisting of at least three people appointed**
47 **by a provider to hear patient appeals of review officer rulings:**

48 **(a) That the provider has a valid claim;**

49 **(b) Regarding the amount of the claim;**

50 **(c) That a claim qualifies as an eligible claim under this section;**

51 **(2) "Collection assistance fee", a fee in the amount of fourteen dollars payable to**
52 **the general fund of this state for each debt setoff being processed, and an additional**
53 **seventeen dollars payable to the claim clearinghouse for each debt being processed by the**
54 **claim clearinghouse shall be recovered from each eligible claim to recover the costs**
55 **incurred in collecting debts under this section;**

56 **(3) "Court", the supreme court, court of appeals, or any circuit court of the state,**
57 **or any of their judicially or legislatively created subdivisions;**

58 **(4) "Department", the department of revenue;**

59 **(5) "Claim", a claim by a provider to receive payment of fifty dollars or more for**
60 **health care services provided by such provider to a patient that has not been paid in whole**
61 **or in part by the patient or third-party payer for more than one hundred sixty days after**

62 the date the provider has exhausted all available means of collecting the payment from the
63 patient or the third-party payer, provided that in order to exhaust its available means of
64 collecting the payment, the provider will not be required to file a legal claim against the
65 patient or third- party payer in state or federal court;

66 (6) "Claim clearinghouse", the entity selected by the providers to receive and
67 submit eligible claims on behalf of a provider in accordance with this section;

68 (7) "Financial hardship policy", a policy maintained by a provider to establish the
69 circumstances in which a patient will be relieved of the obligation to pay a claim as a result
70 of his or her financial condition. The terms of the provider's financial hardship policy
71 shall be consistent with applicable Medicare guidelines regarding financial hardship. Each
72 provider utilizing the claim clearinghouse to collect a claim shall maintain and utilize a
73 financial hardship policy;

74 (8) "Health care services", any services that a provider renders to a patient in the
75 course of such provider's furnishing of ambulance services to the patient. Health care
76 services shall include, but not be limited to, treatment of patients and transporting of
77 patients incidental or pursuant to the delivery of ambulance services by a provider or in
78 furtherance of the purposes for which such provider is organized and licensed. With
79 respect to ground ambulance services provided by a provider that is not owned and
80 operated by a city, county, municipality, political subdivision, governmental entity, or an
81 entity that is exempt from federal and state income taxation, health care services shall
82 include only those ground ambulance services provided by the provider that qualify, and
83 emergency services as defined in section 190.100 that are provided under the terms of an
84 agreement between the provider and a city, county, municipality, political subdivision, or
85 a governmental entity under section 190.105;

86 (9) "Patient", an individual who has received health care services from a provider
87 and who was not, at the time such health care services were provided:

88 (a) Eligible to receive benefits under the state's medical assistance program for
89 needy persons under chapter 208 and the health insurance for uninsured children under
90 sections 208.631 to 208.657; and

91 (b) Eligible for relief from the claim pursuant to the provider's financial hardship
92 policy;

93 (10) "Provider", any provider of ambulance services licensed by the Missouri
94 department of health and senior services in accordance with chapter 190, to include, but
95 not be limited to, any provider of air ambulance services licensed under section 190.108
96 and any provider of ground ambulance services licensed under section 190.109;

97 (11) "Refund", a patient's Missouri income tax refund that the department
98 determines to be due under the provisions of this chapter;

99 (12) "Review officer", a person designated by a provider to review claims, at the
100 request of a patient, to determine whether such provider has a valid claim, the amount of
101 such claim, and whether such claim qualifies as an eligible claim under this section.

102 2. Prior to submission of a claim to the claim clearinghouse, a provider shall send
103 written notice to a patient that such provider intends to submit a claim to the claim
104 clearinghouse for collection by setoff under this section. The notice shall:

105 (1) Provide the basis for the claim;

106 (2) State that the provider intends to request that the department apply the
107 patient's refund against the claim;

108 (3) State that a collection assistance fee will be added to the claim if it is submitted
109 for setoff;

110 (4) Inform the patient of the right to contest the validity or amount of such claim
111 by filing a request for a review with the provider; and

112 (5) State the time limit and procedure for requesting such review, and that failure
113 to request a review within thirty days following receipt of the notice required under this
114 section shall result in submission of the claim to the claim clearinghouse for setoff of the
115 debt by the department.

116 3. Upon receipt of the notice required under subsection 2 of this section, any patient
117 seeking review of a claim shall file a written request with the provider for review within
118 thirty days of receipt of such notice. A request for a review shall be deemed filed when
119 properly addressed and delivered to the United States Postal Service for mailing with
120 postage prepaid. A review officer shall be appointed by the provider to review such claim.
121 In reviewing a claim, any issue that has previously been litigated in a court proceeding
122 shall not be considered by the review officer. If the patient seeks a review of the claim and
123 the review officer finds either that the claim is invalid or the claim does not qualify as an
124 eligible claim under this section, the review officer's determination shall be final and
125 binding on the provider and such provider shall have no right to appeal such
126 determination. If all or part of the claim is found by the review officer to be valid and
127 eligible for setoff under this section, the review officer shall notify the provider and the
128 patient of such fact. Such notice shall:

129 (1) Inform the patient that he or she has the right to appeal the review officer's
130 determination by filing an appeal with the appeals committee;

131 (2) State the time limit and procedure for requesting such an appeal; and

132 **(3) State that failure to request the appeal within thirty days following receipt of**
133 **the notice required under this subsection shall result in submission of the claim to the claim**
134 **clearinghouse for setoff of the debt by the department.**

135 **4. Upon receipt of the notice required under subsection 3 of this section, any patient**
136 **seeking an appeal of a determination of a review officer under this section shall file a**
137 **written request with the appeals committee for such appeal within thirty days following**
138 **receipt of such notice. An appeal shall be deemed filed when properly addressed and**
139 **delivered to the United States Postal Service for mailing, with postage prepaid. An appeal**
140 **of a review officer's determination shall be heard by an appeals committee. In an appeal**
141 **under this section, any issue that has been previously litigated in a court proceeding shall**
142 **not be considered. A decision made after an appeal under this section shall determine**
143 **whether a claim is owed to the provider, the amount of the claim, and whether the claim**
144 **is an eligible claim under this section.**

145 **5. If the appeals committee finds a claim to be invalid or otherwise ineligible under**
146 **this section, the decision of the appeals committee shall be final and binding on the**
147 **provider and may not be appealed by the provider. If all or part of the claim is found by**
148 **the appeals committee to be valid and eligible for setoff under this section, the appeals**
149 **committee shall notify the provider and the patient of such fact. Such notice shall:**

150 **(1) Inform the patient that he or she has the right to challenge the appeals**
151 **committee determination by notifying the provider that he or she disagrees with the**
152 **determination and advising the provider as to the basis of such disagreement;**

153 **(2) State that the patient must notify the provider of the challenge within ninety**
154 **days of the patient's receipt of the notice from the appeals committee;**

155 **(3) Advise the patient that if he or she challenges the appeals committee's**
156 **determination under this subsection, the provider will not be permitted to setoff the**
157 **provider's claim against the patient's refund under this section, unless and until the**
158 **provider files suit against the patient in court seeking a determination that the provider's**
159 **claim is valid regarding the amount of the claim and that the claim is eligible for setoff**
160 **under this section, and the court determines that the provider's claim is valid, the amount**
161 **of the provider's claim, and that provider's claim is eligible for setoff under this section;**
162 **and**

163 **(4) Advise the patient that if the patient does not challenge the appeals committee's**
164 **determination under this subsection, the provider will submit the claim to the claim**
165 **clearinghouse for setoff by the department under this subsection.**

166 **6. If the provider prevails in the lawsuit filed under subsection 5 of this section, the**
167 **provider may submit the claim to the claim clearinghouse for setoff by the department**
168 **under this section. If the patient prevails in the lawsuit filed by the provider under**
169 **subsection 5 of this section, the provider shall be:**

170 **(1) Forever barred from submitting the claim to the claim clearinghouse for setoff**
171 **by the department under this section;**

172 **(2) Forever barred from taking any other steps to collect the amount of the claim**
173 **from the patient; and**

174 **(3) Obligated to reimburse the patient for court costs and attorney's fees associated**
175 **with the lawsuit filed under subsection 5 of this section.**

176 **7. Any provider may submit a claim to the claim clearinghouse for review. In**
177 **connection with its submission of a claim to the claim clearinghouse, the provider,**
178 **whenever possible, shall provide the claim clearinghouse with the patient's full name,**
179 **Social Security number, address, and any other identifying information that the**
180 **department advises the claim clearinghouse is necessary for the department to setoff the**
181 **claim under this section. The provider shall also provide the claim clearinghouse with**
182 **information demonstrating the provider's compliance with the requirements of this section**
183 **with respect to the claim.**

184 **8. If the claim clearinghouse receives sufficient evidence that a provider has fully**
185 **complied with the requirements of this section and finds the claim valid, the claim shall be**
186 **deemed eligible for setoff by the department under this section and shall be forwarded to**
187 **the department. In connection with its submission of the claim to the department, the**
188 **claim clearinghouse, whenever possible, shall provide the department with the patient's full**
189 **name, Social Security number, address, and any other identifying information that the**
190 **department advises the claim clearinghouse is necessary for the department to setoff the**
191 **claim under this section.**

192 **9. If the claim clearinghouse determines that the provider has failed to comply with**
193 **any applicable requirements in this section or that the claim is not valid, the claim**
194 **clearinghouse shall return the claim to the provider.**

195 **10. If the department determines that a patient identified by a provider in an**
196 **eligible claim filed with the department is entitled to a refund, the department shall notify**
197 **the claim clearinghouse that a refund is available for setoff and the amount of such refund,**
198 **and whether the refund results from a joint or combined return. Notwithstanding any**
199 **provision of section 32.057 and any other confidentiality statute of this state to the**
200 **contrary, the department may provide the claim clearinghouse with all information**

201 necessary to accomplish and carry out the provisions of this section and section 143.789,
202 but shall not provide the claim clearinghouse with any information whose disclosure is
203 prohibited by Section 6103(d) of the Internal Revenue Code of 1986, as amended. The
204 information obtained by the claim clearinghouse from the department in accordance with
205 this section and section 143.789 shall retain its confidentiality and shall only be used by the
206 claim clearinghouse for the purpose described in this section and section 143.789.

207 11. (1) At that time, the department shall also notify the patient by regular mail
208 that setoff against the patient's tax refund has been authorized under this section. The
209 notice shall include the following information:

210 (a) The amount of the eligible claim and the name of the provider seeking setoff;

211 (b) That a setoff to the patient's refund against the eligible claim has been
212 performed; and

213 (c) Any amount of the refund remaining after the offset of the eligible claim.

214 (2) In the case of a joint or combined return, the notice shall also state the name of
215 the nonobligated taxpayer named in the return, if any, against whom no claim is asserted,
216 the fact that no claim is asserted against such taxpayer, and the fact that such taxpayer is
217 entitled to receive a refund if it is due the taxpayer regardless of the claim asserted against
218 the taxpayer's spouse. In order to obtain the refund due the taxpayer, the taxpayer shall
219 apply in writing for an apportionment of the refund with the department within thirty
220 days of the date of receipt of the notice unless, in anticipation of the setoff of the taxpayer's
221 spouse's refund, such nonobligated taxpayer provided the department with a request for
222 apportionment of the anticipated refund that was filed at the same time the original tax
223 return was filed, in which case the department shall determine the apportionment of the
224 refund and forward the determination of apportionment and the nonobligated taxpayer's
225 portion of the refund to the nonobligated taxpayer within fifteen working days of the
226 transfer of the obligated taxpayer's portion of the refund to the claim clearinghouse.
227 Unless a request for apportionment of the anticipated refund was provided to the
228 department as provided in this section, within ninety days after the filing of such
229 taxpayer's application for apportionment of the refund with the department, a
230 determination of apportionment shall be mailed to the nonobligated taxpayer by the
231 department. The apportionment of the refund shall be final upon the expiration of thirty
232 days from the date on which the determination of apportionment is mailed to the
233 nonobligated taxpayer unless, within such thirty-day period, the nonobligated taxpayer
234 applies in writing for a hearing with the department.

235 **12. The department shall then pay to the claim clearinghouse the amount that the**
236 **department has setoff for such provider, which shall include the collection assistance**
237 **allocable to the claim clearinghouse. In the event the department is unable to setoff the**
238 **entire eligible claim and collection assistance fee under this section, the setoff of the**
239 **collection assistance fee shall have priority over the setoff of the eligible claim. If, after the**
240 **department has paid to the claim clearinghouse the amount that the department has setoff**
241 **for the provider, and the provider is found not to have complied with any applicable**
242 **requirement of this section, the provider shall send to the patient the entire amount of the**
243 **claim offset by the department for the provider plus an amount equal to the collection**
244 **assistance fee.**

245 **13. In addition to refunds, lottery prize payouts made under section 313.321 shall**
246 **be subject to the setoff procedures established in this section.**

247 **14.** The director of the department of revenue and the director of the department of
248 health and senior services shall promulgate rules and regulations necessary to administer the
249 provisions of this section. Any rule or portion of a rule, as that term is defined in section
250 536.010, that is created under the authority delegated in this section shall become effective only
251 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
252 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
253 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
254 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
255 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers
39 pulled by such motor vehicles, that are actually used in the normal course of business to haul
40 property on the public highways of the state, and that are capable of hauling loads commensurate
41 with the motor vehicle's registered weight; and the materials, replacement parts, and equipment
42 purchased for use directly upon, and for the repair and maintenance or manufacture of such
43 vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the
44 meaning as ascribed in section 390.020;

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and

49 the materials and supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a useable product or a different form which is used in producing a new product and
54 shall include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

61 (6) Machinery and equipment, and parts and the materials and supplies solely required
62 for the installation or construction of such machinery and equipment, purchased and used to
63 establish new or to expand existing manufacturing, mining or fabricating plants in the state if
64 such machinery and equipment is used directly in manufacturing, mining or fabricating a product
65 which is intended to be sold ultimately for final use or consumption;

66 (7) Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and
71 other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 (10) The rentals of films, records or any type of sound or picture transcriptions for public
74 commercial display;

75 (11) Pumping machinery and equipment used to propel products delivered by pipelines
76 engaged as common carriers;

77 (12) Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
80 persons or property;

81 (13) Electrical energy used in the actual primary manufacture, processing, compounding,
82 mining or producing of a product, or electrical energy used in the actual secondary processing
83 or fabricating of the product, or a material recovery processing plant as defined in subdivision

84 (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical
85 energy so used exceeds ten percent of the total cost of production, either primary or secondary,
86 exclusive of the cost of electrical energy so used or if the raw materials used in such processing
87 contain at least twenty-five percent recovered materials as defined in section 260.200. There
88 shall be a rebuttable presumption that the raw materials used in the primary manufacture of
89 automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

93 (14) Anodes which are used or consumed in manufacturing, processing, compounding,
94 mining, producing or fabricating and which have a useful life of less than one year;

95 (15) Machinery, equipment, appliances and devices purchased or leased and used solely
96 for the purpose of preventing, abating or monitoring air pollution, and materials and supplies
97 solely required for the installation, construction or reconstruction of such machinery, equipment,
98 appliances and devices;

99 (16) Machinery, equipment, appliances and devices purchased or leased and used solely
100 for the purpose of preventing, abating or monitoring water pollution, and materials and supplies
101 solely required for the installation, construction or reconstruction of such machinery, equipment,
102 appliances and devices;

103 (17) Tangible personal property purchased by a rural water district;

104 (18) All amounts paid or charged for admission or participation or other fees paid by or
105 other charges to individuals in or for any place of amusement, entertainment or recreation, games
106 or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a
107 municipality or other political subdivision where all the proceeds derived therefrom benefit the
108 municipality or other political subdivision and do not inure to any private person, firm, or
109 corporation;

110 (19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1,
111 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
112 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
113 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
114 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
115 administer those items, including samples and materials used to manufacture samples which may
116 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
117 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
118 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille

119 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
120 one or more physical or mental disabilities to enable them to function more independently, all
121 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
122 alternative and augmentative communication devices, and items used solely to modify motor
123 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
124 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
125 the Food and Drug Administration to meet the over-the-counter drug product labeling
126 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
127 licensed to prescribe;

