

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1707

97TH GENERAL ASSEMBLY

5331H.06T

2014

AN ACT

To repeal sections 174.709, 174.712, 178.862, 300.320, 304.154, 610.120, and 610.122, RSMo, and to enact in lieu thereof seven new sections relating to the operation of motor vehicles.

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

Section A. Sections 174.709, 174.712, 178.862, 300.230, 304.154, 610.120, and 610.122, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 174.709, 174.712, 178.862, 304.154, 389.065, 610.120, and 610.122, to read as follows:

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university **or the board of trustees of any community college district** may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university **or community college district** and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university **or community college** shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university **or board of trustees of any community college district** under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

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.

14 3. Violations of any regulation established under this section shall have the same effect
15 as a violation of municipal ordinances adopted under section 304.120, with penalty provisions
16 as provided in section 304.570. Points assessed against any person under section 302.302 for
17 a violation of this section shall be the same as provided for a violation of a county or municipal
18 ordinance.

19 4. The provisions of this section shall apply only to moving violations.

 174.712. All motor vehicles operated upon any thoroughfare owned or maintained by
2 a state college or university **or community college district** and located within any of its
3 campuses shall be subject to the provisions of the general motor vehicle laws of this state,
4 including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect as
5 though such had occurred on public roads, streets, or highways of this state.

 178.862. 1. The trustees of any community college district of this state may appoint and
2 employ as many college police officers as they may deem necessary to protect persons, property,
3 and to preserve peace and good order only in the public buildings, properties, grounds, and other
4 facilities and locations over which they have charge or control.

5 2. The college police officers, before they enter upon their duties, shall take and
6 subscribe an oath of office before some officer authorized to administer oaths, to faithfully and
7 impartially discharge the duties thereof, which oath shall be filed in the office of the college
8 district board of trustees, and the secretary of the board shall give each college police officer so
9 appointed and qualified a certificate of appointment, under the seal of the board of trustees,
10 which certificate shall empower him with the same authority to maintain order, preserve peace
11 and make arrests as is now held by peace officers; the college police officer may in addition
12 expel from the public buildings, campuses, and grounds, persons violating the rules and
13 regulations that may be prescribed by the board of trustees or others under the authority of the
14 board. Such officer or employee of the community college as may be designated by the board
15 of trustees shall have immediate charge, control and supervision of college police officers
16 appointed by authority of this section. Such college police officers shall have satisfactorily
17 completed before appointment[, or within six months after appointment,] a training course for
18 [college police] **peace** officers [which shall consist of at least three hundred twenty hours] as
19 [prescribed by the superintendent of the Missouri state highway patrol. The community college
20 district shall reimburse all such college police officers appointed by them who complete the
21 training course for all reasonable and necessary expenses incurred in taking the training course,
22 and shall reimburse the highway patrol for any expenses directly relating to the prescribed or
23 holding of a training course which are recommended by the patrol] **required under chapter 590**
24 **or, by virtue of previous experience or other training, have met the requirements of**
25 **chapter 590.**

26 3. **College police officers also shall have authority to establish and enforce**
27 **regulations to control vehicular traffic and enforce general motor vehicle laws of this state**

28 **on any thoroughfare owned or maintained by the college district as proscribed under**
29 **sections 174.709 and 174.712.**

30 **4.** Nothing herein shall be construed as denying the board of trustees the right to appoint
31 guards or watchmen who shall not be given the authority and powers hereby authorized.

304.154. 1. Beginning January 1, [2005] **2015**, a towing company operating a tow truck
2 pursuant to the authority granted in section 304.155 or 304.157 shall:

3 (1) Have and occupy a verifiable business address **and display such address in a**
4 **location visible from the street;**

5 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the
6 storage of motor vehicles, **with a total area for storing vehicles, either inside or outside, of**
7 **at least two thousand square feet and fencing a minimum of seven feet high;**

8 (3) Be available twenty-four hours a day, seven days a week. Availability shall mean
9 that an employee of the towing company or an answering service answered by a person is able
10 to respond to a tow request;

11 (4) **Have and maintain an operational telephone with the telephone number**
12 **published or available through directory assistance;**

13 (5) Maintain a valid insurance policy issued by an insurer authorized to do business in
14 this state, or a bond or other acceptable surety providing coverage for the death of, or injury to,
15 persons and damage to property for each accident or occurrence in the amount [of at least five
16 hundred thousand dollars per incident] **prescribed by the United States Department of**
17 **Transportation;**

18 [(5)] (6) Provide workers' compensation insurance for all employees of the towing
19 company if required by chapter 287; [and]

20 [(6)] (7) Maintain current motor vehicle registrations on all tow trucks currently
21 operated within the towing company fleet.

22 **2. The initial tow performed under sections 304.155 and 304.157 shall remain in the**
23 **state of Missouri unless authorized by the vehicle owner or their agent.**

24 **3. Tows performed under section 304.155 shall not be dispatched through a third**
25 **party dispatch system or management company, unless hired by the towing company. The**
26 **provisions of this subsection shall not apply to any home rule city with more than four**
27 **hundred thousand inhabitants and located in more than one county.**

28 **4.** Counties may adopt ordinances with respect to towing company standards in addition
29 to the minimum standards contained in this section. A towing company located in a county of
30 the second, third, [and] **or fourth classification or located in any county of the first**
31 **classification with more than one hundred one thousand but fewer than one hundred**
32 **fifteen thousand inhabitants** is exempt from the provisions of this section.

389.065. An engineer, conductor, brakeman, or any other member of the crew of a locomotive or train being operated upon rails, including operation on a railroad crossing over a public street, road, or highway, shall not be required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

610.120. 1. **Except as otherwise provided under section 610.124**, records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by section 43.543 to submit and when submitting fingerprints to the central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with section 43.507; to qualified entities for the purpose of screening providers defined in section 43.540; the department of revenue for driver license administration; the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

610.122. 1. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:

3 **(1)** The court determines that the arrest was based on false information and the following
4 conditions exist:

5 [(1)] **(a)** There is no probable cause, at the time of the action to expunge, to believe the
6 individual committed the offense;

7 [(2)] **(b)** No charges will be pursued as a result of the arrest; **and**

8 [(3)] The subject of the arrest has no prior or subsequent misdemeanor or felony
9 convictions;

10 [(4)] **(c)** The subject of the arrest did not receive a suspended imposition of sentence for
11 the offense for which the arrest was made or for any offense related to the arrest; [and

12 (5) No civil action is pending relating to the arrest or the records sought to be expunged]
13 **or**

14 **(2) The court determines the person was arrested for, or was subsequently charged**
15 **with, a misdemeanor offense of chapter 303 or any moving violation as the term "moving**
16 **violation" is defined under section 302.010, except for any intoxication-related traffic**
17 **offense as "intoxication-related traffic offense" is defined under section 577.023 and:**

18 **(a) Each such offense or violation related to the arrest was subsequently nolle**
19 **prossed or dismissed, or the accused was found not guilty of each offense or violation; and**

20 **(b) The person is not a commercial driver's license holder and was not operating**
21 **a commercial motor vehicle at the time of the arrest.**

22 **2. A record of arrest shall only be eligible for expungement under this section if:**

23 **(1) The subject of the arrest has no prior or subsequent misdemeanor or felony**
24 **convictions; and**

25 **(2) No civil action is pending relating to the arrest or the records sought to be**
26 **expunged.**

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2 [300.320. A funeral composed of a procession of vehicles shall be
3 identified as such by the display upon the outside of each vehicle of a pennant or
4 other identifying insignia or by such other method as may be determined and
designated by the traffic division.]

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