128 (20) All sales made by or to religious and charitable organizations and institutions in
129 their religious, charitable or educational functions and activities and all sales made by or to all
130 elementary and secondary schools operated at public expense in their educational functions and
131 activities;

132 (21) All sales of aircraft to common carriers for storage or for use in interstate commerce
133 and all sales made by or to not-for-profit civic, social, service or fraternal organizations,
134 including fraternal organizations which have been declared tax-exempt organizations pursuant
135 to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or
136 charitable functions and activities and all sales made to eleemosynary and penal institutions and
137 industries of the state, and all sales made to any private not-for-profit institution of higher
138 education not otherwise excluded pursuant to subdivision (20) of this subsection or any
139 institution of higher education supported by public funds, and all sales made to a state relief
140 agency in the exercise of relief functions and activities;

141 (22) All ticket sales made by benevolent, scientific and educational associations which
142 are formed to foster, encourage, and promote progress and improvement in the science of
143 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
144 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
145 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
146 fair conducted by a county agricultural and mechanical society organized and operated pursuant
147 to sections 262.290 to 262.530;

148 (23) All sales made to any private not-for-profit elementary or secondary school, all sales
149 of feed additives, medications or vaccines administered to livestock or poultry in the production
150 of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for
151 food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber,
152 all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying
153 agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as

154 defined in section 142.028, natural gas, propane, and electricity used by an eligible new
155 generation cooperative or an eligible new generation processing entity as defined in section
156 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
157 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
158 additives" means tangible personal property which, when mixed with feed for livestock or
159 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
160 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
161 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
162 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
163 used in this subdivision, the term "farm machinery and equipment" means new or used farm
164 tractors and such other new or used farm machinery and equipment and repair or replacement
165 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
166 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
167 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
168 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
169 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 170 (a) Used exclusively for agricultural purposes;
- 171 (b) Used on land owned or leased for the purpose of producing farm products; and
- 172 (c) Used directly in producing farm products to be sold ultimately in processed form or
173 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
174 ultimately in processed form at retail;

175 (24) Except as otherwise provided in section 144.032, all sales of metered water service,
176 electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil
177 for domestic use and in any city not within a county, all sales of metered or unmetered water
178 service for domestic use:

179 (a) "Domestic use" means that portion of metered water service, electricity, electrical
180 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
181 within a county, metered or unmetered water service, which an individual occupant of a
182 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
183 service through a single or master meter for residential apartments or condominiums, including
184 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
185 Each seller shall establish and maintain a system whereby individual purchases are determined
186 as exempt or nonexempt;

187 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
188 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file

189 with and approved by the Missouri public service commission. Sales and purchases made
190 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
191 of the occupants of residential apartments or condominiums through a single or master meter,
192 including service for common areas and facilities and vacant units, shall be considered as sales
193 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
194 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
195 service rate classification and the provision of service thereunder shall be conclusive as to
196 whether or not the utility must charge sales tax;

197 (c) Each person making domestic use purchases of services or property and who uses any
198 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
199 of the fourth month following the year of purchase, and without assessment, notice or demand,
200 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
201 nondomestic purchases of services or property and who uses any portion of the services or
202 property so purchased for domestic use, and each person making domestic purchases on behalf
203 of occupants of residential apartments or condominiums through a single or master meter,
204 including service for common areas and facilities and vacant units, under a nonresidential utility
205 service rate classification may, between the first day of the first month and the fifteenth day of
206 the fourth month following the year of purchase, apply for credit or refund to the director of
207 revenue and the director shall give credit or make refund for taxes paid on the domestic use
208 portion of the purchase. The person making such purchases on behalf of occupants of residential
209 apartments or condominiums shall have standing to apply to the director of revenue for such
210 credit or refund;

211 (25) All sales of handicraft items made by the seller or the seller's spouse if the seller or
212 the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such
213 sales do not constitute a majority of the annual gross income of the seller;

214 (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071,
215 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of
216 revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes
217 on such excise taxes;

218 (27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne
219 vessels which are used primarily in or for the transportation of property or cargo, or the
220 conveyance of persons for hire, on navigable rivers bordering on or located in part in this state,
221 if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
222 it is afloat upon such river;

223 (28) All sales made to an interstate compact agency created pursuant to sections 70.370
224 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such
225 agency as provided pursuant to the compact;

226 (29) Computers, computer software and computer security systems purchased for use
227 by architectural or engineering firms headquartered in this state. For the purposes of this
228 subdivision, "headquartered in this state" means the office for the administrative management
229 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

230 (30) All livestock sales when either the seller is engaged in the growing, producing or
231 feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering
232 or leasing of such livestock;

233 (31) All sales of barges which are to be used primarily in the transportation of property
234 or cargo on interstate waterways;

235 (32) Electrical energy or gas, whether natural, artificial or propane, water, or other
236 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
237 products or in any material recovery processing plant as defined in subdivision (5) of this
238 subsection;

239 (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or
240 herbicides used in the production of crops, aquaculture, livestock or poultry;

241 (34) Tangible personal property and utilities purchased for use or consumption directly
242 or exclusively in the research and development of agricultural/biotechnology and plant genomics
243 products and prescription pharmaceuticals consumed by humans or animals;

244 (35) All sales of grain bins for storage of grain for resale;

245 (36) All sales of feed which are developed for and used in the feeding of pets owned by
246 a commercial breeder when such sales are made to a commercial breeder, as defined in section
247 273.325, and licensed pursuant to sections 273.325 to 273.357;

248 (37) All purchases by a contractor on behalf of an entity located in another state,
249 provided that the entity is authorized to issue a certificate of exemption for purchases to a
250 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
251 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
252 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
253 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
254 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
255 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
256 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
257 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result

258 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
259 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
260 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
261 or remodeling facilities for the following:

262 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
263 project exemption certificates in accordance with the provisions of section 144.062; or

264 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
265 an exemption certificate to contractors in accordance with the provisions of that state's law and
266 the applicable provisions of this section;

267 (38) All sales or other transfers of tangible personal property to a lessor who leases the
268 property under a lease of one year or longer executed or in effect at the time of the sale or other
269 transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections
270 238.010 to 238.100;

271 (39) Sales of tickets to any collegiate athletic championship event that is held in a facility
272 owned or operated by a governmental authority or commission, a quasi-governmental agency,
273 a state university or college or by the state or any political subdivision thereof, including a
274 municipality, and that is played on a neutral site and may reasonably be played at a site located
275 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
276 is not located on the campus of a conference member institution participating in the event;

277 (40) All purchases by a sports complex authority created under section 64.920, and all
278 sales of utilities by such authority at the authority's cost that are consumed in connection with
279 the operation of a sports complex leased to a professional sports team;

280 (41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement
281 parts, and equipment purchased for use directly upon, and for the modification, replacement,
282 repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

283 (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or
284 similar places of business for use in the normal course of business and money received by a
285 shooting range or similar places of business from patrons and held by a shooting range or similar
286 place of business for redistribution to patrons at the conclusion of a shooting event;

287 **(43) Sales made to any person where payment is being made by a nongovernmental**
288 **agency as part of a disaster relief service.**

177.011. 1. The title of all schoolhouse sites and other school property is vested in the
2 district in which the property is located, or if the directors of both school districts involved agree,
3 a school district may own property outside of the boundaries of the district and operate upon such
4 property for school purposes; provided that, such property may only be used for school purposes

5 for students residing in the school district owning such property or students who are enrolled in
6 such school district as part of a court-ordered desegregation plan. All property leased or rented
7 for school purposes shall be wholly under the control of the school board during such time.
8 **With the exception of lease agreements entered into under the provisions of section**
9 **177.088**, no board shall lease or rent any building for school purposes while the district
10 schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until
11 another site and house are provided for the school district.

12 2. Notwithstanding the provisions of section 178.770, the provisions of this section shall
13 not apply to community college districts. Nothing in this subsection shall be construed to impair
14 the duty and authority of the coordinating board for higher education to approve academic
15 programs under section 173.005.

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

2 (1) "Board", the board of education, board of trustees, board of regents, or board of
3 governors of an educational institution;

4 (2) "Educational institution", any school district, including all community college
5 districts, and any state college or university organized under chapter 174.

6 2. The board of any educational institution may enter into agreements as authorized in
7 this section [with a not-for-profit corporation formed under the general not-for-profit corporation
8 law of Missouri, chapter 355,] in order to provide for the acquisition, construction, improvement,
9 extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings
10 and equipment for the use of the educational institution for educational purposes.

11 3. The board may on such terms as it shall approve:

12 (1) Lease [from the corporation] sites, buildings, facilities, furnishings and equipment
13 [which the corporation has] acquired or constructed; or

14 (2) Notwithstanding the provisions of this chapter or any other provision of law to the
15 contrary, sell or lease at fair market value, which may be determined by appraisal, [to the
16 corporation] any existing sites [owned by the educational institution], together with any existing
17 buildings and facilities thereon, in order [for the corporation] to acquire, construct, improve,
18 extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and [then]
19 lease back or purchase such sites, buildings and facilities [from the corporation]; provided that,
20 upon selling or leasing the sites, buildings or facilities, [the corporation agrees to enter into a
21 lease for] **any lease back to the educational institution is not more than one year [but] in**
22 **length, and** with not more than twenty-five successive options by the educational institution to
23 renew the lease under the same conditions; and provided further that [the corporation agrees]
24 **there is an agreement** to convey or sell the sites, buildings or facilities, including any

25 improvements, extensions, renovations, furnishings or equipment, back to the educational
26 institution with clear title at the end of the period of successive one-year options or at any time
27 bonds, notes or other obligations issued [by the corporation] to pay for the improvements,
28 extensions, renovations, furnishings or equipment have been paid and discharged.

29 4. Any consideration, promissory note or deed of trust which an educational institution
30 receives for selling or leasing property [to a not-for-profit corporation] pursuant to this section
31 shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon
32 shall be commingled with any other funds of the educational institutions. At such time as the
33 title or deed for property acquired, constructed, improved, extended, repaired, remodeled or
34 renovated under this section is conveyed to the educational institution, the consideration shall
35 be returned [to the corporation].

36 5. The board may make rental payments [to the corporation] under such leases out of its
37 general funds or out of any other available funds, provided that in no event shall the educational
38 institution become indebted in an amount exceeding in any year the income and revenue of the
39 educational institution for such year plus any unencumbered balances from previous years.

40 6. Any bonds, notes and other obligations issued [by a corporation] to pay for the
41 acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites,
42 buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed
43 of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental
44 thereof to the educational institution. Such bonds, notes and other obligations issued [by a
45 corporation] shall not be a debt of the educational institution and the educational institution shall
46 not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out
47 of any funds or properties other than those acquired for the purposes of this section, and such
48 bonds, notes and obligations shall not constitute an indebtedness of the educational institution
49 within the meaning of any constitutional or statutory debt limitation or restriction.

50 7. The interest on such bonds, notes and other obligations [of the corporation] and the
51 income therefrom shall be exempt from taxation by the state and its political subdivisions, except
52 for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment
53 owned [by a corporation] in connection with any project pursuant to this section shall be exempt
54 from taxation.

55 8. The board may make all other contracts or agreements [with the corporation]
56 necessary or convenient in connection with any project pursuant to this section[. The
57 corporation] **and** shall comply with sections 290.210 to 290.340.

58 9. Notice that the board is considering a project pursuant to this section shall be given
59 by publication in a newspaper published within the county in which all or a part of the

60 educational institution is located which has general circulation within the area of the educational
61 institution, once a week for two consecutive weeks, the last publication to be at least seven days
62 prior to the date of the meeting of the board at which such project will be considered and acted
63 upon.

64 10. [Provisions of other law to the contrary notwithstanding, the board may refinance any
65 lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of
66 section 165.011 for the purpose of payment on any lease with the corporation under this section
67 for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or
68 constructed, but such refinance shall not extend the date of maturity of any obligation, and the
69 refinancing obligation shall not exceed the amount necessary to pay or provide for the payment
70 of the principal of the outstanding obligations to be refinanced, together with the interest accrued
71 thereon to the date of maturity or redemption of such obligations and any premium which may
72 be due under the terms of such obligations and any amounts necessary for the payments of costs
73 and expenses related to issuing such refunding obligations and to fund a capital projects reserve
74 fund for the obligations.

75 11.] Provisions of other law to the contrary notwithstanding, payments made from any
76 source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the
77 transfer of the title of real property to the school district, other than those payments made from
78 the capital projects fund, shall be deducted as an adjustment to the funds payable to the district
79 pursuant to section 163.031 beginning in the year following the transfer of title to the district,
80 as determined by the department of elementary and secondary education. No district with
81 modular buildings leased in fiscal year 2004, with the lease payments made from the incidental
82 fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any
83 adjustment to the funds payable to the district under section 163.031 as a result of the transfer
84 of title.

85 [12.] 11. Notwithstanding provisions of this section to the contrary, the board of
86 education of any school district may enter into agreements with the county in which the school
87 district is located, or with a city, town, or village wholly or partially located within the
88 boundaries of the school district, in order to provide for the acquisition, construction,
89 improvement, extension, repair, remodeling, renovation, and financing of sites, buildings,
90 facilities, furnishings, and equipment for the use of the school district for educational purposes.
91 Such an agreement may provide for the present or future acquisition of an ownership interest in
92 such facilities by the school district, by lease, lease-purchase agreement, option to purchase
93 agreement, or similar provisions, and may provide for a joint venture between the school district
94 and other entity or entities that are parties to such an agreement providing for the sharing of the

95 costs of acquisition, construction, repair, maintenance, and operation of such facilities. The
 96 school district may wholly own such facilities, or may acquire a partial ownership interest along
 97 with the county, city, town, or village with which the agreement was executed.

184.800. Sections 184.800 to 184.880 shall be known as the "Missouri Museum **and**
 2 **Cultural** District Act".

184.805. 1. As used in sections 184.800 to 184.880, the following terms mean:

2 (1) "Board", the board of directors of a district;

3 (2) "**Cultural asset**", a building or area used for the purposes of promoting
 4 community culture and the arts, recreation and knowledge, including for purposes of
 5 supporting or promoting the performing arts, theater, music, entertainment, public spaces,
 6 public libraries or other public assets;

7 (3) "**Disaster area**", an area located within a municipality for which public and
 8 individual assistance has been declared by the President under Section 401 of the Robert
 9 T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5121, et seq.,
 10 provided that the municipality adopts or has adopted an ordinance approving a
 11 redevelopment plan within three years after the President declares such disaster;

12 (4) "District", a museum **and cultural** district organized pursuant to sections 184.800
 13 to 184.880;

14 [(3)] (5) "Museum", a building or area used for the purpose of exhibiting and/or
 15 preserving objects or specimens of interest to the public, including but not limited to
 16 photographs, art, historical items, items of natural history, and items connected with wildlife
 17 [and] , conservation, and historical events;

18 [(4)] (6) "Owner of real property", the owner of the fee interest in the real property[,
 19 except that when the real property is subject to a lease of ten or more years, the lessee rather than
 20 the owner of the fee interest shall be considered as the "owner of real property"]. An owner may
 21 be either a natural person or a [juridical] legal entity.

22 2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of
 23 Missouri, section 137.073, and as used in sections 184.800 to 184.880, the following terms shall
 24 have the meanings given:

25 (1) "Approval of the required majority" [or "direct voter approval"], a simple majority;

26 (2) "Qualified voters", the owners of real property located within the proposed district
 27 [or any person residing in the district who is a legal voter within the district].

184.810. 1. A district **where the majority of the property is located within a disaster**
 2 **area** may be created to fund, promote, plan, design, construct, improve, maintain and operate one

3 or more projects relating to [a museum] **one or more museums and cultural assets** or to assist
4 in such activity.

5 2. A district is a political subdivision of the state.

6 3. No structures operated by a museum **and cultural** district board pursuant to sections
7 184.800 to 184.880 shall be named for a commercial venture.

184.815. 1. Whenever the creation of a district is desired, the owners of real property
2 who own at least two-thirds of the real property within the proposed district may file a petition
3 requesting the creation of a district. The petition shall be filed in the circuit court of the county
4 in which the proposed district is located. Any petition to create a museum **and cultural** district
5 pursuant to the provisions of sections 184.800 to 184.880 shall be filed [on or before December
6 31, 1998] **within five years after the Presidential declaration establishing the disaster area.**

7 2. The proposed district area [shall be contiguous and] may contain **one or more parcels**
8 **of real property, which may or may not be contiguous and may further include** any portion
9 of one or more municipalities.

10 3. The petition shall set forth:

11 (1) The name and address of each owner of real property located within the proposed
12 district [or who is a legal voter resident within the proposed district];

13 (2) A specific description of the proposed district boundaries including a map illustrating
14 such boundaries;

15 (3) A general description of the purpose or purposes for which the district is being
16 formed, including a description of the proposed museum or museums **and cultural asset or**
17 **cultural assets** and a general plan for [its] operation **of each museum and each cultural asset**
18 **within the district;** and

19 (4) The name of the proposed district.

20 4. In the event any owner of real property within the proposed district who is named in
21 the petition [or any legal voter resident within the district] shall not join in the petition or file an
22 entry of appearance and waiver of service of process in the case, a copy of the petition shall be
23 served upon said owner [or legal voter] in the manner provided by supreme court rule for the
24 service of petitions generally. Any objections to the petition shall be raised by answer within the
25 time provided by supreme court rule for the filing of an answer to a petition.

184.820. 1. Any owner of real property within the proposed district [and any legal voter
2 who is a resident within the proposed district] may join in or file a petition supporting or answer
3 opposing the creation of the district and seeking a judgment respecting these same issues.

4 2. The court shall hear the case without a jury. If the court determines the petition is
5 defective or the proposed district or its plan of operation is unconstitutional, it shall enter its

6 judgment to that effect and shall refuse to incorporate the district as requested in the pleadings.
7 If the court determines the petition is not legally defective and the proposed district and plan of
8 operation are not unconstitutional, the court shall determine and declare the district organized
9 and incorporated and shall approve the plan of operation stated in the petition.

10 3. Any party having filed a petition or answer to a petition may appeal the circuit court's
11 order or judgment in the same manner as provided for other appeals. Any order either refusing
12 to incorporate the district or incorporating the district shall be deemed a final judgment for
13 purposes of appeal.

184.827. A museum **and cultural** district created pursuant to sections 184.800 to
2 184.880 shall be governed by a board of directors consisting of [eight] **five** members[. Five of
3 the members] **who** shall be elected as provided in section 184.830. [Three members of the board
4 of directors shall be appointed by the governor with the advice and consent of the senate for a
5 three-year term. Not more than two of the three members appointed by the governor shall be of
6 the same political party. The governor shall appoint an interim director to complete the
7 unexpired term of a director caused by resignation or disqualification who was appointed by the
8 governor.]

184.830. 1. Within thirty days after the order declaring the district organized has become
2 final, the circuit clerk of the county in which the petition was filed shall, give notice by causing
3 publication to be made once a week for two consecutive weeks in a newspaper of general
4 circulation in the county, the last publication of which shall be at least ten days before the day
5 of the meeting required by this section, call a meeting of the owners of real property within the
6 district at a day and hour specified in a public place in the county in which the petition was filed
7 for the purpose of electing a board of five directors, to be composed of owners or representatives
8 of owners of real property in the district.

9 2. The owners of real property, when assembled, shall organize by the election of a
10 chairman and secretary of the meeting who shall conduct the election. At the election, each acre
11 of real property within the district shall be considered as a voting interest, and each owner of real
12 property shall have one vote in person or by proxy for every acre of real property owned within
13 the district for each director to be elected. A director need not be a legal voter of the district.

14 3. Each director shall serve for a term of three years and until his **or her** successor is
15 duly elected and qualified. Successor directors shall be elected in the same manner as the initial
16 directors at a meeting of the owners of real property called by the board. Each successor director
17 shall serve a three-year term. The remaining directors shall have the authority to elect an interim
18 director to complete any unexpired term of a director caused by resignation or disqualification.

19 4. Directors shall be at least twenty-one years of age.

184.835. 1. The board shall possess and exercise all of the district's legislative and
2 executive powers.

3 2. Within thirty days after the election of the initial directors, the board shall meet. At
4 its first meeting and after each election of new board members the board shall elect a chairman,
5 a secretary, a treasurer and such other officers as it deems necessary from its members. A
6 director may fill more than one office, except that a director may not fill both the office of
7 chairman and secretary.

8 3. [The board may employ such employees as it deems necessary; provided, however,
9 that the board shall not employ any employee who is related within the fourth degree by blood
10 or marriage to a member of the board.

11 4.] At the first meeting, the board, by resolution, shall define the first and subsequent
12 fiscal years of the district, and shall adopt a corporate seal.

13 [5.] 4. A simple majority of the board shall constitute a quorum. If a quorum exists, a
14 **simple** majority of those voting shall have the authority to act in the name of the board, and
15 approve any board resolution.

16 [6.] 5. Each director shall devote such time to the duties of the office as the faithful
17 discharge thereof may require and may be reimbursed for his or her actual expenditures in the
18 performance of his or her duties on behalf of the district.

184.840. 1. A district may receive and use funds for the purposes of planning, designing,
2 constructing, reconstructing, maintaining and operating [a museum] **one or more museums and**
3 **cultural assets**, conducting educational programs in connection therewith [for any public
4 purpose] which is reasonably connected with the museum **or cultural asset** and for any other
5 purposes authorized by sections 184.840 to 184.880. Such funds may be derived from any
6 funding method which is authorized by sections 184.800 to 184.880 and from any other source,
7 including but not limited to funds from federal sources, the state of Missouri or an agency
8 thereof, a political subdivision of the state or private sources.

9 2. The general assembly may annually for a period of twenty years after [July 7, 1997]
10 **January 1, 2013**, make appropriations from general revenue to a district which is created
11 pursuant to the provisions of sections 184.800 to 184.880.

184.845. 1. The board of the district may impose a museum **and cultural** district sales
2 tax by resolution on all retail sales made in such museum **and cultural** district which are subject
3 to taxation pursuant to the provisions of sections 144.010 to 144.525. Such museum **and**
4 **cultural** district sales tax may be imposed for any museum **or cultural** purpose designated by
5 the board of the museum **and cultural** district. If the resolution is adopted the board of the
6 district may submit the question of whether to impose a sales tax authorized by this section to

7 [either the legal voters of the district and/or to the owners of real property within the district] **the**
8 **qualified voters**, who shall have the same voting interests as with the election of members of
9 the board of the district.

10 2. The sales tax authorized by this section shall become effective on the first day of the
11 second calendar quarter following adoption of the tax by the **board or qualified voters, if the**
12 **board elects to submit the question of whether to impose a sales tax to the** qualified voters.

13 3. In each museum **and cultural** district in which a sales tax has been imposed in the
14 manner provided by this section, every retailer shall add the tax imposed by the museum **and**
15 **cultural** district pursuant to this section to the retailer's sale price, and when so added such tax
16 shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and
17 shall be recoverable at law in the same manner as the purchase price.

18 4. In order to permit sellers required to collect and report the sales tax authorized by this
19 section to collect the amount required to be reported and remitted, but not to change the
20 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
21 fractions of pennies, the museum **and cultural** district may establish appropriate brackets which
22 shall be used in the district imposing a tax pursuant to this section in lieu of those brackets
23 provided in section [144.825] **144.285**.

24 5. All revenue received by a museum **and cultural** district from the tax authorized by
25 this section which has been designated for a certain museum **or cultural** purpose shall be
26 deposited in a special trust fund and shall be used solely for such designated purpose. All funds
27 remaining in the special trust fund shall continue to be used solely for such designated museum
28 **or cultural** purpose. Any funds in such special trust fund which are not needed for current
29 expenditures may be invested by the board of directors in accordance with applicable laws
30 relating to the investment of other museum **or cultural** district funds.

31 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one
32 percent or one percent on the receipts from the sale at retail of all tangible personal property or
33 taxable services at retail within the museum **and cultural** district adopting such tax, if such
34 property and services are subject to taxation by the state of Missouri pursuant to the provisions
35 of sections 144.010 to 144.525. Any museum **and cultural** district sales tax imposed pursuant
36 to this section shall be imposed at a rate that shall be uniform throughout the district.

37 7. On and after the effective date of any tax imposed pursuant to this section, the
38 museum **and cultural** district shall perform all functions incident to the administration,
39 collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall
40 be collected and reported upon such forms and under such administrative rules and regulations
41 as may be prescribed by the museum **and cultural** district.

42 8. All applicable provisions contained in sections 144.010 to 144.525 governing the state
43 sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality provision,
44 shall apply to the collection of the tax imposed by this section, except as modified in this section.

45 9. All exemptions granted to agencies of government, organizations, persons and to the
46 sale of certain articles and items of tangible personal property and taxable services pursuant to
47 the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and
48 collection of the tax imposed by this section.

49 10. The same sales tax permit, exemption certificate and retail certificate required by
50 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
51 satisfy the requirements of this section, and no additional permit or exemption certificate or retail
52 certificate shall be required; except that the museum **and cultural** district may prescribe a form
53 of exemption certificate for an exemption from the tax imposed by this section.

54 11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for
55 violation of those sections are hereby made applicable to violations of this section.

56 12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all
57 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place
58 of business of the retailer unless the tangible personal property sold is delivered by the retailer
59 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an
60 out-of-state destination. In the event a retailer has more than one place of business in this state
61 which participates in the sale, the sale shall be deemed to be consummated at the place of
62 business of the retailer where the initial order for the tangible personal property is taken, even
63 though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or
64 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of
65 business from which the employee works.

66 13. All sales taxes collected by the museum **and cultural** district shall be deposited by
67 the museum **and cultural** district in a special fund to be expended for the purposes authorized
68 in this section. The museum **and cultural** district shall keep accurate records of the amount of
69 money which was collected pursuant to this section, and the records shall be open to the
70 inspection by the officers and directors of each museum **and cultural** district and the Missouri
71 department of revenue. Tax returns filed by businesses within the district shall otherwise be
72 considered as confidential in the same manner as sales tax returns filed with the Missouri
73 department of revenue.

74 14. No museum **and cultural** district imposing a sales tax pursuant to this section may
75 repeal or amend such sales tax unless such repeal or amendment will not impair the district's
76 ability to repay any liabilities which it has incurred, money which it has borrowed or revenue

77 bonds, notes or other obligations which it has issued or which have been issued to finance any
78 project or projects.

**184.847. 1. The board of a district may impose an admissions fee on every person,
2 firm, association, company or partnership of whatever form offering or managing any
3 form of entertainment, amusement, athletic or other commercial or nonprofit event or
4 venue for which admission is charged and which is presented within the district. The fee
5 shall be at a rate of no more than one dollar per seat or admission sold. This fee is in
6 addition to any state or local tax. Such admission fee may be imposed for any museum and
7 cultural purpose designated by the board of the museum and cultural district. If the
8 resolution is adopted, the board of the district may submit the question of whether to
9 impose such admission fee authorized by this section to the qualified voters, who shall have
10 the same voting interests as with the election of members of the board of the district. The
11 question shall specify the particular types of events or venues that shall be subject to such
12 admission fee.**

13 **2. The admission fee authorized by this section shall become effective on the first
14 day of the second calendar quarter following the adoption of the admission fee by the
15 qualified voters.**

16 **3. All revenue received by a museum and cultural district from the admission fee
17 authorized by this section shall be deposited into a special trust fund and shall be used
18 solely for such designated purpose. All funds remaining in the special trust fund shall
19 continue to be used solely for such designated museum or cultural purpose. Any funds in
20 such special trust fund which are not needed for current expenditures may be invested by
21 the board of directors in accordance with applicable laws relating to the investment of
22 other museum and cultural district funds.**

23 **4. On and after the effective date of any admission fee imposed pursuant to this
24 section, the museum and cultural district shall perform all functions incident to the
25 administration, collection, enforcement, and operation of the admission fee. The admission
26 fee imposed under this section shall be collected and reported upon such forms and under
27 such administrative rules and regulations as may be prescribed by the museum and
28 cultural district.**

184.850. 1. A district may contract and incur obligations appropriate to accomplish its
2 purposes.

3 2. A district may enter into any lease or lease-purchase agreement for or with respect to
4 any real or personal property necessary or convenient for its purposes.

5 3. A district may enter into operating agreements and/or management agreements [with
6 not-for-profit corporations] to operate [the] **a museum or cultural asset** or carry out any other
7 authorized purposes or functions of the district.

8 4. A district may borrow money for its purposes at such rates of interest as the district
9 may determine.

10 5. A district may issue bonds, notes and other obligations, and may secure any of such
11 obligations by mortgage, pledge, assignment, security agreement or deed of trust of any or all of
12 the property and income of the district, subject to the restrictions provided in sections 184.800
13 to 184.880. The district shall also have the power and authority to secure financing on the
14 issuance of bonds for financing through another political subdivision or an agency of the state.

15 6. A district may enter into labor agreements, establish all bid conditions, decide all
16 contract awards, pay all contractors and generally supervise the construction of [the] **a museum**
17 **or cultural asset** project.

18 7. **A district may hire employees, enter leases and contracts, and otherwise take**
19 **such actions and enter into such agreements as are necessary or incidental to the**
20 **ownership, operation, and maintenance of each museum and each cultural asset within the**
21 **district.**

 184.865. The district may contract with a federal agency, a state or its agencies and
2 political subdivisions, a corporation, partnership **or limited partnership, limited liability**
3 **company**, or individual regarding funding, promotion, planning, designing, constructing,
4 improving, maintaining, or operating [a project] **any museum or cultural asset within the**
5 **district** or to assist in such activity[]; provided, however, that any contract providing for the
6 overall management and operation of the museum for the district shall only be with a
7 governmental entity or a not-for-profit corporation].

190.098. 1. In order for a person to be eligible for certification by the department
2 **as a community paramedic, an individual shall:**

3 **(1) Be currently certified as a paramedic;**

4 **(2) Successfully complete or have successfully completed a community paramedic**
5 **certification program from a college, university, or educational institution that has been**
6 **approved by the department or accredited by a national accreditation organization**
7 **approved by the department; and**

8 **(3) Complete an application form approved by the department.**

9 **2. A community paramedic shall practice in accordance with protocols and**
10 **supervisory standards established by the medical director. A community paramedic shall**
11 **provide services of a health care plan if the plan has been developed by the patient's**

12 **physician or by an advanced practice registered nurse or a physician assistant and there**
13 **is no duplication of services to the patient from another provider.**

14 **3. Any ambulance service shall enter into a written contract to provide community**
15 **paramedic services in another ambulance service area, as that term is defined in section**
16 **190.100. The contract that is agreed upon may be for an indefinite period of time, as long**
17 **as it includes at least a sixty-day cancellation notice by either ambulance service.**

18 **4. A community paramedic is subject to the provisions of sections 190.001 to**
19 **190.245 and rules promulgated under sections 190.001 to 190.245.**

20 **5. No person shall hold himself or herself out as a community paramedic or provide**
21 **the services of a community paramedic unless such person is certified by the department.**

22 **6. The medical director shall approve the implementation of the community**
23 **paramedic program.**

24 **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
25 **created under the authority delegated in this section shall become effective only if it**
26 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
27 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
28 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
29 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
30 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
31 **shall be invalid and void.**

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult
3 and pediatric patient such as defined by national curricula, and any modifications to that curricula
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise
8 incapacitated or helpless, or who require the presence of medical equipment being used on such
9 individuals, but the term does not include any motor vehicle specially designed, constructed or
10 converted for the regular transportation of persons who are disabled, handicapped, normally
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

- 15 (4) "Ambulance service area", a specific geographic area in which an ambulance service
16 has been authorized to operate;
- 17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
18 patient as defined by national curricula, and any modifications to that curricula specified in rules
19 adopted by the department pursuant to sections 190.001 to 190.245;
- 20 (6) "Council", the state advisory council on emergency medical services;
- 21 (7) "Department", the department of health and senior services, state of Missouri;
- 22 (8) "Director", the director of the department of health and senior services or the
23 director's duly authorized representative;
- 24 (9) "Dispatch agency", any person or organization that receives requests for emergency
25 medical services from the public, by telephone or other means, and is responsible for dispatching
26 emergency medical services;
- 27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition
28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
29 possessing an average knowledge of health and medicine, to believe that the absence of
30 immediate medical care could result in:
- 31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
32 woman or her unborn child, in significant jeopardy;
- 33 (b) Serious impairment to a bodily function;
- 34 (c) Serious dysfunction of any bodily organ or part;
- 35 (d) Inadequately controlled pain;
- 36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the
37 public and has successfully completed an emergency medical dispatcher course, meeting or
38 exceeding the national curriculum of the United States Department of Transportation and any
39 modifications to such curricula specified by the department through rules adopted pursuant to
40 sections 190.001 to 190.245;
- 41 (12) "Emergency medical response agency", any person that regularly provides a level
42 of care that includes first response, basic life support or advanced life support, exclusive of
43 patient transportation;
- 44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
46 medical services required in prevention and management of incidents which occur as a result of
47 a medical emergency or of an injury event, natural disaster or similar situation;
- 48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,
49 facilities and equipment for the effective and coordinated delivery of emergency medical services

50 required in prevention and management of incidents occurring as a result of an illness, injury,
51 natural disaster or similar situation;

52 (15) "Emergency medical technician", a person licensed in emergency medical care in
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
56 completed a course of instruction in basic life support as prescribed by the department and is
57 licensed by the department in accordance with standards prescribed by sections 190.001 to
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) **"Emergency medical technician-community paramedic", "community**
60 **paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-**
61 **paramedic and is licensed by the department in accordance with standards prescribed in**
62 **section 190.098;**

63 (18) "Emergency medical technician-intermediate" or "EMT-I", a person who has
64 successfully completed a course of instruction in certain aspects of advanced life support care
65 as prescribed by the department and is licensed by the department in accordance with sections
66 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections
67 190.001 to 190.245;

68 [(18)] (19) "Emergency medical technician-paramedic" or "EMT-P", a person who has
69 successfully completed a course of instruction in advanced life support care as prescribed by the
70 department and is licensed by the department in accordance with sections 190.001 to 190.245
71 and rules adopted by the department pursuant to sections 190.001 to 190.245;

72 [(19)] (20) "Emergency services", health care items and services furnished or required
73 to screen and stabilize an emergency which may include, but shall not be limited to, health care
74 services that are provided in a licensed hospital's emergency facility by an appropriate provider
75 or by an ambulance service or emergency medical response agency;

76 [(20)] (21) "First responder", a person who has successfully completed an emergency
77 first response course meeting or exceeding the national curriculum of the United States
78 Department of Transportation and any modifications to such curricula specified by the
79 department through rules adopted pursuant to sections 190.001 to 190.245 and who provides
80 emergency medical care through employment by or in association with an emergency medical
81 response agency;

82 [(21)] (22) "Health care facility", a hospital, nursing home, physician's office or other
83 fixed location at which medical and health care services are performed;

84 [(22)] (23) "Hospital", an establishment as defined in the hospital licensing law,
85 subsection 2 of section 197.020, or a hospital operated by the state;

86 [(23)] (24) "Medical control", supervision provided by or under the direction of
87 physicians to providers by written or verbal communications;

88 [(24)] (25) "Medical direction", medical guidance and supervision provided by a
89 physician to an emergency services provider or emergency medical services system;

90 [(25)] (26) "Medical director", a physician licensed pursuant to chapter 334 designated
91 by the ambulance service or emergency medical response agency and who meets criteria
92 specified by the department by rules pursuant to sections 190.001 to 190.245;

93 [(26)] (27) "Memorandum of understanding", an agreement between an emergency
94 medical response agency or dispatch agency and an ambulance service or services within whose
95 territory the agency operates, in order to coordinate emergency medical services;

96 [(27)] (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
97 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
98 between private or public institutions, homes or cemeteries, and individuals declared dead prior
99 to the time an ambulance is called for assistance;

100 [(28)] (29) "Person", as used in these definitions and elsewhere in sections 190.001 to
101 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative
102 organization, corporation, municipal or private, and whether organized for profit or not, state,
103 county, political subdivision, state department, commission, board, bureau or fraternal
104 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
105 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

106 [(29)] (30) "Physician", a person licensed as a physician pursuant to chapter 334;

107 [(30)] (31) "Political subdivision", any municipality, city, county, city not within a
108 county, ambulance district or fire protection district located in this state which provides or has
109 authority to provide ambulance service;

110 [(31)] (32) "Professional organization", any organized group or association with an
111 ongoing interest regarding emergency medical services. Such groups and associations could
112 include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-
113 P's, physicians, communications specialists and instructors. Organizations could also represent
114 the interests of ground ambulance services, air ambulance services, fire service organizations,
115 law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor
116 unions and poison control services;

117 [(32)] (33) "Proof of financial responsibility", proof of ability to respond to damages for
118 liability, on account of accidents occurring subsequent to the effective date of such proof, arising

119 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
120 promulgated by the department, but in no event less than the statutory minimum required for
121 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

122 [(33)] (34) "Protocol", a predetermined, written medical care guideline, which may
123 include standing orders;

124 [(34)] (35) "Regional EMS advisory committee", a committee formed within an
125 emergency medical services (EMS) region to advise ambulance services, the state advisory
126 council on EMS and the department;

127 [(35)] (36) "Specialty care transportation", the transportation of a patient requiring the
128 services of an emergency medical technician-paramedic who has received additional training
129 beyond the training prescribed by the department.

130

131 Specialty care transportation services shall be defined in writing in the appropriate local
132 protocols for ground and air ambulance services and approved by the local physician medical
133 director. The protocols shall be maintained by the local ambulance service and shall define the
134 additional training required of the emergency medical technician-paramedic;

135 [(36)] (37) "Stabilize", with respect to an emergency, the provision of such medical
136 treatment as may be necessary to attempt to assure within reasonable medical probability that no
137 material deterioration of an individual's medical condition is likely to result from or occur during
138 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

139 [(37)] (38) "State advisory council on emergency medical services", a committee formed
140 to advise the department on policy affecting emergency medical service throughout the state;

141 [(38)] (39) "State EMS medical directors advisory committee", a subcommittee of the
142 state advisory council on emergency medical services formed to advise the state advisory council
143 on emergency medical services and the department on medical issues;

144 [(39)] (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in
145 which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation
146 in electrocardiogram analysis, and as further defined in rules promulgated by the department
147 under sections 190.001 to 190.250;

148 [(40)] (41) "STEMI care", includes education and prevention, emergency transport,
149 triage, and acute care and rehabilitative services for STEMI that requires immediate medical or
150 surgical intervention or treatment;

151 [(41)] (42) "STEMI center", a hospital that is currently designated as such by the
152 department to care for patients with ST-segment elevation myocardial infarctions;

153 [(42)] (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined
154 by the department;

155 [(43)] (44) "Stroke care", includes emergency transport, triage, and acute intervention
156 and other acute care services for stroke that potentially require immediate medical or surgical
157 intervention or treatment, and may include education, primary prevention, acute intervention,
158 acute and subacute management, prevention of complications, secondary stroke prevention, and
159 rehabilitative services;

160 [(44)] (45) "Stroke center", a hospital that is currently designated as such by the
161 department;

162 [(45)] (46) "Trauma", an injury to human tissues and organs resulting from the transfer
163 of energy from the environment;

164 [(46)] (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
165 services for major single system or multisystem injuries that potentially require immediate
166 medical or surgical intervention or treatment;

167 [(47)] (48) "Trauma center", a hospital that is currently designated as such by the
168 department.

192.310. Nothing in sections 192.260 to 192.320 shall apply to **any home rule city with**
2 **more than sixty-four thousand but fewer than seventy-one thousand inhabitants, or** cities
3 which now have, or may hereafter have, a population of seventy-five thousand or over which are
4 maintaining organized health; provided, that such cities shall furnish the department of health
5 and senior services reports of contagious, infectious, communicable or dangerous diseases, which
6 have been designated by them as such and such other statistical information as the board may
7 require.

228.369. 1. For any private road subject to the use of more than one homeowner, in the
2 absence of a prior order or written agreement for the maintenance of the private road, including
3 covenants contained in deeds or state or local permits providing for the maintenance of a private
4 road, when adjoining homeowners who are benefitted by the use of an abutting private road, or
5 homeowners who have an easement to use a private road, collectively owners or benefitted
6 owners are unable to agree in writing upon a plan of maintenance for the maintenance, repair,
7 or improvement of the private road and including the assessment and apportionment of costs for
8 the plan of maintenance, one or more of the owners may petition the circuit court for an order
9 establishing a plan of maintenance.

10 2. The cost of a plan of maintenance for a private road shall be apportioned among the
11 owners of residences abutting the private road and holders of easements to use the private road,
12 with the cost apportioned commensurate with the use and benefit to residences benefitted by the

13 access, as mutually agreed by the benefitted homeowners or as ordered by the court with such
14 method of apportionment as agreed by the homeowners or ordered by the court, including, but
15 not limited to, equal division, or proportionate to the residential assessed value, or to front
16 footage, or to usage or benefit.

17 3. The court may implement the same procedures to order and subsequently determine
18 a plan of maintenance for a private road as provided in this chapter for establishing or widening
19 a private road, including the appointment and compensation of disinterested commissioners to
20 determine the plan and the apportionment of costs.

21 4. Where the homeowners who are benefitted by the private road are not able to agree
22 upon the designation of a supervisor to complete the plan of maintenance, the commissioners
23 appointed by the court shall designate a supervisor who shall be compensated for his or her
24 services in the same manner as the commissioners.

25 5. Any agreement executed by all the homeowners, or final order approving, a plan of
26 maintenance for a private road shall be recorded with the county recorder of deeds.

27 6. One or more adjoining homeowners or holders of any easement to use a private road
28 may bring an action to enforce the plan of maintenance for a private road, whether as mutually
29 agreed or as ordered by the court.

30 **7. A plan of maintenance shall be a direct agreement among the homeowners who**
31 **abut or have easement rights over a private road. No homeowner shall be required to join**
32 **a homeowner or subdivision association or be subject to any use or development**
33 **restrictions on the homeowner's property or the private road as part of the plan of**
34 **maintenance for the private road.**

302.060. 1. The director shall not issue any license and shall immediately deny any
2 driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,
16 as defined in section 303.120, has been established;

17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction, including the results of a criminal history check as defined
28 in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or
29 been found guilty of, and has no pending charges for any offense related to alcohol, controlled
30 substances or drugs and has no other alcohol-related enforcement contacts as defined in section
31 302.525 during the preceding ten years and that the petitioner's habits and conduct show such
32 petitioner to no longer pose a threat to the public safety of this state, the court [may] **shall** order
33 the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to
34 the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the
35 provisions of this subdivision through court action more than one time;

36 (10) To any person who has pled guilty to or been convicted of the crime of involuntary
37 manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who
38 has been convicted twice within a five-year period of violating state law, county or municipal
39 ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined
40 in section 577.023, except that, after the expiration of five years from the date of conviction of
41 the last offense of violating such law or ordinance, a person who was so convicted may petition
42 the circuit court of the county in which such last conviction was rendered and the court shall
43 review the person's habits and conduct since such conviction, including the results of a criminal
44 history check as defined in section 302.010. If the court finds that the petitioner has not been
45 convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense
46 related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement
47 contacts as defined in section 302.525 during the preceding five years, and that the petitioner's
48 habits and conduct show such petitioner to no longer pose a threat to the public safety of this

49 state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner
50 is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

51 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
52 302.010 to 302.780, chapter 303, or section 544.046;

53 (12) To any person who is under the age of eighteen years, if such person's parents or
54 legal guardians file a certified document with the department of revenue stating that the director
55 shall not issue such person a driver's license. Each document filed by the person's parents or
56 legal guardians shall be made upon a form furnished by the director and shall include identifying
57 information of the person for whom the parents or legal guardians are denying the driver's
58 license. The document shall also contain identifying information of the person's parents or legal
59 guardians. The document shall be certified by the parents or legal guardians to be true and
60 correct. This provision shall not apply to any person who is legally emancipated. The parents
61 or legal guardians may later file an additional document with the department of revenue which
62 reinstates the person's ability to receive a driver's license.

63 2. Any person whose license is reinstated under the provisions of [subdivisions (9) and
64 (10)] **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with
65 the director of revenue that any motor vehicle operated by the person is equipped with a
66 functioning, certified ignition interlock device as a required condition of reinstatement. The
67 ignition interlock device required for reinstatement under this subsection and for obtaining a
68 limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section
69 302.309 shall have photo identification technology and global positioning system features. The
70 ignition interlock device shall further be required to be maintained on all motor vehicles operated
71 by the person for a period of not less than six months immediately following the date of
72 reinstatement. If the monthly monitoring reports show that the ignition interlock device has
73 registered any confirmed blood alcohol concentration readings above the alcohol setpoint
74 established by the department of transportation or that the person has tampered with or
75 circumvented the ignition interlock device, then the period for which the person must maintain
76 the ignition interlock device following the date of reinstatement shall be extended for an
77 additional six months. If the person fails to maintain such proof with the director, the license
78 shall be suspended for the remainder of the six-month period or until proof as required by this
79 section is filed with the director. Upon the completion of the six-month period, the license shall
80 be shown as reinstated, if the person is otherwise eligible.

81 3. Any person who petitions the court for reinstatement of his or her license pursuant to
82 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri
83 state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints

84 collected pursuant to standards as determined by the highway patrol. One set of fingerprints
85 shall be used by the highway patrol to search the criminal history repository and the second set
86 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
87 history files. At the time of application, the applicant shall supply to the highway patrol the court
88 name and case number for the court where he or she has filed his or her petition for
89 reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to
90 section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for
91 the federal criminal history record. The Missouri highway patrol, upon receipt of the results of
92 the criminal history check, shall forward a copy of the results to the circuit court designated by
93 the applicant and to the department. Notwithstanding the provisions of section 610.120, all
94 records related to any criminal history check shall be accessible and available to the director and
95 the court.

2 [302.060. 1. The director shall not issue any license and shall
immediately deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such
9 suspension, or to any person whose license has been revoked, until the expiration
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,
18 as defined in chapter 303, until such judgment has been satisfied or the financial
19 responsibility of such person, as defined in section 303.120, has been established;

20 (8) To any person whose application shows that the person has been
21 convicted within one year prior to such application of violating the laws of this
22 state relating to failure to stop after an accident and to disclose the person's
23 identity or driving a motor vehicle without the owner's consent;

24 (9) To any person who has been convicted more than twice of violating
25 state law, or a county or municipal ordinance where the defendant was
26 represented by or waived the right to an attorney in writing, relating to driving
27 while intoxicated; except that, after the expiration of ten years from the date of

28 conviction of the last offense of violating such law or ordinance relating to
29 driving while intoxicated, a person who was so convicted may petition the circuit
30 court of the county in which such last conviction was rendered and the court shall
31 review the person's habits and conduct since such conviction, including the
32 results of a criminal history check as defined in section 302.010. If the court
33 finds that the petitioner has not been convicted, pled guilty to or been found
34 guilty of, and has no pending charges for any offense related to alcohol,
35 controlled substances or drugs and has no other alcohol-related enforcement
36 contacts as defined in section 302.525 during the preceding ten years and that the
37 petitioner's habits and conduct show such petitioner to no longer pose a threat to
38 the public safety of this state, the court may order the director to issue a license
39 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions
40 of sections 302.010 to 302.540. No person may obtain a license pursuant to the
41 provisions of this subdivision through court action more than one time;

42 (10) To any person who has pled guilty to or been convicted of the crime
43 of involuntary manslaughter while operating a motor vehicle in an intoxicated
44 condition, or to any person who has been convicted twice within a five-year
45 period of violating state law, county or municipal ordinance of driving while
46 intoxicated, or any other intoxication-related traffic offense as defined in section
47 577.023, except that, after the expiration of five years from the date of conviction
48 of the last offense of violating such law or ordinance, a person who was so
49 convicted may petition the circuit court of the county in which such last
50 conviction was rendered and the court shall review the person's habits and
51 conduct since such conviction, including the results of a criminal history check
52 as defined in section 302.010. If the court finds that the petitioner has not been
53 convicted, pled guilty to, or been found guilty of, and has no pending charges for
54 any offense related to alcohol, controlled substances, or drugs and has no other
55 alcohol-related enforcement contacts as defined in section 302.525 during the
56 preceding five years, and that the petitioner's habits and conduct show such
57 petitioner to no longer pose a threat to the public safety of this state, the court
58 may order the director to issue a license to the petitioner if the petitioner is
59 otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

60 (11) To any person who is otherwise disqualified pursuant to the
61 provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

62 (12) To any person who is under the age of eighteen years, if such
63 person's parents or legal guardians file a certified document with the department
64 of revenue stating that the director shall not issue such person a driver's license.
65 Each document filed by the person's parents or legal guardians shall be made
66 upon a form furnished by the director and shall include identifying information
67 of the person for whom the parents or legal guardians are denying the driver's
68 license. The document shall also contain identifying information of the person's
69 parents or legal guardians. The document shall be certified by the parents or legal

70 guardians to be true and correct. This provision shall not apply to any person
 71 who is legally emancipated. The parents or legal guardians may later file an
 72 additional document with the department of revenue which reinstates the person's
 73 ability to receive a driver's license.

74 2. Any person whose license is reinstated under the provisions of
 75 subdivisions (9) and (10) of subsection 1 of this section shall be required to file
 76 proof with the director of revenue that any motor vehicle operated by the person
 77 is equipped with a functioning, certified ignition interlock device as a required
 78 condition of reinstatement. The ignition interlock device shall further be required
 79 to be maintained on all motor vehicles operated by the person for a period of not
 80 less than six months immediately following the date of reinstatement. If the
 81 person fails to maintain such proof with the director, the license shall be
 82 suspended for the remainder of the six-month period or until proof as required by
 83 this section is filed with the director. Upon the completion of the six-month
 84 period, the license shall be shown as reinstated, if the person is otherwise eligible.

85 3. Any person who petitions the court for reinstatement of his or her
 86 license pursuant to subdivision (9) or (10) of subsection 1 of this section shall
 87 make application with the Missouri state highway patrol as provided in section
 88 43.540, and shall submit two sets of fingerprints collected pursuant to standards
 89 as determined by the highway patrol. One set of fingerprints shall be used by the
 90 highway patrol to search the criminal history repository and the second set shall
 91 be forwarded to the Federal Bureau of Investigation for searching the federal
 92 criminal history files. At the time of application, the applicant shall supply to the
 93 highway patrol the court name and case number for the court where he or she has
 94 filed his or her petition for reinstatement. The applicant shall pay the fee for the
 95 state criminal history check pursuant to section 43.530 and pay the appropriate
 96 fee determined by the Federal Bureau of Investigation for the federal criminal
 97 history record. The Missouri highway patrol, upon receipt of the results of the
 98 criminal history check, shall forward a copy of the results to the circuit court
 99 designated by the applicant and to the department. Notwithstanding the
 100 provisions of section 610.120, all records related to any criminal history check
 101 shall be accessible and available to the director and the court.]

102

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 county or municipal or federal traffic
 5 ordinance or regulation not listed in this section, other than a violation of vehicle equipment
 6 provisions or a court-ordered supervision as provided in section 302.303. 2 points
 7 (except any violation of municipal stop sign ordinance where no accident

- 8 is involved..... 1 point)
- 9 (2) Speeding
- 10 In violation of a state law..... 3 points
- 11 In violation of a county or municipal ordinance. 2 points
- 12 (3) Leaving the scene of an accident in violation of section 577.060..... 12 points
- 13 In violation of any county or municipal ordinance. 6 points
- 14 (4) Careless and imprudent driving in violation of subsection 4
- 15 of section 304.016. 4 points
- 16 In violation of a county or municipal ordinance 2 points
- 17 (5) Operating without a valid license in violation of subdivision (1) or (2) of
- 18 subsection 1 of section 302.020:
- 19 (a) For the first conviction. 2 points
- 20 (b) For the second conviction. 4 points
- 21 (c) For the third conviction. 6 points
- 22 (6) Operating with a suspended or revoked license prior to restoration of
- 23 operating privileges. 12 points
- 24 (7) Obtaining a license by misrepresentation. 12 points
- 25 (8) For the first conviction of driving while in an intoxicated condition or
- 26 under the influence of controlled substances or drugs..... 8 points
- 27 (9) For the second or subsequent conviction of any of the following offenses however
- 28 combined: driving while in an intoxicated condition, driving under the influence of controlled
- 29 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
- 30 or more by weight. 12 points
- 31 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
- 32 one percent or more by weight
- 33 In violation of state law. 8 points
- 34 In violation of a county or municipal ordinance or federal law or regulation. 8 points
- 35 (11) Any felony involving the use of a motor vehicle. 12 points
- 36 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . 4 points
- 37 (13) For a conviction for failure to maintain financial responsibility pursuant to county
- 38 or municipal ordinance or pursuant to section 303.025..... 4 points
- 39 (14) Endangerment of a highway worker in violation of section 304.585. ... 4 points
- 40 (15) Aggravated endangerment of a highway worker in violation
- 41 of section 304.585. 12 points

42 (16) For a conviction of violating a municipal ordinance that prohibits tow truck
43 operators from stopping at or proceeding to the scene of an accident unless they have been
44 requested to stop or proceed to such scene by a party involved in such accident or by an officer
45 of a public safety agency. 4 points

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

50 3. An additional two points shall be assessed when personal injury or property damage
51 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
52 found to be warranted and certified by the reporting court.

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

60 5. The director of revenue shall put into effect a system for staying the assessment of
61 points against an operator. The system shall provide that the satisfactory completion of a
62 driver-improvement program or, in the case of violations committed while operating a
63 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
64 commission, by an operator, when so ordered and verified by any court having jurisdiction over
65 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
66 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
67 committed by an individual who has been issued a commercial driver's license or is required to
68 obtain a commercial driver's license in this state or any other state, shall be accepted by the
69 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
70 of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall**
71 **be given the option to complete the driver-improvement program through an online or in-**
72 **person course.** A court using a centralized violation bureau established under section 476.385
73 may elect to have the bureau order and verify completion of a driver-improvement program or
74 motorcycle-rider training course as prescribed by order of the court. For the purposes of this
75 subsection, the driver-improvement program shall meet or exceed the standards of the National
76 Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which

77 occurred during the operation of a motorcycle, the program shall meet the standards established
78 by the state highways and transportation commission pursuant to sections 302.133 to 302.137.
79 The completion of a driver-improvement program or a motorcycle-rider training course shall not
80 be accepted in lieu of points more than one time in any thirty-six-month period and shall be
81 completed within sixty days of the date of conviction in order to be accepted in lieu of the
82 assessment of points. Every court having jurisdiction pursuant to the provisions of this
83 subsection shall, within fifteen days after completion of the driver-improvement program or
84 motorcycle-rider training course by an operator, forward a record of the completion to the
85 director, all other provisions of the law to the contrary notwithstanding. The director shall
86 establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value
2 charged against the operator's record when the record shows four or more points have been
3 accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under this section
5 points shall be accumulated on the date of conviction. No case file of any conviction for a
6 driving violation for which points may be assessed pursuant to section 302.302 may be closed
7 until such time as a copy of the record of such conviction is forwarded to the department of
8 revenue.

9 3. The director shall suspend the license and driving privileges of any person whose
10 driving record shows the driver has accumulated eight points in eighteen months.

11 4. The license and driving privilege of any person whose license and driving privilege
12 have been suspended under the provisions of sections 302.010 to 302.540 except those persons
13 whose license and driving privilege have been suspended under the provisions of subdivision (8)
14 of subsection 1 of section 302.302 or has accumulated sufficient points together with a
15 conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
16 financial responsibility with the department of revenue, in accordance with chapter 303, and is
17 otherwise eligible, shall be reinstated as follows:

18 (1) In the case of an initial suspension, thirty days after the effective date of the
19 suspension;

20 (2) In the case of a second suspension, sixty days after the effective date of the
21 suspension;

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective
23 date of the suspension.

24 Unless proof of financial responsibility is filed with the department of revenue, a suspension
25 shall continue in effect for two years from its effective date.

26 5. The period of suspension of the driver's license and driving privilege of any person
27 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
28 accumulated sufficient points together with a conviction under subdivision (10) of subsection
29 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
30 privilege as defined in section 302.010. Upon completion of such period of restricted driving
31 privilege, upon compliance with other requirements of law and upon filing of proof of financial
32 responsibility with the department of revenue, in accordance with chapter 303, the license and
33 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this
34 subsection, files proof of installation with the department of revenue that any vehicle operated
35 by such person is equipped with a functioning, certified ignition interlock device, [then the]
36 **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five] .
37 **However, in lieu of a suspension the person shall instead complete a ninety-day** period of
38 restricted driving privilege. If the person fails to maintain such proof of the device with the
39 director of revenue as required, the restricted driving privilege shall be terminated. Upon
40 completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, upon
41 compliance with other requirements of law, and upon filing of proof of financial responsibility
42 with the department of revenue, in accordance with chapter 303, the license and driving privilege
43 shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day]
44 **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood
45 alcohol concentration level above the alcohol setpoint established by the department of
46 transportation or such reports indicate that the ignition interlock device has been tampered with
47 or circumvented, then the license and driving privilege of such person shall not be reinstated
48 until the person completes an additional [seventy-five day] **thirty-day** period of restricted
49 driving privilege [without any such violations].

50 6. If the person fails to maintain proof of financial responsibility in accordance with
51 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is
52 equipped with a functioning, certified ignition interlock device installed pursuant to subsection
53 5 of this section, the person's driving privilege and license shall be resuspended.

54 7. The director shall revoke the license and driving privilege of any person when the
55 person's driving record shows such person has accumulated twelve points in twelve months or
56 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation
57 period of any person whose license and driving privilege have been revoked under the provisions
58 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the
59 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be
60 terminated by a notice from the director of revenue after one year from the effective date of the

61 revocation. Unless proof of financial responsibility is filed with the department of revenue,
62 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for
63 a period of two years from its effective date. If the person fails to maintain proof of financial
64 responsibility in accordance with chapter 303, the person's license and driving privilege shall be
65 rerevoked. Any person whose license and driving privilege have been revoked under the
66 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the
67 revocation from the director, pass the complete driver examination and apply for a new license
68 before again operating a motor vehicle upon the highways of this state.

69 8. If, prior to conviction for an offense that would require suspension or revocation of
70 a person's license under the provisions of this section, the person's total points accumulated are
71 reduced, pursuant to the provisions of section 302.306, below the number of points required for
72 suspension or revocation pursuant to the provisions of this section, then the person's license shall
73 not be suspended or revoked until the necessary points are again obtained and accumulated.

74 9. If any person shall neglect or refuse to surrender the person's license, as provided
75 herein, the director shall direct the state highway patrol or any peace or police officer to secure
76 possession thereof and return it to the director.

77 10. Upon the issuance of a reinstatement or termination notice after a suspension or
78 revocation of any person's license and driving privilege under the provisions of sections 302.010
79 to 302.540, the accumulated point value shall be reduced to four points, except that the points
80 of any person serving as a member of the Armed Forces of the United States outside the limits
81 of the United States during a period of suspension or revocation shall be reduced to zero upon
82 the date of the reinstatement or termination of notice. It shall be the responsibility of such
83 member of the Armed Forces to submit copies of official orders to the director of revenue to
84 substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the
85 contrary notwithstanding, the effective date of the four points remaining on the record upon
86 reinstatement or termination shall be the date of the reinstatement or termination notice.

87 11. No credit toward reduction of points shall be given during periods of suspension or
88 revocation or any period of driving under a limited driving privilege granted by a court or the
89 director of revenue.

90 12. Any person or nonresident whose license or privilege to operate a motor vehicle in
91 this state has been suspended or revoked under this or any other law shall, before having the
92 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee
93 of twenty dollars which shall be in addition to all other fees provided by law.

94 13. Notwithstanding any other provision of law to the contrary, if after two years from
95 the effective date of any suspension or revocation issued under this chapter, the person or

96 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such
97 license or privilege to operate a motor vehicle in this state.

98 14. No person who has had a license to operate a motor vehicle suspended or revoked
99 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of
100 subsection 1 of section 302.302 shall have that license reinstated until such person has
101 participated in and successfully completed a substance abuse traffic offender program defined
102 in section 302.010, or a program determined to be comparable by the department of mental
103 health. Assignment recommendations, based upon the needs assessment as described in
104 subdivision [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with
105 written notice that the person is entitled to have such assignment recommendations reviewed by
106 the court if the person objects to the recommendations. The person may file a motion in the
107 associate division of the circuit court of the county in which such assignment was given, on a
108 printed form provided by the state courts administrator, to have the court hear and determine
109 such motion pursuant to the provisions of chapter 517. The motion shall name the person or
110 entity making the needs assessment as the respondent and a copy of the motion shall be served
111 upon the respondent in any manner allowed by law. Upon hearing the motion, the court may
112 modify or waive any assignment recommendation that the court determines to be unwarranted
113 based upon a review of the needs assessment, the person's driving record, the circumstances
114 surrounding the offense, and the likelihood of the person committing a like offense in the future,
115 except that the court may modify but may not waive the assignment to an education or
116 rehabilitation program of a person determined to be a prior or persistent offender as defined in
117 section 577.023 or of a person determined to have operated a motor vehicle with
118 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
119 the court determination of the motion shall satisfy the provisions of this section for the purpose
120 of reinstating such person's license to operate a motor vehicle. The respondent's personal
121 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
122 directed by the court.

123 15. The fees for the program authorized in subsection 14 of this section, or a portion
124 thereof to be determined by the department of mental health, shall be paid by the person enrolled
125 in the program. Any person who is enrolled in the program shall pay, in addition to any fee
126 charged for the program, a supplemental fee in an amount to be determined by the department
127 of mental health for the purposes of funding the substance abuse traffic offender program defined
128 in section 302.010 and section 577.001 or a program determined to be comparable by the
129 department of mental health. The administrator of the program shall remit to the division of
130 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each

131 month the supplemental fee for all persons enrolled in the program, less two percent for
132 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees
133 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not
134 to exceed the annual rate established pursuant to the provisions of section 32.065, plus three
135 percentage points. The supplemental fees and any interest received by the department of mental
136 health pursuant to this section shall be deposited in the mental health earnings fund which is
137 created in section 630.053.

138 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
139 department of mental health the supplemental fees and interest for all persons enrolled in the
140 program pursuant to this section shall be subject to a penalty equal to the amount of interest
141 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
142 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
143 department of mental health within six months of the due date, the attorney general of the state
144 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
145 The court shall assess attorney fees and court costs against any delinquent program.

146 17. Any person who has had a license to operate a motor vehicle suspended or revoked
147 as a result of an assessment of points for a [violation under subdivision (9) of subsection 1 of
148 section 302.302] **conviction for an intoxication-related traffic offense as defined under**
149 **section 577.023, and who has a prior alcohol-related enforcement contact as defined under**
150 **section 302.525**, shall be required to file proof with the director of revenue that any motor
151 vehicle operated by the person is equipped with a functioning, certified ignition interlock device
152 as a required condition of reinstatement of the license. The ignition interlock device shall further
153 be required to be maintained on all motor vehicles operated by the person for a period of not less
154 than six months immediately following the date of reinstatement. If the monthly monitoring
155 reports show that the ignition interlock device has registered any confirmed blood alcohol
156 concentration readings above the alcohol setpoint established by the department of transportation
157 or that the person has tampered with or circumvented the ignition interlock device, then the
158 period for which the person must maintain the ignition interlock device following the date of
159 reinstatement shall be extended for an additional six months. If the person fails to maintain such
160 proof with the director, the license shall be resuspended or revoked and the person shall be guilty
161 of a class A misdemeanor.

2 [302.304. 1. The director shall notify by ordinary mail any operator of
3 the point value charged against the operator's record when the record shows four
4 or more points have been accumulated in a twelve-month period.

5 2. In an action to suspend or revoke a license or driving privilege under
 this section points shall be accumulated on the date of conviction. No case file

6 of any conviction for a driving violation for which points may be assessed
7 pursuant to section 302.302 may be closed until such time as a copy of the record
8 of such conviction is forwarded to the department of revenue.

9 3. The director shall suspend the license and driving privileges of any
10 person whose driving record shows the driver has accumulated eight points in
11 eighteen months.

12 4. The license and driving privilege of any person whose license and
13 driving privilege have been suspended under the provisions of sections 302.010
14 to 302.540 except those persons whose license and driving privilege have been
15 suspended under the provisions of subdivision (8) of subsection 1 of section
16 302.302 or has accumulated sufficient points together with a conviction under
17 subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
18 financial responsibility with the department of revenue, in accordance with
19 chapter 303, and is otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date
21 of the suspension;

22 (2) In the case of a second suspension, sixty days after the effective date
23 of the suspension;

24 (3) In the case of the third and subsequent suspensions, ninety days after
25 the effective date of the suspension.

26 Unless proof of financial responsibility is filed with the department of revenue,
27 a suspension shall continue in effect for two years from its effective date.

28 5. The period of suspension of the driver's license and driving privilege
29 of any person under the provisions of subdivision (8) of subsection 1 of section
30 302.302 or who has accumulated sufficient points together with a conviction
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,
32 followed by a sixty-day period of restricted driving privilege as defined in section
33 302.010. Upon completion of such period of restricted driving privilege, upon
34 compliance with other requirements of law and upon filing of proof of financial
35 responsibility with the department of revenue, in accordance with chapter 303,
36 the license and driving privilege shall be reinstated.

37 6. If the person fails to maintain proof of financial responsibility in
38 accordance with chapter 303, the person's driving privilege and license shall be
39 resuspended.

40 7. The director shall revoke the license and driving privilege of any
41 person when the person's driving record shows such person has accumulated
42 twelve points in twelve months or eighteen points in twenty-four months or
43 twenty-four points in thirty-six months. The revocation period of any person
44 whose license and driving privilege have been revoked under the provisions of
45 sections 302.010 to 302.540 and who has filed proof of financial responsibility
46 with the department of revenue in accordance with chapter 303 and is otherwise
47 eligible, shall be terminated by a notice from the director of revenue after one

48 year from the effective date of the revocation. Unless proof of financial
49 responsibility is filed with the department of revenue, except as provided in
50 subsection 2 of section 302.541, the revocation shall remain in effect for a period
51 of two years from its effective date. If the person fails to maintain proof of
52 financial responsibility in accordance with chapter 303, the person's license and
53 driving privilege shall be rerevoked. Any person whose license and driving
54 privilege have been revoked under the provisions of sections 302.010 to 302.540
55 shall, upon receipt of the notice of termination of the revocation from the
56 director, pass the complete driver examination and apply for a new license before
57 again operating a motor vehicle upon the highways of this state.

58 8. If, prior to conviction for an offense that would require suspension or
59 revocation of a person's license under the provisions of this section, the person's
60 total points accumulated are reduced, pursuant to the provisions of section
61 302.306, below the number of points required for suspension or revocation
62 pursuant to the provisions of this section, then the person's license shall not be
63 suspended or revoked until the necessary points are again obtained and
64 accumulated.

65 9. If any person shall neglect or refuse to surrender the person's license,
66 as provided herein, the director shall direct the state highway patrol or any peace
67 or police officer to secure possession thereof and return it to the director.

68 10. Upon the issuance of a reinstatement or termination notice after a
69 suspension or revocation of any person's license and driving privilege under the
70 provisions of sections 302.010 to 302.540, the accumulated point value shall be
71 reduced to four points, except that the points of any person serving as a member
72 of the Armed Forces of the United States outside the limits of the United States
73 during a period of suspension or revocation shall be reduced to zero upon the date
74 of the reinstatement or termination of notice. It shall be the responsibility of such
75 member of the Armed Forces to submit copies of official orders to the director
76 of revenue to substantiate such overseas service. Any other provision of sections
77 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four
78 points remaining on the record upon reinstatement or termination shall be the
79 date of the reinstatement or termination notice.

80 11. No credit toward reduction of points shall be given during periods of
81 suspension or revocation or any period of driving under a limited driving
82 privilege granted by a court or the director of revenue.

83 12. Any person or nonresident whose license or privilege to operate a
84 motor vehicle in this state has been suspended or revoked under this or any other
85 law shall, before having the license or privilege to operate a motor vehicle
86 reinstated, pay to the director a reinstatement fee of twenty dollars which shall be
87 in addition to all other fees provided by law.

88 13. Notwithstanding any other provision of law to the contrary, if after
89 two years from the effective date of any suspension or revocation issued under

90 this chapter, the person or nonresident has not paid the reinstatement fee of
91 twenty dollars, the director shall reinstate such license or privilege to operate a
92 motor vehicle in this state.

93 14. No person who has had a license to operate a motor vehicle
94 suspended or revoked as a result of an assessment of points for a violation under
95 subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that
96 license reinstated until such person has participated in and successfully
97 completed a substance abuse traffic offender program defined in section 302.010,
98 or a program determined to be comparable by the department of mental health.
99 Assignment recommendations, based upon the needs assessment as described in
100 subdivision (22) of section 302.010, shall be delivered in writing to the person
101 with written notice that the person is entitled to have such assignment
102 recommendations reviewed by the court if the person objects to the
103 recommendations. The person may file a motion in the associate division of the
104 circuit court of the county in which such assignment was given, on a printed form
105 provided by the state courts administrator, to have the court hear and determine
106 such motion pursuant to the provisions of chapter 517. The motion shall name
107 the person or entity making the needs assessment as the respondent and a copy
108 of the motion shall be served upon the respondent in any manner allowed by law.
109 Upon hearing the motion, the court may modify or waive any assignment
110 recommendation that the court determines to be unwarranted based upon a review
111 of the needs assessment, the person's driving record, the circumstances
112 surrounding the offense, and the likelihood of the person committing a like
113 offense in the future, except that the court may modify but may not waive the
114 assignment to an education or rehabilitation program of a person determined to
115 be a prior or persistent offender as defined in section 577.023 or of a person
116 determined to have operated a motor vehicle with fifteen-hundredths of one
117 percent or more by weight in such person's blood. Compliance with the court
118 determination of the motion shall satisfy the provisions of this section for the
119 purpose of reinstating such person's license to operate a motor vehicle. The
120 respondent's personal appearance at any hearing conducted pursuant to this
121 subsection shall not be necessary unless directed by the court.

122 15. The fees for the program authorized in subsection 14 of this section,
123 or a portion thereof to be determined by the department of mental health, shall be
124 paid by the person enrolled in the program. Any person who is enrolled in the
125 program shall pay, in addition to any fee charged for the program, a supplemental
126 fee in an amount to be determined by the department of mental health for the
127 purposes of funding the substance abuse traffic offender program defined in
128 section 302.010 and section 577.001 or a program determined to be comparable
129 by the department of mental health. The administrator of the program shall remit
130 to the division of alcohol and drug abuse of the department of mental health on
131 or before the fifteenth day of each month the supplemental fee for all persons

132 enrolled in the program, less two percent for administrative costs. Interest shall
133 be charged on any unpaid balance of the supplemental fees due the division of
134 alcohol and drug abuse pursuant to this section and shall accrue at a rate not to
135 exceed the annual rate established pursuant to the provisions of section 32.065,
136 plus three percentage points. The supplemental fees and any interest received by
137 the department of mental health pursuant to this section shall be deposited in the
138 mental health earnings fund which is created in section 630.053.

139 16. Any administrator who fails to remit to the division of alcohol and
140 drug abuse of the department of mental health the supplemental fees and interest
141 for all persons enrolled in the program pursuant to this section shall be subject
142 to a penalty equal to the amount of interest accrued on the supplemental fees due
143 the division pursuant to this section. If the supplemental fees, interest, and
144 penalties are not remitted to the division of alcohol and drug abuse of the
145 department of mental health within six months of the due date, the attorney
146 general of the state of Missouri shall initiate appropriate action of the collection
147 of said fees and interest accrued. The court shall assess attorney fees and court
148 costs against any delinquent program.

149 17. Any person who has had a license to operate a motor vehicle
150 suspended or revoked as a result of an assessment of points for a violation under
151 subdivision (9) of subsection 1 of section 302.302 shall be required to file proof
152 with the director of revenue that any motor vehicle operated by the person is
153 equipped with a functioning, certified ignition interlock device as a required
154 condition of reinstatement of the license. The ignition interlock device shall
155 further be required to be maintained on all motor vehicles operated by the person
156 for a period of not less than six months immediately following the date of
157 reinstatement. If the person fails to maintain such proof with the director, the
158 license shall be resuspended or revoked and the person shall be guilty of a class
159 A misdemeanor.]

160

2 [302.309. 1. Whenever any license is suspended pursuant to sections
3 302.302 to 302.309, the director of revenue shall return the license to the operator
4 immediately upon the termination of the period of suspension and upon
5 compliance with the requirements of chapter 303.

6 2. Any operator whose license is revoked pursuant to these sections, upon
7 the termination of the period of revocation, shall apply for a new license in the
8 manner prescribed by law.

9 3. (1) All circuit courts, the director of revenue, or a commissioner
10 operating under section 478.007 shall have jurisdiction to hear applications and
11 make eligibility determinations granting limited driving privileges. Any
12 application may be made in writing to the director of revenue and the person's
reasons for requesting the limited driving privilege shall be made therein.

13 (2) When any court of record having jurisdiction or the director of
14 revenue finds that an operator is required to operate a motor vehicle in connection
15 with any of the following:

- 16 (a) A business, occupation, or employment;
- 17 (b) Seeking medical treatment for such operator;
- 18 (c) Attending school or other institution of higher education;
- 19 (d) Attending alcohol or drug treatment programs;
- 20 (e) Seeking the required services of a certified ignition interlock device
21 provider; or

22 (f) Any other circumstance the court or director finds would create an
23 undue hardship on the operator;

24 the court or director may grant such limited driving privilege as the circumstances
25 of the case justify if the court or director finds undue hardship would result to the
26 individual, and while so operating a motor vehicle within the restrictions and
27 limitations of the limited driving privilege the driver shall not be guilty of
28 operating a motor vehicle without a valid license.

29 (3) An operator may make application to the proper court in the county
30 in which such operator resides or in the county in which is located the operator's
31 principal place of business or employment. Any application for a limited driving
32 privilege made to a circuit court shall name the director as a party defendant and
33 shall be served upon the director prior to the grant of any limited privilege, and
34 shall be accompanied by a copy of the applicant's driving record as certified by
35 the director. Any applicant for a limited driving privilege shall have on file with
36 the department of revenue proof of financial responsibility as required by chapter
37 303. Any application by a person who transports persons or property as classified
38 in section 302.015 may be accompanied by proof of financial responsibility as
39 required by chapter 303, but if proof of financial responsibility does not
40 accompany the application, or if the applicant does not have on file with the
41 department of revenue proof of financial responsibility, the court or the director
42 has discretion to grant the limited driving privilege to the person solely for the
43 purpose of operating a vehicle whose owner has complied with chapter 303 for
44 that vehicle, and the limited driving privilege must state such restriction. When
45 operating such vehicle under such restriction the person shall carry proof that the
46 owner has complied with chapter 303 for that vehicle.

47 (4) No limited driving privilege shall be issued to any person otherwise
48 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection
49 on a license revocation resulting from a conviction under subdivision (9) of
50 subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of
51 subdivision (8) of this subsection, until the applicant has filed proof with the
52 department of revenue that any motor vehicle operated by the person is equipped
53 with a functioning, certified ignition interlock device as a required condition of
54 limited driving privilege.

55 (5) The court order or the director's grant of the limited or restricted
56 driving privilege shall indicate the termination date of the privilege, which shall
57 be not later than the end of the period of suspension or revocation. A copy of any
58 court order shall be sent by the clerk of the court to the director, and a copy shall
59 be given to the driver which shall be carried by the driver whenever such driver
60 operates a motor vehicle. The director of revenue upon granting a limited driving
61 privilege shall give a copy of the limited driving privilege to the applicant. The
62 applicant shall carry a copy of the limited driving privilege while operating a
63 motor vehicle. A conviction which results in the assessment of points pursuant
64 to section 302.302, other than a violation of a municipal stop sign ordinance
65 where no accident is involved, against a driver who is operating a vehicle
66 pursuant to a limited driving privilege terminates the privilege, as of the date the
67 points are assessed to the person's driving record. If the date of arrest is prior to
68 the issuance of the limited driving privilege, the privilege shall not be terminated.
69 Failure of the driver to maintain proof of financial responsibility, as required by
70 chapter 303, or to maintain proof of installation of a functioning, certified
71 ignition interlock device, as applicable, shall terminate the privilege. The
72 director shall notify by ordinary mail the driver whose privilege is so terminated.

73 (6) Except as provided in subdivision (8) of this subsection, no person
74 is eligible to receive a limited driving privilege who at the time of application for
75 a limited driving privilege has previously been granted such a privilege within the
76 immediately preceding five years, or whose license has been suspended or
77 revoked for the following reasons:

78 (a) A conviction of violating the provisions of section 577.010 or
79 577.012, or any similar provision of any federal or state law, or a municipal or
80 county law where the judge in such case was an attorney and the defendant was
81 represented by or waived the right to an attorney in writing, until the person has
82 completed the first thirty days of a suspension or revocation imposed pursuant to
83 this chapter;

84 (b) A conviction of any felony in the commission of which a motor
85 vehicle was used;

86 (c) Ineligibility for a license because of the provisions of subdivision (1),
87 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

88 (d) Because of operating a motor vehicle under the influence of narcotic
89 drugs, a controlled substance as defined in chapter 195, or having left the scene
90 of an accident as provided in section 577.060;

91 (e) Due to a revocation for the first time for failure to submit to a
92 chemical test pursuant to section 577.041 or due to a refusal to submit to a
93 chemical test in any other state, if such person has not completed the first ninety
94 days of such revocation;

95 (f) Violation more than once of the provisions of section 577.041 or a
96 similar implied consent law of any other state; or

97 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and
98 who has not completed the first thirty days of such suspension, provided the
99 person is not otherwise ineligible for a limited driving privilege; or due to a
100 revocation pursuant to subsection 2 of section 302.525 if such person has not
101 completed such revocation.

102 (7) No person who possesses a commercial driver's license shall receive
103 a limited driving privilege issued for the purpose of operating a commercial
104 motor vehicle if such person's driving privilege is suspended, revoked, cancelled,
105 denied, or disqualified. Nothing in this section shall prohibit the issuance of a
106 limited driving privilege for the purpose of operating a noncommercial motor
107 vehicle provided that pursuant to the provisions of this section, the applicant is
108 not otherwise ineligible for a limited driving privilege.

109 (8) (a) Provided that pursuant to the provisions of this section, the
110 applicant is not otherwise ineligible for a limited driving privilege, a circuit court
111 or the director may, in the manner prescribed in this subsection, allow a person
112 who has had such person's license to operate a motor vehicle revoked where that
113 person cannot obtain a new license for a period of ten years, as prescribed in
114 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving
115 privilege pursuant to this subsection if such person has served at least three years
116 of such disqualification or revocation. Such person shall present evidence
117 satisfactory to the court or the director that such person has not been convicted
118 of any offense related to alcohol, controlled substances or drugs during the
119 preceding three years and that the person's habits and conduct show that the
120 person no longer poses a threat to the public safety of this state. The court or the
121 director shall review the results of a criminal history check prior to granting any
122 limited privilege under this subdivision. If the court or the director finds that the
123 petitioner has been convicted, pled guilty to, or been found guilty of, or has a
124 pending charge for any offense related to alcohol, controlled substances, or drugs,
125 or has any other alcohol-related enforcement contact as defined in section
126 302.525 during the preceding three years, the court or the director shall not grant
127 a limited driving privilege to the applicant.

128 (b) Provided that pursuant to the provisions of this section, the applicant
129 is not otherwise ineligible for a limited driving privilege or convicted of
130 involuntary manslaughter while operating a motor vehicle in an intoxicated
131 condition, a circuit court or the director may, in the manner prescribed in this
132 subsection, allow a person who has had such person's license to operate a motor
133 vehicle revoked where that person cannot obtain a new license for a period of
134 five years because of two convictions of driving while intoxicated, as prescribed
135 in subdivision (10) of subsection 1 of section 302.060, to apply for a limited
136 driving privilege pursuant to this subsection if such person has served at least two
137 years of such disqualification or revocation. Such person shall present evidence
138 satisfactory to the court or the director that such person has not been convicted

139 of any offense related to alcohol, controlled substances or drugs during the
140 preceding two years and that the person's habits and conduct show that the person
141 no longer poses a threat to the public safety of this state. The court or the director
142 shall review the results of a criminal history check prior to granting any limited
143 privilege under this subdivision. If the court or director finds that the petitioner
144 has been convicted, pled guilty to, or been found guilty of, or has a pending
145 charge for any offense related to alcohol, controlled substances, or drugs, or has
146 any other alcohol-related enforcement contact as defined in section 302.525
147 during the preceding two years, the court or the director shall not grant a limited
148 driving privilege to the applicant. Any person who is denied a license
149 permanently in this state because of an alcohol-related conviction subsequent to
150 a restoration of such person's driving privileges pursuant to subdivision (9) of
151 section 302.060 shall not be eligible for limited driving privilege pursuant to the
152 provisions of this subdivision.

153 (9) A DWI docket or court established under section 478.007 may grant
154 a limited driving privilege to a participant in or graduate of the program who
155 would otherwise be ineligible for such privilege under another provision of law.
156 The DWI docket or court shall not grant a limited driving privilege to a
157 participant during his or her initial forty-five days of participation.

158 4. Any person who has received notice of denial of a request of limited
159 driving privilege by the director of revenue may make a request for a review of
160 the director's determination in the circuit court of the county in which the person
161 resides or the county in which is located the person's principal place of business
162 or employment within thirty days of the date of mailing of the notice of denial.
163 Such review shall be based upon the records of the department of revenue and
164 other competent evidence and shall be limited to a review of whether the
165 applicant was statutorily entitled to the limited driving privilege.

166 5. Any person who petitions a court or makes application with the
167 director for a limited driving privilege pursuant to paragraph (a) or (b) of
168 subdivision (8) of subsection 3 of this section shall make application with the
169 Missouri state highway patrol as provided in section 43.540 and shall submit two
170 sets of fingerprints collected pursuant to standards as determined by the highway
171 patrol. One set of fingerprints shall be used by the highway patrol to search the
172 criminal history repository and the second set shall be forwarded to the Federal
173 Bureau of Investigation for searching the federal criminal history files. At the
174 time of application, the applicant shall supply to the highway patrol the court
175 name and case number for the court where he or she has filed his or her petition
176 for limited driving privileges. The applicant shall pay the fee for the state
177 criminal history record information pursuant to section 43.530 and pay the
178 appropriate fee determined by the Federal Bureau of Investigation for the federal
179 criminal history record. The Missouri highway patrol, upon receipt of the results
180 of the criminal history check, shall forward the results to the circuit court

181 designated by the applicant and to the department. Notwithstanding the
182 provisions of section 610.120, all records related to any criminal history check
183 shall be accessible and available to the director and the court.

184 6. The director of revenue shall promulgate rules and regulations
185 necessary to carry out the provisions of this section. Any rule or portion of a rule,
186 as that term is defined in section 536.010, that is created under the authority
187 delegated in this section shall become effective only if it complies with and is
188 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
189 This section and chapter 536 are nonseverable and if any of the powers vested
190 with the general assembly pursuant to chapter 536 to review, to delay the
191 effective date or to disapprove and annul a rule are subsequently held
192 unconstitutional, then the grant of rulemaking authority and any rule proposed or
193 adopted after August 28, 2001, shall be invalid and void.]
194

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
9 granting limited driving privileges, **except as provided under subdivision (8) of this**
10 **subsection.** Any application may be made in writing to the director of revenue and the person's
11 reasons for requesting the limited driving privilege shall be made therein.

12 (2) When any court of record having jurisdiction or the director of revenue finds that an
13 operator is required to operate a motor vehicle in connection with any of the following:

- 14 (a) A business, occupation, or employment;
- 15 (b) Seeking medical treatment for such operator;
- 16 (c) Attending school or other institution of higher education;
- 17 (d) Attending alcohol or drug treatment programs;
- 18 (e) Seeking the required services of a certified ignition interlock device provider; or
- 19 (f) Any other circumstance the court or director finds would create an undue hardship

20 on the operator[;] ,

21

22 the court or director may grant such limited driving privilege as the circumstances of the case
23 justify if the court or director finds undue hardship would result to the individual, and while so

24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26 (3) An operator may make application to the proper court in the county in which such
27 operator resides or in the county in which is located the operator's principal place of business or
28 employment. Any application for a limited driving privilege made to a circuit court shall name
29 the director as a party defendant and shall be served upon the director prior to the grant of any
30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
31 certified by the director. Any applicant for a limited driving privilege shall have on file with the
32 department of revenue proof of financial responsibility as required by chapter 303. Any
33 application by a person who transports persons or property as classified in section 302.015 may
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of
35 financial responsibility does not accompany the application, or if the applicant does not have on
36 file with the department of revenue proof of financial responsibility, the court or the director has
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
39 privilege must state such restriction. When operating such vehicle under such restriction the
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under
42 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license
44 denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation
45 under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with
46 the department of revenue that any motor vehicle operated by the person is equipped with a
47 functioning, certified ignition interlock device as a required condition of limited driving
48 privilege. The ignition interlock device required for obtaining a limited driving privilege under
49 paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification
50 technology and global positioning system features.

51 (5) The court order or the director's grant of the limited or restricted driving privilege
52 shall indicate the termination date of the privilege, which shall be not later than the end of the
53 period of suspension or revocation. The court order or the director's grant of the limited or
54 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock
55 device is required as a condition of operating a motor vehicle with the limited driving privilege.
56 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall
57 be given to the driver which shall be carried by the driver whenever such driver operates a motor
58 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of

59 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited
60 driving privilege while operating a motor vehicle. A conviction which results in the assessment
61 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance
62 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited
63 driving privilege terminates the privilege, as of the date the points are assessed to the person's
64 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the
65 privilege shall not be terminated. Failure of the driver to maintain proof of financial
66 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,
67 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall
68 notify by ordinary mail the driver whose privilege is so terminated.

69 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
70 receive a limited driving privilege [who] **whose license** at the time of application [for a limited
71 driving privilege has previously been granted such a privilege within the immediately preceding
72 five years, or whose license] has been suspended or revoked for the following reasons:

73 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar
74 provision of any federal or state law, or a municipal or county law where the judge in such case
75 was an attorney and the defendant was represented by or waived the right to an attorney in
76 writing, until the person has completed the first thirty days of a suspension or revocation imposed
77 pursuant to this chapter;

78 (b) A conviction of any felony in the commission of which a motor vehicle was used;

79 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
80 (6), (7), (8), (9), (10) or (11) of **subsection 1 of section 302.060**;

81 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a
82 controlled substance as defined in chapter 195, or having left the scene of an accident as
83 provided in section 577.060;

84 (e) Due to a revocation for [the first time for] failure to submit to a chemical test pursuant
85 to section 577.041 or due to a refusal to submit to a chemical test in any other state, [if] **unless**
86 such person has [not] completed the first ninety days of such revocation[;

87 (f) Violation more than once of the provisions of section 577.041 or a similar implied
88 consent law of any other state] **and files proof of installation with the department of revenue**
89 **that any vehicle operated by such person is equipped with a functioning, certified ignition**
90 **interlock device, provided the person is not otherwise ineligible for a limited driving**
91 **privilege**;

92 [(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has
93 not completed the first thirty days of such suspension, provided the person is not otherwise
94 ineligible for a limited driving privilege; or

95 [(h)] (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person
96 has not completed the first forty-five days of such revocation, provided the person is not
97 otherwise ineligible for a limited driving privilege.

98 (7) No person who possesses a commercial driver's license shall receive a limited driving
99 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
100 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall
101 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
102 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
103 otherwise ineligible for a limited driving privilege.

104 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
105 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
106 manner prescribed in this subsection, allow a person who has had such person's license to operate
107 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
108 as prescribed in subdivision (9) of **subsection 1 of** section 302.060, to apply for a limited driving
109 privilege pursuant to this subsection [if such person has served at least forty-five days of such
110 disqualification or revocation]. Such person shall present evidence satisfactory to the court or
111 the director that such [person has not been convicted of any offense related to alcohol, controlled
112 substances or drugs during the preceding forty-five days and that the] person's habits and conduct
113 show that the person no longer poses a threat to the public safety of this state. **A circuit court**
114 **shall grant a limited driving privilege to any individual who otherwise is eligible to receive**
115 **a limited driving privilege, has filed proof of installation of a certified ignition interlock**
116 **device, and has had no alcohol-related enforcement contacts since the alcohol-related**
117 **enforcement contact that resulted in the person's license denial.**

118 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
119 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
120 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
121 manner prescribed in this subsection, allow a person who has had such person's license to operate
122 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
123 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
124 **subsection 1 of** section 302.060, to apply for a limited driving privilege pursuant to this
125 subsection [if such person has served at least forty-five days of such disqualification or
126 revocation]. Such person shall present evidence satisfactory to the court or the director that such

127 [person has not been convicted of any offense related to alcohol, controlled substances or drugs
128 during the preceding forty-five days and that the] person's habits and conduct show that the
129 person no longer poses a threat to the public safety of this state. Any person who is denied a
130 license permanently in this state because of an alcohol-related conviction subsequent to a
131 restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060
132 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.
133 **A circuit court shall grant a limited driving privilege to any individual who otherwise is**
134 **eligible to receive a limited driving privilege, has filed proof of installation of a certified**
135 **ignition interlock device, and has had no alcohol-related enforcement contacts since the**
136 **alcohol-related enforcement contact that resulted in the person's license denial.**

137 (9) A DWI docket or court established under section 478.007 may grant a limited driving
138 privilege to a participant in or graduate of the program who would otherwise be ineligible for
139 such privilege under another provision of law. The DWI docket or court shall not grant a limited
140 driving privilege to a participant during his or her initial forty-five days of participation.

141 4. Any person who has received notice of denial of a request of limited driving privilege
142 by the director of revenue may make a request for a review of the director's determination in the
143 circuit court of the county in which the person resides or the county in which is located the
144 person's principal place of business or employment within thirty days of the date of mailing of
145 the notice of denial. Such review shall be based upon the records of the department of revenue
146 and other competent evidence and shall be limited to a review of whether the applicant was
147 statutorily entitled to the limited driving privilege.

148 5. The director of revenue shall promulgate rules and regulations necessary to carry out
149 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
150 536.010, that is created under the authority delegated in this section shall become effective only
151 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
152 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
153 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
154 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
155 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or
2 any county or municipality of this state fails to dispose of the charges of which the resident is
3 accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided

7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. [Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall return the license and remove the suspension from the individual's driving
22 record if the individual was not operating a commercial motor vehicle or a commercial driver's
23 license holder at the time of the offense.] The filing of financial responsibility with the bureau
24 of safety responsibility, department of revenue, shall not be required as a condition of
25 reinstatement of a driver's license suspended solely under the provisions of this section.

26 2. If any city, town or village receives more than thirty-five percent of its annual general
27 operating revenue from fines and court costs for traffic violations occurring on state highways,
28 all revenues from such violations in excess of thirty-five percent of the annual general operating
29 revenue of the city, town or village shall be sent to the director of the department of revenue and
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
32 distributed. For the purpose of this section the words "state highways" shall mean any state or
33 federal highway, including any such highway continuing through the boundaries of a city, town
34 or village with a designated street name other than the state highway number. The director of the
35 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth
36 above shall be sent to the department of revenue. If any city, town, or village disputes a
37 determination that it has received excess revenues required to be sent to the department of
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
40 that term is defined in section 536.010, that is created under the authority delegated in this
41 section shall become effective only if it complies with and is subject to all of the provisions of

42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
46 be invalid and void.

302.525. 1. The license suspension or revocation shall become effective fifteen days
2 after the subject person has received the notice of suspension or revocation as provided in section
3 302.520, or is deemed to have received the notice of suspension or revocation by mail as
4 provided in section 302.515. If a request for a hearing is received by or postmarked to the
5 department within that fifteen-day period, the effective date of the suspension or revocation shall
6 be stayed until a final order is issued following the hearing; provided, that any delay in the
7 hearing which is caused or requested by the subject person or counsel representing that person
8 without good cause shown shall not result in a stay of the suspension or revocation during the
9 period of delay.

10 2. The period of license suspension or revocation under this section shall be as follows:

11 (1) If the person's driving record shows no prior alcohol-related enforcement contacts
12 during the immediately preceding five years, the period of suspension shall be thirty days after
13 the effective date of suspension, followed by a sixty-day period of restricted driving privilege as
14 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege
15 shall not be issued until he or she has filed proof of financial responsibility with the department
16 of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving
17 privilege shall indicate whether a functioning, certified ignition interlock device is required as
18 a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given
19 to the person and such person shall carry a copy of the restricted driving privilege while
20 operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this
21 section or section 302.535 until the person has completed the first thirty days of a suspension
22 under this section. If a person otherwise subject to the provisions of this subdivision files proof
23 of installation with the department of revenue that any vehicle [operated] **that he or she**
24 **operates** is equipped with a functioning, certified ignition interlock device, [then the] **there shall**
25 **be no** period of suspension [shall be fifteen days, followed by a seventy-five] . **However, in lieu**
26 **of a suspension the person shall instead complete a ninety-day** period of restricted driving
27 privilege. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving
28 privilege, [upon] compliance with other requirements of law, and [upon] filing of proof of
29 financial responsibility with the department of revenue, in accordance with chapter 303, the
30 license and driving privilege shall be reinstated. However, if the monthly monitoring reports

31 during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has
32 registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established
33 by the department of transportation or such reports indicate that the ignition interlock device has
34 been tampered with or circumvented, then the license and driving privilege of such person shall
35 not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period
36 of restricted driving privilege [without any such violations]. If the person fails to maintain such
37 proof of the device with the director of revenue as required, the restricted driving privilege shall
38 be terminated;

39 (2) The period of revocation shall be one year if the person's driving record shows one
40 or more prior alcohol-related enforcement contacts during the immediately preceding five years;

41 (3) In no case shall restricted driving privileges be issued under this section to any person
42 whose driving record shows one or more prior alcohol-related enforcement contacts until the
43 person has completed the first thirty days of a suspension under this section and has filed proof
44 with the department of revenue that any motor vehicle operated by the person is equipped with
45 a functioning, certified ignition interlock device as a required condition of the restricted driving
46 privilege. If the person fails to maintain such proof the restricted driving privilege shall be
47 terminated.

48 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any
49 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation
50 entered in this or any other state for a refusal to submit to chemical testing under an implied
51 consent law, and any conviction in this or any other state for a violation which involves driving
52 while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle
53 while having an unlawful alcohol concentration.

54 4. Where a license is suspended or revoked under this section and the person is also
55 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
56 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
57 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
58 and any other suspension or revocation arising from such convictions shall be imposed, but the
59 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against
60 any other suspension or revocation arising from such convictions, and the total period of
61 suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

62 5. Any person who has had a license to operate a motor vehicle revoked under this
63 section or suspended under this section with one or more prior alcohol-related enforcement
64 contacts showing on their driver record shall be required to file proof with the director of revenue
65 that any motor vehicle operated by that person is equipped with a functioning, certified ignition

66 interlock device as a required condition of reinstatement. The ignition interlock device shall
67 further be required to be maintained on all motor vehicles operated by the person for a period of
68 not less than six months immediately following the date of reinstatement. If the monthly
69 monitoring reports show that the ignition interlock device has registered any confirmed blood
70 alcohol concentration readings above the alcohol setpoint established by the department of
71 transportation or that the person has tampered with or circumvented the ignition interlock device,
72 then the period for which the person must maintain the ignition interlock device following the
73 date of reinstatement shall be extended for an additional six months. If the person fails to
74 maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

2 [302.525. 1. The license suspension or revocation shall become effective
3 fifteen days after the subject person has received the notice of suspension or
4 revocation as provided in section 302.520, or is deemed to have received the
5 notice of suspension or revocation by mail as provided in section 302.515.

6 If a request for a hearing is received by or postmarked to the department within
7 that fifteen-day period, the effective date of the suspension or revocation shall be
8 stayed until a final order is issued following the hearing; provided, that any delay
9 in the hearing which is caused or requested by the subject person or counsel
10 representing that person without good cause shown shall not result in a stay of the
11 suspension or revocation during the period of delay.

12 2. The period of license suspension or revocation under this section shall
13 be as follows:

14 (1) If the person's driving record shows no prior alcohol-related
15 enforcement contacts during the immediately preceding five years, the period of
16 suspension shall be thirty days after the effective date of suspension, followed by
17 a sixty-day period of restricted driving privilege as defined in section 302.010
18 and issued by the director of revenue. The restricted driving privilege shall not
19 be issued until he or she has filed proof of financial responsibility with the
20 department of revenue, in accordance with chapter 303, and is otherwise eligible.
21 In no case shall restricted driving privileges be issued pursuant to this section or
22 section 302.535 until the person has completed the first thirty days of a
23 suspension under this section;

24 (2) The period of revocation shall be one year if the person's driving
25 record shows one or more prior alcohol-related enforcement contacts during the
26 immediately preceding five years;

27 (3) In no case shall restricted driving privileges be issued under this
28 section to any person whose driving record shows one or more prior
29 alcohol-related enforcement contacts until the person has completed the first
30 thirty days of a suspension under this section and has filed proof with the
31 department of revenue that any motor vehicle operated by the person is equipped
with a functioning, certified ignition interlock device as a required condition of

32 the restricted driving privilege. If the person fails to maintain such proof the
33 restricted driving privilege shall be terminated.

34 3. For purposes of this section, "alcohol-related enforcement contacts"
35 shall include any suspension or revocation under sections 302.500 to 302.540,
36 any suspension or revocation entered in this or any other state for a refusal to
37 submit to chemical testing under an implied consent law, and any conviction in
38 this or any other state for a violation which involves driving while intoxicated,
39 driving while under the influence of drugs or alcohol, or driving a vehicle while
40 having an unlawful alcohol concentration.

41 4. Where a license is suspended or revoked under this section and the
42 person is also convicted on charges arising out of the same occurrence for a
43 violation of section 577.010 or 577.012 or for a violation of any county or
44 municipal ordinance prohibiting driving while intoxicated or alcohol-related
45 traffic offense, both the suspension or revocation under this section and any other
46 suspension or revocation arising from such convictions shall be imposed, but the
47 period of suspension or revocation under sections 302.500 to 302.540 shall be
48 credited against any other suspension or revocation arising from such
49 convictions, and the total period of suspension or revocation shall not exceed the
50 longer of the two suspension or revocation periods.

51 5. Any person who has had a license to operate a motor vehicle revoked
52 under this section or suspended under this section with one or more prior
53 alcohol-related enforcement contacts showing on their driver record shall be
54 required to file proof with the director of revenue that any motor vehicle operated
55 by that person is equipped with a functioning, certified ignition interlock device
56 as a required condition of reinstatement. The ignition interlock device shall
57 further be required to be maintained on all motor vehicles operated by the person
58 for a period of not less than six months immediately following the date of
59 reinstatement. If the person fails to maintain such proof with the director, the
60 license shall be resuspended or revoked, as applicable.]

321.322. 1. If any property located within the boundaries of a fire protection district
2 shall be included within a city having a population of at least two thousand five hundred but not
3 more than sixty-five thousand which is not wholly within the fire protection district and which
4 maintains a city fire department, then upon the date of actual inclusion of the property within the
5 city, as determined by the annexation process, the city shall within sixty days assume by contract
6 with the fire protection district all responsibility for payment in a lump sum or in installments
7 an amount mutually agreed upon by the fire protection district and the city for the city to cover
8 all obligations of the fire protection district to the area included within the city, and thereupon
9 the fire protection district shall convey to the city the title, free and clear of all liens or
10 encumbrances of any kind or nature, any such tangible real and personal property of the fire
11 protection district as may be agreed upon, which is located within the part of the fire protection

12 district located within the corporate limits of the city with full power in the city to use and
13 dispose of such tangible real and personal property as the city deems best in the public interest,
14 and the fire protection district shall no longer levy and collect any tax upon the property included
15 within the corporate limits of the city; except that, if the city and the fire protection district
16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire
17 protection in the annexed area on or before January first of the third calendar year following the
18 actual inclusion of the property within the city, as determined by the annexation process, and
19 furthermore the fire protection district shall not levy and collect any tax upon that property
20 included within the corporate limits of the city after the date of inclusion of that property:

21 (1) On or before January first of the second calendar year occurring after the date on
22 which the property was included within the city, the city shall pay to the fire protection district
23 a fee equal to the amount of revenue which would have been generated during the previous
24 calendar year by the fire protection district tax on the property in the area annexed which was
25 formerly a part of the fire protection district;

26 (2) On or before January first of the third calendar year occurring after the date on which
27 the property was included within the city, the city shall pay to the fire protection district a fee
28 equal to four-fifths of the amount of revenue which would have been generated during the
29 previous calendar year by the fire protection district tax on the property in the area annexed
30 which was formerly a part of the fire protection district;

31 (3) On or before January first of the fourth calendar year occurring after the date on
32 which the property was included within the city, the city shall pay to the fire protection district
33 a fee equal to three-fifths of the amount of revenue which would have been generated during the
34 previous calendar year by the fire protection district tax on the property in the area annexed
35 which was formerly a part of the fire protection district;

36 (4) On or before January first of the fifth calendar year occurring after the date on which
37 the property was included within the city, the city shall pay to the fire protection district a fee
38 equal to two-fifths of the amount of revenue which would have been generated during the
39 previous calendar year by the fire protection district tax on the property in the area annexed
40 which was formerly a part of the fire protection district; and

41 (5) On or before January first of the sixth calendar year occurring after the date on which
42 the property was included within the city, the city shall pay to the fire protection district a fee
43 equal to one-fifth of the amount of revenue which would have been generated during the
44 previous calendar year by the fire protection district tax on the property in the area annexed
45 which was formerly a part of the fire protection district.

46

47 Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with
48 a fire protection district for mutually agreeable services. This section shall also apply to those
49 fire protection districts and cities which have not reached agreement on overlapping boundaries
50 previous to August 28, 1990. Such fire protection districts and cities shall be treated as though
51 inclusion of the annexed area took place on December thirty-first immediately following August
52 28, 1990.

53 2. Any property excluded from a fire protection district by reason of subsection 1 of this
54 section shall be subject to the provisions of section 321.330.

55 3. The provisions of this section shall not apply in any county of the first class having
56 a charter form of government and having a population of over nine hundred thousand inhabitants.

57 4. The provisions of this section shall not apply where the annexing city or town operates
58 a city fire department and was on January 1, 2005, a city of the fourth classification with more
59 than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely
60 surrounded by a single fire district. In such cases, the provision of fire and emergency medical
61 services following annexation shall be governed by subsections 2 and 3 of section 72.418.

62 **5. The provisions of this section shall not apply if the annexing city or town**
63 **operates a city fire department and on January 1, 2013, was a city of the third classification**
64 **with more than six thousand but fewer than seven thousand inhabitants and located in any**
65 **county with a charter form of government and with more than two hundred thousand but**
66 **fewer than three hundred fifty thousand inhabitants and entirely surrounded by a single**
67 **fire protection district. In such cases, fire and emergency medical services following**
68 **annexation shall be governed by subsections 2 and 3 of section 72.418.**

321.690. 1. In counties of the first classification having a charter form of government
2 and having more than nine hundred thousand inhabitants [and in counties of the first
3 classification which contain a city with a population of one hundred thousand or more
4 inhabitants which adjoins no other county of the first classification], the governing body of each
5 fire protection district shall cause an audit to be performed consistent with rules and regulations
6 promulgated by the state auditor.

7 2. (1) All such districts shall cause an audit to be performed biennially. Each such audit
8 shall cover the period of the two previous fiscal years.

9 (2) Any fire protection district with less than fifty thousand dollars in annual revenues
10 may, with the approval of the state auditor, be exempted from the audit requirement of this
11 section if it files appropriate reports on its affairs with the state auditor within five months after
12 the close of each fiscal year and if these reports comply with the provisions of section 105.145.

13 These reports shall be reviewed, approved and signed by a majority of the members of the
14 governing body of the fire protection district seeking exemption.

15 3. Copies of each audit report must be completed and submitted to the fire protection
16 district and the state auditor within six months after the close of the audit period. One copy of
17 the audit report and accompanying comments shall be maintained by the governing body of the
18 fire protection district for public inspection at reasonable times in the principal office of the
19 district. The state auditor shall also maintain a copy of the audit report and comment. If any
20 audit report fails to comply with the rules promulgated by the state auditor, that official shall
21 notify the fire protection district and specify the defects. If the defects specified are not corrected
22 within ninety days from the date of the state auditor's notice to the district, or if a copy of the
23 required audit report and accompanying comments have not been received by the state auditor
24 within six months after the end of the audit period, the state auditor shall make, or cause to be
25 made, the required audit at the expense of the fire protection district.

26 4. The provisions of this section shall not apply to any fire protection district based and
27 substantially located in a county of the third classification with a population of at least thirty-one
28 thousand five hundred but not greater than thirty-three thousand.

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

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

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

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

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

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

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

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the central violations bureau, shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing
34 any collateral consequence of a criminal conviction provided by law. By paying the fine and
35 costs, the person also consents to attendance **either online or in person** at any
36 driver-improvement program or motorcycle-rider training course ordered by the court and
37 consents to verification of such attendance as directed by the bureau. Notwithstanding any
38 provision of law to the contrary, the prosecutor shall not be required to sign any information,
39 ticket or indictment if disposition is made pursuant to this subsection. In the event that any
40 payment is made pursuant to this section by credit card or similar method, the centralized bureau
41 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed
42 on the recipient of the credit 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, and disbursed as provided by the constitution and laws of this state. Any interest
68 earned on such fund shall be payable to the director of the department of revenue for deposit into
69 a revolving fund to be established pursuant to this subsection. The state treasurer shall be the
70 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; and may be subject to suspension of driving privileges in the manner
76 provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of
77 any person who fails to either pay the prescribed fine and court costs, or plead not guilty and
78 request a trial within the time allotted by this section, for purposes of application of section
79 544.665. The centralized bureau shall also notify the department of revenue of any failure to
80 appear subject to section 302.341, and the department shall thereupon suspend the license of the
81 driver in the manner provided by section 302.341, as if notified by the court.

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

577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to

3 any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in
4 a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012.
5 The request of the officer shall include the reasons of the officer for requesting the person to
6 submit to a test and also shall inform the person that evidence of refusal to take the test may be
7 used against such person and that the person's license shall be immediately revoked upon refusal
8 to take the test. If a person when requested to submit to any test allowed pursuant to section
9 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which
10 to attempt to contact an attorney. If upon the completion of the twenty-minute period the person
11 continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer
12 shall, on behalf of the director of revenue, serve the notice of license revocation personally upon
13 the person and shall take possession of any license to operate a motor vehicle issued by this state
14 which is held by that person. The officer shall issue a temporary permit, on behalf of the director
15 of revenue, which is valid for fifteen days and shall also give the person a notice of such person's
16 right to file a petition for review to contest the license revocation.

17 2. The officer shall make a certified report under penalties of perjury for making a false
18 statement to a public official. The report shall be forwarded to the director of revenue and shall
19 include the following:

20 (1) That the officer has:

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

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

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

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

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

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

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

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

37 3. Upon receipt of the officer's report, the director shall revoke the license of the person

38 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
39 operating permit or privilege shall be revoked for one year; or if the person is a resident without
40 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
41 person the issuance of a license or permit for a period of one year.

42 4. If a person's license has been revoked because of the person's refusal to submit to a
43 chemical test, such person may petition for a hearing before a circuit division or associate
44 division of the court in the county in which the arrest or stop occurred. The person may request
45 such court to issue an order staying the revocation until such time as the petition for review can
46 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form
47 prescribed by the director of revenue and shall send a copy of such order to the director. Such
48 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director
49 shall maintain possession of the person's license to operate a motor vehicle until termination of
50 any revocation pursuant to this section. Upon the person's request the clerk of the court shall
51 notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on
52 behalf of the director of revenue. At the hearing the court shall determine only:

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

54 (2) Whether or not the officer had:

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

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

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

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

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

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

69 7. No person who has had a license to operate a motor vehicle suspended or revoked
70 pursuant to the provisions of this section shall have that license reinstated until such person has
71 participated in and successfully completed a substance abuse traffic offender program defined
72 in section 577.001, or a program determined to be comparable by the department of mental

73 health or the court. Assignment recommendations, based upon the needs assessment as
74 described in subdivision [(23)] (24) of section 302.010, shall be delivered in writing to the
75 person with written notice that the person is entitled to have such assignment recommendations
76 reviewed by the court if the person objects to the recommendations. The person may file a
77 motion in the associate division of the circuit court of the county in which such assignment was
78 given, on a printed form provided by the state courts administrator, to have the court hear and
79 determine such motion pursuant to the provisions of chapter 517. The motion shall name the
80 person or entity making the needs assessment as the respondent and a copy of the motion shall
81 be served upon the respondent in any manner allowed by law. Upon hearing the motion, the
82 court may modify or waive any assignment recommendation that the court determines to be
83 unwarranted based upon a review of the needs assessment, the person's driving record, the
84 circumstances surrounding the offense, and the likelihood of the person committing a like
85 offense in the future, except that the court may modify but may not waive the assignment to an
86 education or rehabilitation program of a person determined to be a prior or persistent offender
87 as defined in section 577.023, or of a person determined to have operated a motor vehicle with
88 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
89 the court determination of the motion shall satisfy the provisions of this section for the purpose
90 of reinstating such person's license to operate a motor vehicle. The respondent's personal
91 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
92 directed by the court.

93 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
94 determined by the division of alcohol and drug abuse of the department of mental health, shall
95 be paid by the person enrolled in the program. Any person who is enrolled in the program shall
96 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
97 department of mental health for the purposes of funding the substance abuse traffic offender
98 program defined in section 302.010 and section 577.001. The administrator of the program shall
99 remit to the division of alcohol and drug abuse of the department of mental health on or before
100 the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less
101 two percent for administrative costs. Interest shall be charged on any unpaid balance of the
102 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
103 accrue at a rate not to exceed the annual rates established pursuant to the provisions of section
104 32.065, plus three percentage points. The supplemental fees and any interest received by the
105 department of mental health pursuant to this section shall be deposited in the mental health
106 earnings fund which is created in section 630.053.

107 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
108 department of mental health the supplemental fees and interest for all persons enrolled in the
109 program pursuant to this section shall be subject to a penalty equal to the amount of interest
110 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
111 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
112 department of mental health within six months of the due date, the attorney general of the state
113 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
114 The court shall assess attorney fees and court costs against any delinquent program.

115 10. Any person who has had a license to operate a motor vehicle revoked [more than
116 once for violation of the provisions of this section] **under this section and who has a prior**
117 **alcohol-related enforcement contact, as defined in section 302.525**, shall be required to file
118 proof with the director of revenue that any motor vehicle operated by the person is equipped with
119 a functioning, certified ignition interlock device as a required condition of license reinstatement.
120 Such ignition interlock device shall further be required to be maintained on all motor vehicles
121 operated by the person for a period of not less than six months immediately following the date
122 of reinstatement. **If the monthly monitoring reports show that the ignition interlock device**
123 **has registered any confirmed blood alcohol concentration readings above the alcohol**
124 **setpoint established by the department of transportation or that the person has tampered**
125 **with or circumvented the ignition interlock device, then the period for which the person**
126 **must maintain the ignition interlock device following the date of reinstatement shall be**
127 **extended for an additional six months.** If the person fails to maintain such proof with the
128 director as required by this section, the license shall be rerevoked and the person shall be guilty
129 of a class A misdemeanor.

130 11. The revocation period of any person whose license and driving privilege has been
131 revoked under this section and who has filed proof of financial responsibility with the
132 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be
133 terminated by a notice from the director of revenue after one year from the effective date of the
134 revocation. Unless proof of financial responsibility is filed with the department of revenue, the
135 revocation shall remain in effect for a period of two years from its effective date. If the person
136 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's
137 license and driving privilege shall be rerevoked and the person shall be guilty of a class A
138 misdemeanor.

[64.205. Sections 64.170 to 64.200 shall apply to all counties of the first
and second class.]

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Section B. Because immediate action is necessary to ensure the safety of the citizens of
2 this state, the repeal and reenactment of section 302.309 of this act, and the repeal of section
3 302.309 of this act, is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and the repeal and reenactment of section 302.309 of this act, and the repeal of
6 section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon its passage and
7 approval, whichever later occurs.

Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525,
2 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall
3 become effective on March 3, 2014.

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